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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

STATE BOARD OF VETERINARY MEDICINE

TIME: 9:16 A.M.

PENNSYLVANIA DEPARTMENT OF STATE
Board Room C
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

September 13, 2019

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State Board of Veterinary Medicine
September 13, 2019

BOARD MEMBERS:

- Thomas Garg, V.M.D., Chairman
- Kaitlin Lambert, Deputy Commissioner, Bureau of Professional and Occupational Affairs
- Anjilla Cooley, D.V.M.
- Apryle Horbal, V.M.D.
- Valerie Kehoe, C.V.T.
- Andrew Nebzydoski, V.M.D.

BUREAU PERSONNEL:

- Thomas M. Davis, Esquire, Board Counsel
- Julia A. Feld-Caralle, Esquire, Board Prosecution Liaison
- Kimberly Adams, Esquire, Board Prosecutor
- Paul J. Jarabeck, Esquire, Board Prosecutor in Charge
- Michelle Roberts, Board Administrator

ALSO PRESENT:

- Sharon F. Harvey, Esquire
- Steve Snyder, Esquire
- Jamie L. Lenzi, Esquire, Cipriani & Werner
- Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group

1 ***

2 State Board of Veterinary Medicine

3 September 13, 2019

4 ***

5 The regularly scheduled meeting of the State Board
6 of Veterinary Medicine was held on Friday, September
7 13, 2019. Thomas Garg, V.M.D., Chairman, called the
8 meeting to order at 9:16 a.m.

9 ***

10 Approval of Minutes of July 12, 2019 meeting.

11 CHAIRMAN GARG:

12 The first thing on the agenda is going to
13 be the review of the minutes from the
14 last meeting. Did everybody have an
15 opportunity to review those? Are there
16 any comments or any concerns about
17 previous minutes?

18 DR. NEBZYDOSKI:

19 I'll make a motion to accept.

20 MS. KEHOE:

21 I'll second.

22 CHAIRMAN GARG:

23 All in favor say aye. Any further
24 discussion?

25 [The motion carried unanimously.]

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Report of Prosecutorial Division
[Julia A. Feld-Caralle, Esquire, Board Prosecutor,
presented the Consent Agreement for File No. 18-57-
000557.]

[Ms. Feld-Caralle, Esquire, Board Prosecutor,
presented the Consent Agreement for File No. 15-57-
05945. Sharon Harvey, Esquire, Counsel for
Respondent, was also present and participated in the
discussion.]

[Ms. Feld-Caralle, Esquire, Board Prosecutor,
presented the Consent Agreement for File No. 15-57-
11492. Steve Snyder, Esquire, Counsel for Respondent,
was also present and participated in the discussion.]

[Ms. Feld-Caralle, Esquire, Board Prosecutor,
presented the Consent Agreement for File No. 19-57-
002330.]

[Kimberly Adams, Esquire, Board Prosecutor, presented
the Consent Agreement for File No. 16-57-07766.]

[Kimberly Adams, Esquire, Board Prosecutor, presented

1 the Consent Agreement for File No. 16-57-12770. Jamie
2 L. Lenzi, Esquire, Counsel for Respondent, was also
3 present and participated in the discussion.]

4 ***

5 [Paul J. Jarabeck, Esquire, Board Prosecutor,
6 presented the Consent Agreement for File No. 19-57-
7 007429.]

8 ***

9 Report of Board Counsel

10 [Thomas Davis, Esquire, Board Counsel, provided a
11 press release regarding Act 41. He noted that the
12 Board must establish an applications committee. Mr.
13 Davis that noted Chairman Garg had suggested himself
14 and Dr. Nebzydoski for the applications committee. He
15 noted that applications coming in under the Act will
16 be sent to the applications committee, who will decide
17 if an individual should be licensed. Recommendations
18 for denial would be decided by the full Board.]

19 ***

20 MR. DAVIS:

21 I ask that the Board vote to allow the
22 applications committee to make decisions
23 regarding applications under Act 41 for
24 at least as long as it takes to get
25 regulations promulgated.

1 CHAIRMAN GARG:

2 And actually, just prior to that, is
3 there anybody else who is interested in
4 being a part of that?

5 MS. KEHOE:

6 I would be interested to be involved.

7 CHAIRMAN GARG:

8 So at the same time with that motion
9 adding Ms. Kehoe as well.

10 Would somebody like to make that
11 motion?

12 DR. HORBAL:

13 I'll move to accept.

14 DR. COOLEY:

15 Second.

16 CHAIRMAN GARG:

17 Any further discussion? All in favor
18 say aye. Any opposed?

19 [The motion carried unanimously.]

20 ***

21 [Mr. Davis announced that Act 41 will be discussed at
22 a regulations meeting following the Board meeting.]

23 ***

24 [Kaitlin Lambert, Deputy Commissioner, noted that the
25 Commission is accepting Act 41 applications. She

1 stated there were changes made to the PALS system in
2 order to accept applications online. Ms. Lambert
3 explained applicants will log in to PALS and submit
4 reciprocity applications until new regulations are in
5 place, at which time a new application will be started
6 for Act 41.

7 She noted that the Act became effective August
8 29th, 2019, and the Commission is monitoring
9 applications that come in from different boards and
10 making adjustments as necessary.]

11 ***

12 [The Board recessed from 9:48 a.m. to 9:58 a.m.]

13 ***

14 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
15 9:58 a.m. the Board entered into Executive Session
16 with Thomas Davis, Esquire, Board Counsel, for the
17 purpose of conducting quasi-judicial deliberations.
18 The Board returned to open session at 10:50 a.m.]

19 ***

20 MOTIONS:

21 MR. DAVIS:

22 Pursuant to Section 708(a)(5) of the
23 Sunshine Act, the Board met in executive
24 session for the purpose of conducting
25 quasi-judicial deliberations and to

1 receive advice of Counsel on the matters
2 upon which the Board is about to vote.

3 Number 2 on the agenda, based on
4 the Board's discussions in Executive
5 session, I believe the Board will
6 entertain a motion to reject the Consent
7 Agreement at 18-57-000557 as too harsh.

8 CHAIRMAN GARG:

9 Would somebody like to make that motion?

10 MS. KEHOE:

11 I'll make the motion.

12 DR. COOLEY:

13 Second.

14 CHAIRMAN GARG:

15 Any further discussion? All in favor say
16 aye.

17 [The motion carried unanimously.]

18 ***

19 MR. DAVIS:

20 Number 3 on the agenda. Based on the
21 Board's discussions in executive session,
22 I believe the Board will entertain a
23 motion to adopt the Consent Agreement at
24 15-57-05945.

25 CHAIRMAN GARG:

1 Would somebody like to make that motion?

2 DR. NEBZYDOSKI:

3 I'll make the motion.

4 DR. COOLEY:

5 I'll second.

6 CHAIRMAN GARG:

7 Any further discussion? All in favor say
8 aye.

9 [The motion carried unanimously.]

10 MR. DAVIS:

11 And for the record, that is Commonwealth
12 BPOA vs. William Boyd Henderson, II, VMD.

13 And I will also ask that the record in
14 this case reflect that the Respondent's
15 name was not mentioned until after the
16 vote.

17 ***

18 MR. DAVIS:

19 Number 4 on the agenda. Based on the
20 Board's discussions in executive session,
21 I believe the Board will entertain a
22 motion to adopt the Consent Agreement at
23 15-57-11492.

24 CHAIRMAN GARG:

25 Would somebody like to make that motion?

1 DR. HORBAL:

2 I'll make the motion.

3 DR. COOLEY:

4 Second.

5 CHAIRMAN GARG:

6 All in favor say aye. Any opposed?

7 [The motion carried unanimously.]

8 MR. DAVIS:

9 For the record, that is Commonwealth BPOA
10 vs. Laura A. Kielbasa, DVM.

11 ***

12 MR. DAVIS:

13 Number 5 on the agenda. Based on the
14 Board's discussions in executive session,
15 I believe the Board will entertain a
16 motion to adopt the Consent Agreement at
17 19-57-002330.

18 CHAIRMAN GARG:

19 Would somebody like to make that motion?

20 DR. NEBZYDOSKI:

21 I'll make the motion

22 DR. HORBAL:

23 I'll second.

24 CHAIRMAN GARG:

25 Any further discussion? All in favor say

1 aye. Any opposed?

2 [The motion carried unanimously.]

3 MR. DAVIS:

4 For the record, that is Commonwealth BPOA
5 vs. Donald Joseph Garber, VMD.

6 ***

7 MR. DAVIS:

8 Number 6 on the agenda. Based on the
9 Board's discussions in executive session,
10 I believe the Board will entertain a
11 motion to adopt the Consent Agreement at
12 16-57-07766.

13 CHAIRMAN GARG:

14 Would somebody like to make that motion?

15 MS. KEHOE:

16 I'll make the motion.

17 DR. HORBAL:

18 I'll second.

19 CHAIRMAN GARG:

20 Any further discussion? All in favor say
21 aye. Any opposed?

22 [The motion carried unanimously.]

23 MR. DAVIS:

24 For the record, that is Commonwealth BPOA
25 vs. Farouk Sawires, DVM.

1 ***

2 MR. DAVIS:

3 Number 7 on the agenda. Based on the
4 Board's discussions in executive session,
5 I believe the Board will entertain a
6 motion to adopt the Consent Agreement at
7 16-57-12770.

8 CHAIRMAN GARG:

9 Would somebody like to make that motion?

10 DR. HORBAL:

11 I'll make the motion.

12 MS. KEHOE:

13 I'll second.

14 CHAIRMAN GARG:

15 Any further discussion? All in favor say
16 aye. Any opposed?

17 [The motion carried. Thomas Garg, V.M.D., Chairman,
18 was opposed the motion.]

19 MR. DAVIS:

20 For the record, that is Commonwealth BPOA
21 vs. Jeffery Lee Williams, DVM.

22 ***

23 MR. DAVIS:

24 Number 8 on the agenda. Based on the
25 Board's discussions in executive session,

1 I believe the Board will entertain a
2 motion to adopt the Consent Agreement at
3 19-57-007429.

4 CHAIRMAN GARG:

5 Would somebody like to make that motion?

6 DR. HORBAL:

7 I'll make the motion.

8 DR. COOLEY:

9 Second.

10 CHAIRMAN GARG:

11 Any further discussion? All in favor say
12 aye.

13 [The motion carried unanimously.]

14 MR. DAVIS:

15 For the record, the Licensee's name has
16 been withheld because he's entering into
17 the voluntary recovery program and his
18 participation in that program will remain
19 confidential as long as he abides by the
20 terms and conditions of the program.

21 ***

22 MR. DAVIS:

23 Turning to Number 10 on the agenda.
24 Based on the Board's discussions in
25 executive session, I believe the Chair

1 would accept a motion denying the
2 petition for Reinstatement to Non-
3 Probationary Status of Michelle Rose
4 Zajac, Case No. 19-57-011739.

5 CHAIRMAN GARG:

6 Would somebody like to make that motion?

7 MS. KEHOE:

8 I'll make the motion.

9 DR. COOLEY:

10 Second.

11 CHAIRMAN GARG:

12 Any further discussion? All in favor say
13 aye. Any opposed?

14 [The motion carried unanimously.]

15 ***

16 Miscellaneous

17 [The Board discussed the upcoming AAVSB conference.
18 Ms. Kehoe will be attending and requested the Board
19 let her know about any specific topics to watch for.
20 She inquired about voting topics. Dr. Horbal noted
21 that AAVSB advisory in nature. She stated one hot
22 topic may be license portability.

23 Mr. Davis noted the Board may use guidance from
24 AAVSB and other organizations in some areas. There
25 was discussion regarding AAVSB Model Practice Act

1 changes.]

2

3 [Thomas Garg, V.M.D., Chairman, noted 2019 and 2020
4 meeting dates. He also discussed upcoming hearings.]

5

6 Adjournment

7 CHAIRMAN GARG:

8 Let's have a motion to go ahead and end
9 the meeting.

10 DR. NEBZYDOSKI:

11 I'll make that motion.

12 DR. COOLEY:

13 I second that motion.

14 [There being no further business, the State Board of
15 Veterinary Medicine Meeting adjourned at 11:05 a.m.]

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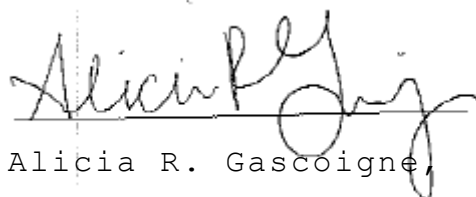
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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Veterinary Medicine meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Veterinary Medicine Meeting.



Alicia R. Gascoigne,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
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TIME	AGENDA
9:16	Official Call to Order
9:16	Adoption of Minutes
9:16	Report of Prosecutorial Division
9:40	Report Of Board Counsel
9:43	Report of Commissioner
9:48	Recess
9:58	Executive Session
10:50	Return to Public Session
10:51	Motions
11:00	Miscellaneous/Discussion
11:05	Adjournment