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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: 9:09 A.M.

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

September 21, 2018

1 State Board of Veterinary Medicine
2 September 21, 2018

3
4
5 BOARD MEMBERS:

6
7 Thomas Garg, V.M.D.
8 Ian J. Harlow, Commissioner of Professional and
9 Occupational Affairs - Absent
10 Anjilla Cooley, D.V.M.
11 Apryle Horbal, V.M.D.
12 Valerie Kehoe, C.V.T.
13 Juanita McGhee Monteiro, D.V.M., Ph.D.,
14 Secretary - Absent
15 Andrew Nebzydoski, V.M.D.
16

17
18 BUREAU PERSONNEL:

19
20 Thomas Davis, Esquire, Board Counsel
21 Julia Feld-Caralle, Esquire, Board Prosecution Liaison
22 Kim Adams, Esquire, Board Prosecutor
23 Codi M. Tucker, Esquire Board Prosecutor
24 Michelle Roberts, Board Administrator
25

26
27 ALSO PRESENT:

28
29 Thomas J. Hufnagel, D.V.M., Hufnagel Veterinary Clinic
30 Francis X. McTiernan, Esquire, Wayman, Irvin
31 & McAuley, LLC
32 Mary Jane McNamee, D.V.M., Apple Creek Veterinary
33 Hospital
34 Jennifer Morris, V.M.D., Manheim Pike Veterinary
35 Hospital, Representative of PVMA
36 Bryan Langlois, D.V.M., Pet Pantry of Lancaster
37 County, Representative of PVMA
38 Mark B. Guise, V.M.D., Lockwillow Avenue Animal Clinic
39 Alicia Preston, B.S., C.V.T., Assistant Program
40 Director, Harcum College
41 Kathy Koar, M.S.Ed., C.V.T., Program Director, Harcum
42 College
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1 ***

2 State Board of Veterinary Medicine

3 September 21, 2018

4 ***

5 The regularly scheduled meeting of the State
6 Board of Veterinary Medicine was held on Friday,
7 September 21, 2018. Thomas Garg, V.M.D., Chairman,
8 called the meeting to order at 9:09 a.m.

9 Dr. Garg welcomed Dr. Cooley as a new member of
10 the Board.

11 ***

12 Report of Prosecutorial Division

13 [Julia Feld-Caralle, Esquire, Board Prosecutor,
14 introduced new Board prosecutors, Codi Tucker,
15 Esquire, and David Smith, Esquire.

16 Ms. Feld-Caralle presented the Consent Agreements
17 for File No. 15-57-13836, File No. 16-57-02811, and
18 File No. 15-57-09719.]

19 ***

20 [Kim Adams, Esquire, Board Prosecutor, presented the
21 Consent Agreement for File No. 13-57-08040.]

22 ***

23 [Codi M. Tucker, Esquire, Board Prosecutor, presented
24 the Consent Agreement for File No. 16-57-03913.]

25 ***

1 Approval of Minutes of the May 11, 2018 meeting

2 CHAIRMAN GARG:

3 We actually have the minutes from two
4 previous meetings to review and approve.
5 First of all, with regards to the
6 minutes from May 2018, we tabled those
7 at the last meeting in order to go ahead
8 and make them sort of better, condense
9 things.

10 With that, does anybody have any
11 questions, any comments on those minutes
12 at this point?

13 We want to go ahead and just vote
14 to accept those minutes. Somebody make
15 a motion.

16 DR. HORBAL:

17 I make a motion to accept the minutes
18 from the May 2018 meeting.

19 MS. KEHOE:

20 I second.

21 CHAIRMAN GARG:

22 All in favor, say aye. All against?

23 [The motion carried unanimously.]

24 ***

25 Approval of Minutes of the July 18, 2018 meeting

1 CHAIRMAN GARG:

2 Also, the same with the minutes from
3 July 2018. Any comments on those
4 minutes?

5 Somebody want to make a motion to
6 accept?

7 MS. KEHOE:

8 I'll make a motion to accept.

9 DR. HORBAL:

10 I'll second.

11 CHAIRMAN GARG:

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

14 [The motion carried unanimously.]

15 ***

16 Appointment - Harcum College Presentation

17 [Kathy Koar, M.S.Ed., C.V.T., Program Director, Harcum
18 College, presented before the Board requesting to
19 change Harcum College Veterinary Technology Program to
20 Harcum College Veterinary Nursing Program. She stated
21 the change will not impact graduates of the program
22 when seeking licensure in the state of Pennsylvania.
23 Ms. Koar emphasized that the change would be in name
24 only, assuring the Board that past and future
25 graduates will remain certified veterinary technicians

1 as defined by the Pennsylvania Veterinary Practice
2 Act.

3 Ms. Koar proposed that the name change will
4 positively impact the existing program, the continuity
5 of the partnership with the University of Pennsylvania
6 Veterinary Hospital, the interest in the profession
7 for new applicants, and the public awareness of the
8 profession as a whole.

9 Ms. Koar discussed the National Association of
10 Veterinary Technicians in America (NAVTA) in
11 conjunction with the current veterinary nurse
12 initiative. She sought the Board's guidance on
13 proceeding in the state of Pennsylvania. Mr. Davis
14 suggested Ms. Koar contact her state representative or
15 a professional organization to solicit support to a
16 change in the statutes to change vet tech to vet nurse
17 or include vet nurse.]

18

19 Report of Board Counsel

20 [Thomas Davis, Esquire, Board Counsel, referred to a
21 petition received by the Chiropractic Board requesting
22 the Board to change their regulations to permit
23 chiropractors in the state of Pennsylvania to perform
24 adjustments on animals.

25 Mr. Davis noted a Motion to Deem Facts Admitted

1 and Enter Default on the agenda.]

2

3 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
4 9:34 a.m. the Board entered into Executive Session
5 with Thomas Davis, Esquire, Board Counsel, for the
6 purpose of conducting quasi-judicial deliberations on
7 a number of matters that are currently pending before
8 the Board and to receive advice of Counsel. The Board
9 returned to open session at 11:35 a.m.]

10

11 MOTIONS:

12 MR. DAVIS:

13

Pursuant to Section 708(a)(5) of the
Sunshine Act, the Board met in Executive
Session for the purpose of conducting
quasi-judicial deliberations and to
receive advice of Counsel on the matters
upon which the Board is about to vote.

19

Based on the Board's discussions in
Executive Session, I believe the Board
will entertain a motion to adopt the
Consent Agreement at File No. 15-57-
13836.

22

23

24 CHAIRMAN GARG:

25

Make a motion.

1 DR. HORBAL:

2 I make a motion to accept.

3 MS. KEHOE:

4 I'll second that.

5 CHAIRMAN GARG:

6 Any further discussion? All in favor,
7 say aye. All opposed?

8 [The motion carried unanimously. That is the
9 Commonwealth of Pennsylvania, Bureau of Professional
10 and Occupational Affairs vs. Thomas J. Hufnagel,
11 V.M.D.]

12 ***

13 MR. DAVIS:

14 Based on the Board's discussions in
15 Executive Session, I believe the Board
16 will entertain a motion to adopt the
17 Consent Agreement at File No. 16-57-
18 02811.

19 DR. HORBAL:

20 I'll make a motion to accept.

21 MS. KEHOE:

22 I'll second that.

23 CHAIRMAN GARG:

24 Any further discussion? All in favor,
25 say aye. Any opposed?

1 [The motion carried unanimously. That is the
2 Commonwealth of Pennsylvania, Bureau of Professional
3 and Occupational Affairs vs. Kevin Freed.]

4 ***

5 MR. DAVIS:

6 Based on the Board's discussions in
7 Executive Session, I believe the Board
8 will entertain a motion to adopt the
9 Consent Agreement at File No. 13-57-
10 08040.

11 CHAIRMAN GARG:

12 Somebody make a motion.

13 MS. KEHOE:

14 I'll make a motion.

15 DR. NEBZYDOSKI:

16 I'll second it.

17 CHAIRMAN GARG:

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

20 [The motion carried unanimously. That is the
21 Commonwealth of Pennsylvania, Bureau of Professional
22 and Occupational Affairs vs. Bruce E. Mueller, D.V.M.]

23 ***

24 MR. DAVIS:

25 Based on the Board's discussions in

1 Executive Session, I believe the Board
2 will entertain a motion to reject as too
3 lenient the Consent Agreement at File
4 No. 16-57-03913.

5 CHAIRMAN GARG:

6 Somebody make a motion.

7 DR. HORBAL

8 I'll make a motion to reject.

9 DR. COOLEY:

10 I second.

11 CHAIRMAN GARG:

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

14 [The motion carried unanimously.]

15 ***

16 MR. DAVIS:

17 Based on the Board's discussions in
18 Executive Session, I believe the Board
19 will entertain a motion to adopt the
20 Consent Agreement at File No. 15-57-
21 09719.

22 CHAIRMAN GARG:

23 Need a motion.

24 DR. HORBAL

25 I'll make a motion to accept.

1 MS. KEHOE:

2 I'll second.

3 CHAIRMAN GARG:

4 Any further discussion? All in favor,
5 say aye. Any opposed?

6 [The motion carried unanimously. That is the
7 Commonwealth of Pennsylvania, Bureau of Professional
8 and Occupational Affairs vs. Linda Jeannette Mapp,
9 V.M.D.]

10 ***

11 MR. DAVIS:

12 Based on the Board's discussions in
13 Executive Session, I believe the Board
14 will accept a motion to grant the Motion
15 to Enter Default and Deem Admitted Facts
16 as presented by the Commonwealth in the
17 Commonwealth of Pennsylvania, Bureau of
18 Professional and Occupational Affairs
19 vs. Cynthia Marie Rizzo, C.V.T., File
20 No. 18-57-04105, and direct Board
21 Counsel to draft a final Adjudication
22 and Order in this matter.

23 CHAIRMAN GARG:

24 Need a motion.

25 DR. HORBAL:

1 I make a motion to grant and admit
2 default.

3 MS. KEHOE:

4 I second that.

5 CHAIRMAN GARG:

6 Any further discussion? All in favor,
7 say aye. Any opposed?

8 [The motion carried unanimously.]

9 ***

10 MR. DAVIS:

11 Based on the Board's discussions in
12 Executive Session, I believe the Board
13 will entertain a motion to approve, as
14 final, the draft Adjudication and Order
15 in the following matter: Commonwealth
16 of Pennsylvania, Bureau of Professional
17 and Occupational Affairs vs. Nicole
18 Erica Dugan, C.V.T., File No. 13-57-
19 02558.

20 CHAIRMAN GARG:

21 Need a motion.

22 MS. KEHOE:

23 I'll make a motion.

24 DR. COOLEY:

25 Second.

1 CHAIRMAN GARG:

2 Any further discussion? All in favor,
3 say aye. Any opposed?

4 [The motion carried unanimously.]

5 ***

6 MR. DAVIS:

7 Based on the Board's discussions in
8 Executive Session, I believe the Board
9 would entertain a motion to adopt, as
10 final, the proposed Adjudication and
11 Order of the Hearing Examiner in the
12 following matter: Commonwealth of
13 Pennsylvania, Bureau of Professional and
14 Occupational Affairs vs. Gideon Alphia
15 Stoltzfus and Ethan Wentworth, File No.
16 16-57-05621 and 16-57-05622.

17 DR. HORBAL:

18 I'll make a motion.

19 MS. KEHOE:

20 I'll second.

21 CHAIRMAN GARG:

22 Any further discussion? All in favor,
23 say aye. Any opposed?

24 [The motion carried unanimously.]

25 ***

1 Report of Board Counsel (Continued) - Regulations
2 [Thomas Davis, Esquire, Board Counsel, discussed the
3 proposed CVT and Veterinary Assistant Regulation (16A-
4 5727). He noted the changing of the references of
5 "noncertified employee" to "veterinary assistant" in
6 Sections 31.1, 31.31, 31.32, 31.34, 31.36, 31.38,
7 31.39, and 31.41.

8 Mr. Davis stated the proposed change packet would
9 allow CVTs to take the national exam upon completion
10 of at least half of the necessary credits. Upon
11 graduation, the national exam would be the last step
12 before being licensed or certified.

13 Mr. Davis mentioned a section in the current
14 regulations requiring that a notarized affidavit of
15 nonpractice be submitted, which is no longer necessary
16 with the Pennsylvania Licensing System (PALS).
17 Applicants will be informed of being subjected to the
18 penalties of particular criminal law under Title 18
19 Section 4904 related to unsworn falsification to
20 authorities.

21 Chairman Garg noted a modification to the
22 definition of direct veterinary supervision that will
23 apply to other licensed professionals as well.

24 Mr. Davis explained CVTs will no longer be
25 required to submit an affidavit of not having

1 committed or been found guilty of a felony within the
2 last 10 years as a result of the Governor's initiative
3 to remove barriers to licensure. A criminal
4 background check will still be required.

5 Ms. Kehoe questioned the need for an individual
6 to announce to an owner whether they are a veterinary
7 assistant or not a certified veterinary technician.
8 Mr. Davis stated the current regulation requires the
9 CVT to announce their status as a CVT. The
10 requirement may be removed due to the general
11 populous' ability to tell the difference between a
12 veterinarian and a CVT, similarly to telling the
13 difference between a doctor and a nurse.

14 Mr. Davis suggested that the Board not accept the
15 rulemaking package at this time, noting the need for
16 further discussions regarding the changes to the
17 language. He urged the Board to review the regulation
18 to eliminate the requirement of CVTs to submit the
19 affidavit as presented.]

20 MR. DAVIS:

21 If there are no other questions, I am
22 going to ask the Board to take a vote on
23 promulgating the regulation.

24 CHAIRMAN GARG:

25 Would anybody like to make a motion?

1 DR. NEBZYDOSKI:

2 I'll make a motion to accept them as is.

3 DR. HORBAL:

4 I'll second that motion.

5 CHAIRMAN GARG:

6 Any further discussion? All in favor,
7 say aye. All opposed?

8 [The motion carried. Ms. Kehoe opposed the motion.

9 This is Document/Fiscal Note 16A-5727.]

10 ***

11 [Chairman Garg discussed the need for a member to
12 review the CE requests. Dr. Cooley volunteered to be
13 the new CE Review Committee.]

14 ***

15 [Chairman Garg addressed correspondence from Dr. Larry
16 Gerson questioning the requirement for acceptable
17 continuing education (CE). He stated Dr. Gerson is in
18 charge of the Pittsburgh VMA and desires to develop a
19 program where the speaker is not physically present.
20 Chairman Garg suggested submitting the program to the
21 CE Committee for review.

22 Ms. Roberts explained that this would be an
23 individual Board decision and not really in the
24 regulations, specifically the question is whether a
25 live webinar counts as live CE or distance education.

1 She stated this normally is decided by the Board and
2 affects the CE audit. Ms. Roberts explained that most
3 Boards are accepting webinars as liveprograms, as long
4 as a question and answer session can occur between the
5 presenter and student in real time.]

6 CHAIRMAN GARG:

7 Would somebody like to make a motion to
8 direct Michelle that when we have the CE
9 audit, if courses or programs are live
10 interactive, that we will accept them as
11 live.

12 DR. NEBZYDOSKI:

13 I would make a motion to accept that as
14 live and not distance.

15 DR. COOLEY:

16 Second.

17 CHAIRMAN GARG:

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

20 [The motion carried unanimously]

21 ***

22 Report of Board Administrator

23 [Michelle Roberts, Board Administrator, noted an email
24 from the American Association of Veterinary State
25 Boards (AAVSB) for the Board's review.]

1 ***

2 Miscellaneous

3 [Michelle Roberts, Board Administrator, noted November
4 16, 2018, as the last meeting date for 2018. She also
5 noted the 2019 meeting dates for the Board's review.]

6

7 Adjournment

8 CHAIRMAN GARG:

9 Could we have a motion to adjourn?

10 DR. NEBZYDOSKI:

11 So moved.

12 MS. KEHOE:

13 I'll second.

14

15 [There being no further business, the State Board of
16 Veterinary Medicine Meeting adjourned at 12:02 p.m.]

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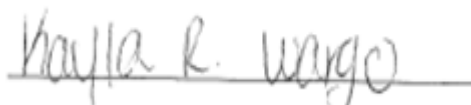
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CERTIFICATE

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.



Kayla R. Wargo,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
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September 21, 2018

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TIME	AGENDA
9:09	Official Call to Order
9:10	Report of Prosecutorial Division
9:22	Approval of Minutes
9:23	Appointment - Harcum College Presentation
9:30	Report of Board Counsel
9:34	Executive Session
11:35	Return to Open Session
11:36	Motions
12:01	Report of Board Administrator
12:02	Miscellaneous
12:02	Adjournment