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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  
VIA VIDEOCONFERENCE**

TIME: 10:32 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

January 7, 2022

State Board of Veterinary Medicine  
January 7, 2022

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BOARD MEMBERS:

Thomas Garg, V.M.D., Chair  
Arion Claggett, Deputy Commissioner, Bureau of  
Professional and Occupational Affairs, on behalf of  
K. Kalonji Johnson, Commissioner  
Joseph S. Bender D.V.M.  
Anjilla Cooley, D.V.M.  
Apryle Horbal, V.M.D.  
Valerie Kehoe, C.V.T.  
Andrew Nebzydoski, V.M.D., Secretary

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel  
Carolyn A. DeLaurentis, Deputy Chief Counsel,  
Prosecution Division  
Peter D. Kovach, Esquire, Senior Prosecutor in Charge  
Julia A. Feld-Caralle, Esquire, Board Prosecution  
Liaison  
Michelle Roberts, Board Administrator  
Kimberly A. Mattis, Director, Bureau of Finance and  
Operations, Department of State  
Amanda Richards, Chief of Fiscal Management, Bureau of  
Finance and Operations, Department of  
State  
Marc Farrell, Deputy Director, Office of Policy,  
Department of State

ALSO PRESENT:

Wesley J. Rish, Esquire, Rish Law Office, LLC  
Jamie L. Lenzi, Esquire, Cipriani & Werner  
Joseph A. Breymeier, Esquire, Naulty, Scaricamazza,  
& McDevitt, LLC

1 \*\*\*

2 State Board of Veterinary Medicine

3 January 7, 2022

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
6 9:00 a.m. the Board entered into Executive Session  
7 with Thomas M. Davis, Esquire, Board Counsel, for the  
8 purpose of conducting quasi-judicial deliberations and  
9 to receive advice of counsel on the matters upon which  
10 the Board will later vote. The Board commenced open  
11 session at 10:30 a.m.]

12 \*\*\*

13 Meeting Instructions

14 [Michelle Roberts, Board Administrator, provided  
15 instructions to be followed during the virtual  
16 meeting.]

17 \*\*\*

18 [Thomas M. Davis, Esquire, Board Counsel, noted the  
19 meeting was being recorded, and those who continued to  
20 participate were giving their consent to be recorded.

21 Mr. Davis also informed everyone that the Board  
22 met in Executive Session prior to the meeting for the  
23 purpose of conducting quasi-judicial deliberations and  
24 to receive advice of counsel.]

25 The regularly scheduled meeting of the State

1 Board of Veterinary Medicine was held on Friday,  
2 January 7, 2022. Thomas Garg, V.M.D., Chair, called  
3 the meeting to order at 10:32 a.m.

4 \*\*\*

5 Roll Call

6 [A roll call of Board members was taken by Chair  
7 Garg.]

8 \*\*\*

9 Approval of minutes of the November 17, 2021 meeting

10 CHAIR GARG:

11 With regard to the previous minutes, did  
12 everybody get an opportunity to review  
13 the minutes, and are there any concerns?

14 [The Board discussed corrections to the minutes.]

15 CHAIR GARG:

16 Were there any other concerns?

17 Would somebody like to make a motion  
18 with that amendment?

19 DR. BENDER:

20 So moved.

21 DR. HORBAL:

22 I'll second.

23 CHAIR GARG:

24 Any further discussion? I will call  
25 roll.

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Mr. Claggett, aye; Dr. Bender, aye; Dr. Cooley, aye; Dr. Horbal, aye; Ms. Kehoe, aye; Dr. Nebzydoski, aye; Dr. Garg, aye.

[The motion carried unanimously.]

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Report of Prosecutorial Division

[Julia A. Feld-Caralle, Esquire, Board Prosecution Liaison, presented the Consent Agreement for Case No. 18-57-012502.

Jamie L. Lenzi, Esquire, Cipriani & Werner, counsel for Respondent, was present and participated in the discussion regarding Case No. 18-57-012502.

Ms. Feld-Caralle, Esquire, Board Prosecution Liaison, presented the Consent Agreement for Case Nos. 19-57-017008 & 19-57-005602.

Jamie L. Lenzi, Esquire, Cipriani & Werner, counsel for Respondent, was present and participated in the discussion regarding Case Nos. 19-57-017008 & 19-57-005602.]

Ms. Feld-Caralle, Esquire, Board Prosecution Liaison, presented the Consent Agreement for Case No. 20-57-004622.

Wesley J. Rish, Esquire, Rish Law Office, LLC, counsel for the Respondent, was present and

1 participated in the discussion.]

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3 [Peter D. Kovach, Esquire, Senior Prosecutor in  
4 Charge, presented the Consent Agreement for Case No.  
5 20-57-013470.

6 Joseph A. Breymeier, Esquire, Naulty,  
7 Scaricamazza, & McDevitt, LLC, counsel for Respondent,  
8 was presented and participated in the discussion.]

9

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10 [Thomas M. Davis, Esquire, Board Counsel, asked  
11 whether Board members wished to reenter Executive  
12 Session for further discussion.]

13 MR. DAVIS:

14 Number 2 on the agenda. Based on the  
15 Board's discussions in Executive  
16 Session, I believe the Chair would  
17 accept a motion to approve the Consent  
18 Agreement in the following matter: Case  
19 No. 18-57-012502.

20 CHAIR GARG:

21 Would somebody like to make that motion?

22 DR. BENDER:

23 So moved.

24 DR. HORBAL:

25 I'll second.

1 CHAIR GARG:

2 Any further discussion? I will read  
3 roll.

4  
5 Mr. Claggett, aye; Dr. Bender, aye; Dr.  
6 Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,  
7 aye; Dr. Nebzydoski, nay; Dr. Garg, aye.

8 [The motion carried. Dr. Nebzydoski opposed the  
9 motion. Commonwealth BPOA v. Brandon Melvin Cohn,  
10 D.V.M.]

11 \*\*\*

12 MR. DAVIS:

13 Number 3 on the agenda. Based on the  
14 Board's discussions in Executive  
15 Session, I believe the Chair would  
16 accept a motion to approve the Consent  
17 Agreement in the following matters:  
18 Case Nos. 19-57-017008 & 19-57-005602.]

19 DR. BENDER:

20 So moved.

21 DR. HORBAL:

22 I'll second.

23 CHAIR GARG:

24 Any further discussion? I will read  
25 roll.

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Mr. Claggett, aye; Dr. Bender, aye; Dr.

3

Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,

4

aye; Dr. Nebzydoski, aye; Dr. Garg, aye.

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[The motion carried unanimously. Commonwealth BPOA v.

6

Donald M. Heinert, D.V.M.]

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MR. DAVIS:

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Number 4 on the agenda. Based on the

10

Board's discussions in Executive

11

Session, I believe the Chair would

12

accept a motion to approve the Consent

13

Agreement in the following matter: Case

14

No. 20-57-004622.]

15

DR. BENDER:

16

So moved.

17

DR. HORBAL:

18

I'll second.

19

CHAIR GARG:

20

Any further discussion? I will read

21

roll.

22

23

Mr. Claggett, aye; Dr. Bender, aye; Dr.

24

Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,

25

aye; Dr. Nebzydoski, aye; Dr. Garg, aye.



1 [The motion carried unanimously. Commonwealth BPOA v.  
2 Jesse Edward Shirey, D.V.M.]

3 \*\*\*

4 MR. DAVIS:

5 Number 5 on the agenda. Based on the  
6 Board's discussions in Executive  
7 Session, I believe the Chair would  
8 accept a motion to approve the Consent  
9 Agreement in the following matter: Case  
10 No. 20-57-013470.]

11 DR. BENDER:

12 So moved.

13 DR. HORBAL:

14 I'll second.

15 CHAIR GARG:

16 Any further discussion? I will call  
17 roll.

18  
19 Mr. Claggett, aye; Dr. Bender, aye; Dr.  
20 Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,  
21 aye; Dr. Nebzydoski, aye; Dr. Garg, aye.

22 [The motion carried unanimously. Commonwealth BPOA v.  
23 Safi Ullah Chand, D.V.M.]

24 \*\*\*

25 Appointment - Bureau of Finance and Operations Annual

1 Budget Presentation and Fee Increase Proposal Update  
2 [Amanda Richards, Fiscal Chief, informed the Board  
3 that the Bureau of Finance and Operations (BFO) looks  
4 at the licensee population on a biennial basis and  
5 that the Board renews in November of even years. She  
6 noted the license count for FY16-17 was 7,199; FY18-19  
7 was 7,705, which was an increase of 506 licenses; and  
8 FY20-21 was 7,981, which was an increase of 276  
9 licenses. She noted the count for FY21-22 was 8,750,  
10 noting an increase this morning of 24 licenses,  
11 bringing the total to 8,774.

12 Ms. Richards noted the total biennial revenue with  
13 90% of revenue coming from renewals and applications.  
14 She mentioned that revenue received from other  
15 sources cannot be counted on because it is not  
16 consistent.

17 Kimberly A. Mattis, Director, Bureau of Finance  
18 and Operations, Department of State, further explained  
19 the Board's revenue sources over the last two years,  
20 including applications and fines. She noted it can  
21 fluctuate, so there is no guarantee of that revenue.

22 Ms. Richards addressed Board expenses. She stated  
23 that expenses are incurred through direct charges,  
24 timesheet-based charges, and operating and fixed asset  
25 expenses that are distributed based on their benefit

1 to the board using licensee population such as PALS,  
2 copy paper, staff augmentations for BPOA, Penn Center  
3 lobby security, and interagency billings. She referred  
4 to expenses for FY19-20 and FY20-21 as well as the  
5 budget for FY21-22 and the expenses for FY21-22 as of  
6 January 3, 2022. She reported on the recent total.

7 Ms. Richards reviewed revenues and expenses,  
8 noting a projected balance for FY21-22. She noted the  
9 balance is starting to trend downward over the next  
10 three fiscal years due to expenses exceeding revenue.

11 Ms. Richards noted the Board member expenses in  
12 FY19-20 and FY20-21 with a current budget of \$10,000  
13 for FY21-22. She reported on the expenses as of  
14 January 3, 2022, with no recent change. She stated  
15 that the budget for FY21-22 of \$10,000 was adequate  
16 and will be carried over to FY22-23.

17 Ms. Richards reminded the Board that anything not  
18 spent is returned to the restricted account for the  
19 Board's use at a later time.

20 Ms. Mattis stated that her department has been  
21 contemplating the need for a fee increase package  
22 since about May of last year, noting a lot of things  
23 have changed since then. She mentioned that the Board  
24 has somewhat of a healthy balance and that the  
25 department is trying to minimize the impact to

1 licensees by looking at the fees right away versus  
2 waiting to see if it rebounds.

3 Ms. Mattis stated that the fee increase for  
4 licensees in 2015 was 15 percent with a subsequent \$15  
5 incremental increase on top of that in the following  
6 renewal year. She mentioned that the department does  
7 not want to be dealing with increases that large and  
8 wants to address it more often to keep the increase  
9 smaller and noted the presentation would take another  
10 renewal before going into effect.

11 Ms. Mattis referred to revenues coming in for a  
12 biennial period over the last two years as compared to  
13 the Board's expenses and noting a deficit.

14 Ms. Mattis reported a substantial growth in  
15 licensee population, noting it to be close to covering  
16 expenses. She noted the addition of the two new  
17 licensure classes applying in the summer of 2022.

18 Ms. Mattis referred to revenues and expenses,  
19 noting the figure in revenue for FY15-16 and FY16-17.  
20 She noted civil penalties as the secondary revenue,  
21 although there is no guarantee that civil penalties  
22 will be paid, and is why application fees must be  
23 adjusted.

24 Ms. Mattis addressed some questions posed by Board  
25 members at previous Board meetings regarding expenses

1 on the prosecution and investigation side. She  
2 provided a breakdown of administrative, prosecution,  
3 counsel, and hearing expenses. She noted the bulk of  
4 the expense is from prosecution because of the  
5 increase in cases.

6 Ms. Mattis reported a decrease in some of the  
7 anticipated expenses for prosecution for the current  
8 fiscal year, where the budget is lowered to match what  
9 they think the Board is going to spend.

10 Ms. Mattis addressed the current financial status  
11 and the impact on the Board if nothing changes. She  
12 also addressed an increase in application fees to  
13 reflect cost to the Board to process applications, and  
14 adjusting renewal fees to make sure revenues cover  
15 expenses. She noted getting an additional \$300,000  
16 from the change in the applications but said changing  
17 application fees is not enough and suggested  
18 increasing renewal fees.

19 Ms. Mattis mentioned a previous presentation in  
20 which her office proposed an 8 percent increase over  
21 all of the licensure classes on the renewal side. She  
22 presented a new option with an application fee  
23 increase at cost and increase in renewal fees by only  
24 3 percent, which actually takes the Board to the point  
25 where they are starting to even out.

1 Ms. Mattis commented that the increase is enough  
2 to cover the increase in expenses and have a year's  
3 worth of surplus in the account. She stated the  
4 increase would start in November 2024, where  
5 veterinarians would increase from \$360 to \$371 to \$382  
6 to \$393, veterinary technicians from \$100 to \$103 to  
7 \$106 to \$109, animal protection organization  
8 facilities from \$50 to \$52 to \$54 to \$56, and  
9 euthanasia technicians from \$25 to \$26 to \$27 to \$28.

10 Mr. Davis noted prior Board discussion over the  
11 last few meetings regarding fees. He mentioned having  
12 heard from BFO several times and prosecution and  
13 reminded the Board that they are legally required to  
14 ensure revenue matches expenditures.

15 Mr. Davis commented that the Board is not meeting  
16 that and strongly suggested the Board consider  
17 increasing fees. He reminded the Board of the options  
18 presented by BFO, including no renewal increase  
19 whatsoever, only increasing application fees, or the  
20 one presented by increasing application fees and  
21 renewal fees by 3 percent.

22 Chair Garg commented that 3 percent is the  
23 recommendation at this point and asked whether Board  
24 members would be comfortable to accept that at this  
25 point.]

1 MR. DAVIS:

2 I believe the Chair would accept a  
3 motion to direct Counsel to draft a  
4 proposed fee increase regulation  
5 reflecting the Board's decision to  
6 increase application fees as required to  
7 meet the Bureau's cost to process the  
8 same and increase renewal fees by 3  
9 percent, with said increases being  
10 commensurate with BFO's presentation  
11 this date.

12 DR. BENDER:

13 I'll make the motion to accept.

14 DR. HORBAL:

15 I'll second.

16 CHAIR GARG:

17 Any further discussion? I will read  
18 roll.

19  
20 Mr. Claggett, aye; Dr. Bender, aye; Dr.  
21 Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,  
22 aye; Dr. Nebzydoski, aye; Dr. Garg, aye.

23 [The motion carried unanimously.]

24 \*\*\*

25 Appointment - Prosecution Division Annual Report

1 Presentation

2 [Carolyn A. DeLaurentis, Esquire, Deputy Chief  
3 Counsel, Prosecution Division, provided a summary of  
4 the prosecution division's caseload during 2021.

5 Ms. DeLaurentis informed the Board that 299 cases  
6 were opened in 2021 for the State Board of Veterinary  
7 Medicine and is up from 225 cases in 2020. She noted  
8 closing 257 cases in 2021, which is an increase from  
9 the prior year at 208. She reported 290 open cases  
10 for the Board as of January 1, 2022.

11 Ms. DeLaurentis addressed enforcement actions,  
12 noting 21 cases that resulted in discipline and 75  
13 warning letters in 2021 for the Board.

14 Ms. DeLaurentis noted the office opened 554 cases  
15 categorized as a COVID-19-related complaints in 2021  
16 with 6 of those for the Board, which is a decrease  
17 from 2020, where 1,223 COVID cases were opened with 19  
18 of those cases for the Board.

19 Ms. DeLaurentis reported 18,363 cases were opened  
20 in 2021, which is up from 2020 with 13,394. She also  
21 reported closing 15,994 files for 2021 and 13,274 in  
22 2020.

23 Ms. DeLaurentis noted the total number of current  
24 cases for the office as of January 1 is 15,141. She  
25 mentioned being very proud of the work of all of the



1 prosecutors.

2 Chair Garg thanked Ms. DeLaurentis for the  
3 report.]

4 \*\*\*  
5 Report of Board Chair - No Report

6 \*\*\*  
7 Report of Commissioner - No Report

8 \*\*\*  
9 Report of Board Counsel - Regulations

10 [Thomas M. Davis, Esquire, Board Counsel, addressed  
11 Act 100 of 2021, which was signed by the Governor on  
12 December 22, 2021. He noted the first part of the act  
13 discusses virtual meetings, where each licensing board  
14 and licensing commission shall use a virtual platform  
15 to conduct business when a public meeting is held.

16 Mr. Davis noted the second part discusses quorum,  
17 where boards may use a virtual platform to establish a  
18 quorum and effectuate business if the platform allows  
19 for live participation. He mentioned everyone will  
20 continue with the virtual platform at this time

21 Mr. Davis discussed the third part regarding  
22 distance education, where the board shall establish  
23 rules and regulations for continuing education (CE)  
24 that provides for distance education. He commented  
25 that the Board already allows distance education but

1 that he would have to look into it a little more.

2 Mr. Davis stated that the act addresses virtual  
3 supervision, where the Board shall establish rules and  
4 regulations providing for virtual supervision. He  
5 mentioned that the Board has supervision rules and  
6 regulations regarding certified veterinary technician  
7 (CVTs) and assistants. He noted the need to look into  
8 how to incorporate Act 100 of 2021 and will be able to  
9 provide some advice on the act at the next meeting or  
10 shortly thereafter.

11 Mr. Davis noted that Act 100 of 2021 affects  
12 every board in BPOA and believed everyone would be  
13 receiving some direction concerning the act.

14 Mr. Davis updated the Board regarding licensure  
15 by endorsement under Act 41 and noted working on the  
16 Regulatory Analysis Form (RAF).

17 Mr. Davis addressed the proposed continuing  
18 education regulation, noting the preamble is complete  
19 but requires some revisions.

20 Mr. Davis referred to the fees regulation, noting  
21 the annex would need revising and that he started on  
22 the preamble, which needs a significant amount of  
23 revision in form and content.

24 Mr. Davis informed the Board that he has been  
25 working on the euthanasia regulation, which has been

1 at the Office of Attorney General since August for  
2 form and legality review. He referred to excerpts  
3 from the annex provided to the Board regarding CVTs  
4 and suggested that the Board may need to remove all  
5 references to CVTs.

6 He explained that the euthanasia regulation is  
7 based entirely on the Animal Destruction Method  
8 Authorization Law (ADMAL). He referred to Section  
9 304(a)(2), where an animal protection organization  
10 authorized under paragraph (1) may not permit a person  
11 to administer drugs approved for euthanasia unless  
12 that person holds a current euthanasia technician  
13 license under subsections (b) and (c) or is a person  
14 licensed as a veterinarian under the Veterinary  
15 Medicine Practice Act.

16 Mr. Davis noted ADMAL creates two more licensure  
17 classes, euthanasia technicians and registered animal  
18 protection organizations. He stated that registered  
19 animal protection organizations will be allowed to  
20 purchase and possess drugs for euthanasia and then  
21 hand them to a licensed euthanasia technician who will  
22 administer it within the facility. He mentioned that  
23 the ADMAL explicitly allows veterinarians to  
24 administer drugs for euthanasia in these same  
25 facilities.

1           Mr. Davis noted the ADMAL says An animal  
2 protection organization authorized under paragraph(1)  
3 may not permit a person to administer drugs approved  
4 for euthanasia unless that person holds a current  
5 euthanasia technician license or is a person licensed  
6 as a veterinarian under the Veterinary Medicine  
7 Practice Act. He further noted that is only going to  
8 apply to the registered animal protection  
9 organizations that want to have the drugs for  
10 euthanasia onsite and want to be able to purchase  
11 drugs for euthanasia; not every animal organization in  
12 the state.

13           Mr. Davis addressed a problem with the current  
14 proposed annex under § 31.128(f)(2), where drugs for  
15 euthanasia shall be administered in a registered  
16 facility only by (1) a licensed veterinarian, (2) a  
17 certified veterinary technician, or (3) a licensed  
18 euthanasia technician.

19           Mr. Davis noted the proposed annex hit a wall  
20 with the Office of Attorney General (OAG) because it  
21 is contrary to the Animal Destruction Method  
22 Authorization Law and asked the Board to allow him to  
23 remove the references to CVTs from the current annex,  
24 noting there are other entries where the annex talks  
25 about what must happen when the animal protection

1 organization gives the drugs to CVTs.

2 Ms. Kehoe commented that it will have a big  
3 impact and requested further information as to why  
4 CVTs would be taken out.

5 Mr. Davis explained that having CVTs would be a  
6 third class of individuals who could perform  
7 euthanasia within the registered protection  
8 organizations when the law says there is only two  
9 classes that may be legally allowed to do so.

10 Ms. Kehoe pointed out that CVTs who work in  
11 shelter medicine would also have to get a euthanasia  
12 technician license.

13 Mr. Davis noted Ms. Kehoe to be correct, where  
14 any CVT would easily and legally be able to perform  
15 euthanasia in the various organizations as long as  
16 they obtain a euthanasia technician license as well.  
17 He mentioned that obtaining a euthanasia technician  
18 license is a 14-hour course with renewals every two  
19 years.

20 Mr. Davis explained that CVTs have to be  
21 supervised by a veterinarian because of the  
22 supervision requirements of the Veterinary Medicine  
23 Practice Act, and euthanasia technicians do not  
24 require veterinary supervision, therefore  
25 necessitating a separate license.

1 Ms. Kehoe expressed concern that the law is going  
2 to encourage places like that not to have a CVT and  
3 for a CVT not to want to go into that because they  
4 have to pay for another license, should they wish to  
5 be allowed to administer drugs for euthanasia.

6 Mr. Davis next referred to § 31.129 regarding  
7 standards for administration of drugs for euthanasia,  
8 where an individual administering drugs for euthanasia  
9 shall comply with the following standards: standard  
10 (3) unless the animal to be euthanized is heavily  
11 tranquilized, anesthetized, or comatose, an individual  
12 administering drugs for euthanasia shall have the  
13 assistance of an animal handler, veterinarian, or  
14 certified veterinary technician immediately available  
15 in the euthanasia area when the individual is  
16 administering an intravenous injection.

17 Mr. Davis suggested the reference to "animal  
18 handler" to be sufficient and asked if anyone on the  
19 Board disagreed. Dr. Garg asked if animal handler was  
20 defined in the regulation and Mr. Davis said it was  
21 not. Dr. Garg agreed with Counsel's suggestion.

22 Mr. Davis explained that the proposed regulation  
23 will be published as proposed in the *Pennsylvania*  
24 *Bulletin* hopefully in the next month or two, at which  
25 point the general public will have a 30-day period in

1 which to comment, and the Board still have the ability  
2 to make changes based on comments.]

3 MR. DAVIS:

4                   Based on the Board's discussions in open  
5                   session, I believe the Chair would  
6                   accept a motion to allow Board Counsel  
7                   to remove all language referring to CVTs  
8                   from the proposed euthanasia regulation  
9                   and continue to promulgate the proposed  
10                  regulation.

11                   Would anyone be willing to make  
12                   that motion?

13 DR. BENDER:

14                   I can make the motion.

15 DR. HORBAL:

16                   I'll second.

17 CHAIR GARG:

18                   Any further discussion?

19 [The Board discussed the motion. The Board addressed  
20 the purpose of the act, which is to allow for a new  
21 class of individual who takes a course to become a  
22 certified euthanasia technician but does not have to  
23 be a CVT and could be anybody who takes the course and  
24 becomes certified in accordance with the wording of  
25 the ADMAL.

1           The Board discussed shelters that decide to  
2 become a licensed animal protection organization under  
3 the ADMAL and being allowed to have drugs for  
4 euthanasia, where that organization may only allow two  
5 different classes of people to perform euthanasia,  
6 euthanasia technicians and veterinarians.

7           The Board discussed the small number of  
8 organizations and small number of people who are going  
9 to be licensed euthanasia technicians. It was noted  
10 euthanasia technicians may or may not be CVTs.]

11 CHAIR GARG:

12                           Are there any further questions, or do  
13 we feel the need for further discussion;  
14 otherwise, I believe the motion is still  
15 on the table?

16 MR. DAVIS:

17                           Based on the Board's discussions in open  
18 session, I believe the Chair would  
19 accept a motion to allow Board Counsel  
20 to remove all language referring to CVTs  
21 from the proposed euthanasia regulation  
22 and continue to promulgate the proposed  
23 regulation.

24                           Is there a motion?

25 DR. BENDER:



1                   So moved.

2 DR. HORBAL:

3                   I will second.

4 CHAIR GARG:

5                   Any further discussion? I will read  
6 roll.

7

8                   Mr. Claggett, aye; Dr. Bender, aye; Dr.  
9 Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,  
10 aye; Dr. Nebzydoski, aye; Dr. Garg, aye.

11 [The motion carried unanimously.]

12

\*\*\*

13 Report of Board Counsel - Regulations

14 [Thomas Garg, V.M.D., Chair, referred to the issue of  
15 telehealth, noting various prior Board discussions in  
16 the past, including a presentation from the  
17 Pennsylvania Veterinary Medical Association (PVMA) in  
18 November. He stated that the question in front of the  
19 Board is regarding veterinarian-client-patient  
20 relationships and how those can be initiated and  
21 whether there is a need for an in-person visit or in-  
22 person exam to establish that regulation.

23                   Chair Garg mentioned that it is an issue in many  
24 states and addressed in the American Veterinary  
25 Medical Association (AVMA) Model Veterinary Practice

1 Act and alike. He asked Mr. Davis to look at things  
2 from his perspective as Board Counsel regarding what  
3 has been presented and what other states had done.

4 Mr. Davis referred to the presentation from PVMA,  
5 where the language essentially boils down to one  
6 specific issue, which is establishing the  
7 veterinarian-client-patient relationship (VCPR) and  
8 whether or not the examination mentioned in the VCPR  
9 must be done in person.

10 Mr. Davis addressed clarifying language suggested  
11 by PVMA regarding VCPR and in-person examination.

12 Mr. Davis referred to language from the  
13 Veterinary Feed Directive (VFD) and a graph showing  
14 the federal government goes by the federal VCPR  
15 definition in 21 jurisdictions and by the state in 30  
16 jurisdictions. He noted the federal government only  
17 utilizes the state definition in 4 of the 13 states in  
18 the northeast quadrant.

19 Mr. Davis addressed why Pennsylvania's definition  
20 of VCPR is different and compared many of the  
21 jurisdictions but centered on the four jurisdictions  
22 in the northeast quadrant, where none of the  
23 definitions talk about an in-person examination and  
24 changing it would not make a difference as far as the  
25 federal government using their definition. He did

1 notice a difference in the other four jurisdictions  
2 that seem to discuss the need for a "timely  
3 examination" or "recent examination," where it seemed  
4 to be more of an issue of time than it does in person.

5

6 Mr. Davis mentioned that there did not seem to be  
7 an issue with the federal government using the federal  
8 definition over the state definition, especially with  
9 the fact that the legislature defines VCPR in all of  
10 those states, including Pennsylvania, and trying to  
11 clarify the definition of VCPR via Board regulation  
12 may not be the best course of action.

13 Dr. Cooley commented that there is a very clear  
14 distinction between telehealth and telemedicine, where  
15 telemedicine is diagnosis, treatment, and prescribing  
16 done through virtual communication and governed by the  
17 person having to be licensed in Pennsylvania and  
18 having the VCPR.

19 Dr. Cooley noted telehealth is a bit more  
20 amorphous but is under the ethical and legal  
21 restrictions of the veterinarian who can only give  
22 general advice if they do not have a VCPR with the  
23 patient. She mentioned that they cannot diagnose or  
24 prescribe, so there is no corporate benefit going on.  
25 She cautioned the Board against being reactionary.

1 Dr. Cooley informed the Board that the American  
2 Association of Veterinary State Boards and the  
3 Veterinary Virtual Care Association have a lot of  
4 resources available. She mentioned that Ontario has  
5 had telemedicine VCPRs in place since 2017 or 2018 and  
6 has the biggest dataset. She mentioned that the  
7 exception where someone could not prescribe if they  
8 only saw the animal via telemedicine changed during  
9 the pandemic to allow prescribing.

10 Dr. Cooley stated that complaints to the Board  
11 during the pandemic increased 40 percent but not a  
12 single complaint had to do with telemedicine and were  
13 complaints due to decreased access to care. She  
14 mentioned that the Ontario Veterinary College would be  
15 putting out data for the public soon.

16 Dr. Cooley noted the physical exam requirement  
17 for a VCPR and veterinary feed directive have been  
18 suspended due to the pandemic for almost two years and  
19 again warned against being too reactionary before  
20 there is more data.

21 Chair Garg commented that individuals practicing  
22 veterinary medicine within the bounds of Pennsylvania  
23 have to be licensed and abide by all of the laws and  
24 regulations and adhere to the standard of care as  
25 determined by the Board. He mentioned that the

1 question comes back to whether there is a need to  
2 further clarify or define whether or not an in-person  
3 examination is necessary to establish VCPR.

4       Chair Garg noted the Board could go ahead and  
5 move forward by drafting a regulation or have the  
6 final say in determining whether something has met the  
7 current standards of care. He noted that he and Mr.  
8 Davis were leaning toward not drafting a regulation to  
9 further define VCPR, which has already been defined by  
10 the legislature but rather have those violating the  
11 acceptable and prevailing standard of care come  
12 through prosecution and have the Board make a  
13 decision.

14       Mr. Davis noted being an advocate of trying to  
15 use tools already on hand before creating a new tool  
16 that may or may not even effectuate the change that  
17 someone seems to think needs to happen.

18       Mr. Davis provided another option and referred to  
19 the AVMA Model Veterinary Practice Act at Section 5  
20 under veterinarian-client-patient relationship  
21 requirements, where a veterinarian-client-patient  
22 relationship (VCPR) cannot be established solely by  
23 telephonic or other electronic means. He noted the  
24 Board could consider adding a new principle 9 to the  
25 Rules of Professional Conduct for Veterinarians in the

1 Board's regulations if the Board wanted to clarify its  
2 position on establishing a VCPR.

3 Chair Garg commented that the Board seems to  
4 already have all of the tools it needs and that the  
5 regulations as stand do not prevent them from doing  
6 anything on that front. He mentioned that if the  
7 legislature chose to go ahead and further clarify the  
8 definition to put that into the hands of the  
9 legislature, given the fact that the rest of that  
10 definition is in the act.

11 Dr. Nebzydoski commented that the feed directive  
12 and VCPR basically applies to food animals and is  
13 where the federal government is involved in the VCPR.

14 Mr. Davis mentioned that discussion started with  
15 the VCPR and broadened to the veterinary feed  
16 directive and how the federal government utilizes the  
17 VCPR within the veterinary feed directive.

18 Dr. Nebzydoski noted this to essentially involve  
19 the directives through the federal government and not  
20 a large number of veterinarians. He stated that it is  
21 not going to include small animals and equine and that  
22 the VCPR has not been suspended for any of that and  
23 only suspended for food animals.

24 Chair Garg commented that after reviewing  
25 everything from PVMA and reviewing the act and

1 regulations, the reality is that all of the tools the  
2 Board needs to go ahead and regulate those issues are  
3 already there. He stated that the Board is able to  
4 hear a case and make a decision based on whatever the  
5 facts are and speak through an adjudication. He  
6 mentioned that there is no need to go through a  
7 process that takes years that has no change in the  
8 outcome because everything is already in place to  
9 regulate telemedicine.

10 Chair Garg stated that the Board has the  
11 flexibility to evaluate each and every situation based  
12 on the acceptable and prevailing standard of care with  
13 the knowledge that the acceptable and prevailing  
14 standard of care is something that is always evolving  
15 and part of why there is no written definition.]

16

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17 Report of Board Counsel - Miscellaneous

18 [Thomas M. Davis, Esquire, Board Counsel, discussed  
19 the Sunshine Act, noting the general rule is  
20 everything the Board does must be on the record at a  
21 public meeting. He noted exceptions include  
22 conferences, training programs, seminars, and  
23 Executive Session. He emphasized the importance of  
24 not discussing Board business outside of the Board  
25 meeting.

1 Mr. Davis discussed a recent update to the  
2 Sunshine Act by Act 65 of 2021, where the Board is not  
3 to take official action on a matter of Board business  
4 at a meeting if the matter was not included on the  
5 published agenda. He mentioned that there are also a  
6 few exceptions.

7 Mr. Davis addressed Recusal Guidelines. He  
8 discussed mandatory, strongly suggested, and  
9 discretionary recusals. He encouraged everyone to  
10 contact him for advice if anyone is uncertain, or has  
11 questions on whether to recuse themselves.]

12

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13 Report of Board Counsel - Miscellaneous - Election of  
14 Officers

15 [Thomas M. Davis, Esquire, Board Counsel, addressed  
16 election of officers, noting the Board must annually  
17 select a chairman and secretary from members of the  
18 Board. He asked whether anyone was interested in  
19 running for either position. No one expressed  
20 interest in holding either position, other than Dr.  
21 Garg and Dr. Nebzydoski, who currently serve as  
22 Chairman and Secretary, respectively. Mr. Davis asked  
23 if the Chair, or anyone else, wanted to hold formal  
24 elections or make any changes. The Board said it  
25 wished to keep the current officers.]



1 MR. DAVIS:

2 I believe the Chair would accept a  
3 motion to allow the Board's current  
4 chairman and current secretary, that  
5 being Dr. Garg and Dr. Nebzydoski,  
6 respectively, to remain in those  
7 positions for one additional year.

8 Is there a motion?

9 DR. BENDER:

10 So moved.

11 DR. HORBAL:

12 I'll second.

13 CHAIR GARG:

14 Any further discussion? I will read the  
15 roll.

16  
17 Mr. Claggett, aye; Dr. Bender, aye; Dr.  
18 Cooley, aye; Dr. Horbal, aye; Ms. Kehoe,  
19 aye; Dr. Nebzydoski, aye; Dr. Garg, aye.

20 [The motion carried unanimously.]

21 \*\*\*

22 Report of Board Counsel - Application

23 MR. DAVIS:

24 This matter was discussed in Executive  
25 Session. In the matter of the

1 Application for Licensure by Reciprocity  
2 or Endorsement as a Veterinarian of  
3 Michelle MacDougall, D.V.M. and based on  
4 the Board's discussions in Executive  
5 Session, I believe the Chair would  
6 accept a motion to approve the  
7 application.

8 Is there a motion?

9 DR. BENDER:

10 So moved.

11 CHAIR GARG:

12 Would anybody like to second that?

13 DR. HORBAL:

14 I'll second.

15 CHAIR GARG:

16 Any further discussion? I will call  
17 roll.

18

19 Mr. Claggett, aye; Dr. Bender, aye; Dr.  
20 Cooley, aye; Ms. Kehoe, aye; Dr.  
21 Nebzydoski, aye; Dr. Garg, aye; Dr.  
22 Horbal, aye.

23 [The motion carried unanimously.]

24

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25 Miscellaneous

1 [Thomas Garg, V.M.D., Chair, noted 2022 Board meeting  
2 dates.]

3 \*\*\*

4 Adjournment

5 DR. NEBZYDOSKI:

6 I'll make that motion to adjourn, Tom.

7 CHAIR GARG:

8 Sounds great. Everybody remain safe. I  
9 look forward to seeing you in a couple  
10 of months.

11 \*\*\*

12 [There being no further business, the State Board of  
13 Veterinary Medicine Meeting adjourned at 12:53 p.m.]

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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.



Samantha Sabatini,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE  
REFERENCE INDEX

January 7, 2022

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9	9:00	Executive Session
10	10:30	Return to Open Session
11		
12	10:32	Official Call to Order
13		
14	10:33	Roll Call
15		
16	10:35	Approval of Minutes
17		
18	10:37	Report of Prosecutorial Division
19		
20	11:07	Appointment - Bureau of Finance and
21		Operations Annual Budget Presentation
22		and Updated Fee Increase
23		
24	11:46	Appointment - Carolyn A. DeLaurentis,
25		Esquire, Deputy Chief Counsel,
26		Prosecution Division Annual Report
27		Presentation
28		
29	11:52	Report of Board Counsel
30		
31	12:52	Miscellaneous
32		
33	12:53	Adjournment
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