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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 C  
One Penn Center  
2601 North Third Street  
Harrisburg, Pennsylvania 17110

November 15, 2019

1                   State Board of Veterinary Medicine  
2                                   November 15, 2019

3  
4  
5 BOARD MEMBERS:

6  
7 Thomas Garg, V.M.D., Chairman  
8 Katelin Lambert, Deputy Commissioner, Bureau of  
9 Professional and Occupational Affairs,  
10 Apryle Horbal, V.M.D.  
11 Valerie Kehoe, C.V.T.  
12 Andrew Nebzydoski, V.M.D.

13  
14  
15 BUREAU PERSONNEL:

16  
17 Thomas M. Davis, Esquire, Board Counsel  
18 Julia A. Feld-Caralle, Esquire, Board Prosecution  
19 Liaison  
20 Paul J. Jarabeck, Esquire, Senior Prosecutor in Charge  
21 Codi M. Tucker, Esquire, Board Prosecutor  
22 Kimberly A. Adams, Esquire, Board Prosecutor  
23 Michelle Roberts, Board Administrator  
24  
25 Kimberly A. Mattis, Director, Bureau of Finance and  
26 Operations  
27 Julie Snader, Deputy Director, Bureau of Finance and  
28 Operations

29  
30 ALSO PRESENT:

31  
32 Kerry E. Maloney, Esquire, Post & Schell  
33 Charles Hartwell, Esquire, Dethlefs-Pykosh Law Group  
34 Wayne Codner, MBA, CFO, Cool Vet  
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2 State Board of Veterinary Medicine

3 November 15, 2019

4 \*\*\*

5 The regularly scheduled meeting of the State  
6 Board of Veterinary Medicine was held on Friday,  
7 November 15, 2019. Thomas Garg, V.M.D., Chairman,  
8 called the meeting to order at 9:09 a.m. Apryle  
9 Horbal, V.M.D., was not present at the commencement of  
10 the meeting.

11 \*\*\*

12 Approval of minutes of the September 13, 2019 meeting

13 CHAIRMAN GARG:

14 The first thing on the agenda for today  
15 is just a review of the draft minutes  
16 from the previous meeting.

17 Did anybody have any concerns about  
18 that at all?

19 MR. NEBZYDOSKI:

20 I'll make a motion to accept those.

21 MS. KEHOE:

22 I'll second.

23 CHAIRMAN GARG:

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

1 [The motion carried unanimously.]

2 \*\*\*

3 Report of Prosecutorial Division

4 [Paul J. Jarabeck, Esquire, Board Prosecutor,  
5 presented the VRP Consent Agreement for File No. 19-  
6 57-008272.]

7 \*\*\*

8 [Julia A. Feld-Caralle, Esquire, Board Prosecution  
9 Liaison, presented the Consent Agreement for Case No.  
10 18-57-000557.]

11 \*\*\*

12 [Julia A. Feld-Caralle, Esquire, Board Prosecution  
13 Liaison, presented the Consent Agreements for Case No.  
14 18-57-03084, Case No. 18-57-03087, Case No. 18-57-  
15 03088, and Case No. 18-57-006071.

16 Joseph A. Breymeier, Esquire, Counsel for the  
17 Respondents, was present and participated in the  
18 discussion.]

19 \*\*\*

20 [Apryle Horbal, V.M.D., entered the meeting at  
21 9:26 a.m.]

22 \*\*\*

23 [Julia A. Feld-Caralle, Esquire, Board Prosecution  
24 Liaison, presented the Consent Agreement for Case No.  
25 17-51-06607.]

1 \*\*\*

2 [Kimberly A. Adams, Esquire, Board Prosecutor,  
3 presented the Consent Agreement for Case No. 17-57-  
4 00933.]

5 \*\*\*

6 [Codi M. Tucker, Esquire, Board Prosecutor, presented  
7 the Consent Agreement for File No. 16-57-08690.

8 Kerry E. Maloney, Esquire, Counsel for the  
9 Respondent, was present and participated in the  
10 discussion.]

11 \*\*\*

12 Appointment - Bureau of Finance and Operations Budget  
13 Presentation

14 [Julie Snader, Deputy Director, Bureau of Finance and  
15 Operations, introduced herself and Kimberly A. Mattis,  
16 Director, Bureau of Finance and Operations.

17 Ms. Snader referred to the licensee population  
18 from FY14-FY15 to FY19-20, noting the licensee  
19 population at 8,248 with a recent increase of 16  
20 additional licensees, currently at 8,264.

21 Ms. Snader reviewed licensees by class for  
22 veterinarians and veterinarian technicians in FY19-20,  
23 where veterinarians at 5,343 increased by 7 and the  
24 veterinary tech at 2,921 increased by 9.

25 Ms. Snader noted the Board's biennial total

1 revenue for FY17-18 with renewals and applications  
2 accounting for a majority of the revenue at about 90  
3 percent of the total revenue.

4 Ms. Snader explained the Board incurs expenses as  
5 direct charges, timesheet-based charges, and license-  
6 based charges. She also reviewed the administrative  
7 and legal costs. She mentioned actual expenses for  
8 FY17-18 and FY18-19. She noted the FY19-20 budget and  
9 expenses, reflecting the numbers to be on target.

10 Ms. Snader addressed revenue and expenses for  
11 FY19-20, showing a nice balance remaining in the  
12 account.

13 Ms. Mattis noted the importance of monitoring  
14 whether fees and revenue are sufficient enough to  
15 cover the expenses. She mentioned revenue for the  
16 Board was definitely exceeding the expenses when  
17 reviewing the last two fiscal years. She noted an  
18 upward trend in expenses on the legal side.

19 Ms. Mattis noted the Board has not had any  
20 changes in fees since 2012. She mentioned working  
21 with the Office of Policy and Planning and the  
22 Independent Regulatory Review Commission (IRRC) to  
23 develop a more standardized way to consider fees,  
24 noting discussion of three renewal periods.

25 Ms. Mattis stated the Board used the incremental

1 approach a few years ago with renewals but suggested  
2 also considering the application fees with the  
3 emphasis first on initial applications since those  
4 have not been touched in quite a long time to keep the  
5 scales from tipping.

6 Ms. Mattis discussed the length of time to  
7 promulgate any regulation package and suggested taking  
8 a collaborative look at it starting with the  
9 application fees. She mentioned returning for a Board  
10 meeting in the spring after gathering information,  
11 including information regarding the surrounding states  
12 to make sure the Board is still competitive and to  
13 provide a picture of where the Board will be in the  
14 future.

15 Dr. Horbal questioned whether salaries of all of  
16 the employees increase on somewhat of a market rate  
17 over time. Ms. Mattis explained that salaries are all  
18 contractual and depends on the licensure type and  
19 requirements. She stated there is an increase of  
20 roughly 9.5 percent to salaries and benefits over the  
21 next six years, which would be built in. She noted  
22 that renewals could have a tiered increase as well.

23 Ms. Snader addressed Board member expenses and  
24 reviewed FY17-FY18, which was well under the budgeted  
25 amount, as well as FY18-19 and FY19-20 thus far. She

1 also noted the budgeted amount for FY20-21, noting  
2 that any money left over at the end of the fiscal year  
3 would go into a restricted account if the Board would  
4 need to use it later.

5 Ms. Snader next directed the Board to a color  
6 graph of information for review.]

7 \*\*\*

8 Report of Board Chair - No Report

9 \*\*\*

10 Report of Acting Commissioner - No Report

11 \*\*\*

12 Report of Board Counsel

13 [Thomas M. Davis, Esquire, Board Counsel, announced  
14 16A-5727 regarding the certified veterinary  
15 technicians (CVTs) regulation would be presented at  
16 the IRRC meeting on November 21, 2019. He stated the  
17 regulation removes the 10-year bar for felony  
18 convictions and authorizes CVTs in their final year to  
19 sit for the exam.

20 Mr. Davis addressed the Clean Slate requirements  
21 that were signed into law on June 20, 2019, regarding  
22 sealing lower level convictions. He stated the law  
23 only affects PA criminal background checks, but Board  
24 administration may observe certain convictions on FBI  
25 background checks that will not show up on PA criminal



1 background checks.

2 Mr. Davis commented that any records listed on an  
3 FBI criminal background check that are considered  
4 sealed on other types of criminal history requests  
5 should not impact decisions related to licensing,  
6 renewal, or investigation. He explained that someone  
7 in-state, who happens to get a Federal Bureau of  
8 Investigation (FBI) criminal background check might  
9 include lower level convictions that would not be on  
10 the PA criminal background check, and the Board cannot  
11 consider those lower level convictions when it comes  
12 to licensing.

13 Mr. Davis stated the Board will get reports from  
14 either the other states or the FBI criminal background  
15 check for individuals who lived in other states but  
16 will have to compare the two to see what PA  
17 convictions should or should not impact the decision.

18 Ms. Roberts commented that new licensees have to  
19 do the criminal history record checks. She explained  
20 that anyone who has lived, worked, or done  
21 professional studies in any other state that the Board  
22 would need either a state-level criminal history  
23 record check from each of those states or they could  
24 provide one FBI criminal history record check to cover  
25 any other states.

1 Ms. Roberts stated the Board receives the  
2 Pennsylvania State Police criminal history record  
3 check for individuals who solely lived in Pennsylvania  
4 in the last 10 years for all new applicants and  
5 reactivations. She noted for states that do not  
6 provide a state-level criminal history record check  
7 that a FBI criminal history record check must be  
8 provided.

9 Mr. Davis referred to the phone scams notice,  
10 where the Bureau of Professional and Occupational  
11 Affairs (BPOA) received a report of a person  
12 pretending to be from the state Board who is calling  
13 licensees about the status of their license claiming  
14 they owe money.

15 Ms. Roberts stated the notice is posted on all of  
16 the Boards' websites.

17 Mr. Davis noted the request for feedback from the  
18 American Association of Veterinary State Boards  
19 (AAVSB) regarding new model regulations for opioids  
20 and scope of practice for vet techs for the Board's  
21 review.

22 Mr. Davis mentioned the invitation from AAVSB for  
23 Board members to attend the Board Basics & Beyond  
24 training session designed to provide comprehensive  
25 training on regulatory Board rules April 17-18, 2020,

1 at The Fontaine in Kansas City, MO.]

2 \*\*\*

3 MR. DAVIS:

4 I believe the Chair would accept a  
5 motion to allow Board counsel and Val  
6 Kehoe to attend the April 17-18, 2020  
7 Board Basics & Beyond training as  
8 offered by the AAVSB and to allow for  
9 the expenditure of Board funds for the  
10 registration as well as reasonable  
11 expenses if necessary.

12 CHAIRMAN GARG:

13 Would anybody like to make that motion?

14 DR. NEBZYDOSKI:

15 I would like to make that motion.

16 DR. COOLEY:

17 I second.

18 CHAIRMAN GARG:

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

21 [The motion carried unanimously.]

22 \*\*\*

23 [The Board recessed from 9:51 a.m. until 9:53 a.m.]

24 \*\*\*

25 [Pursuant to Section 708(a)(5) of the Sunshine Act, at

1 10:10 a.m. the Board entered into Executive Session  
2 with Thomas Davis, Esquire, Board Counsel, for the  
3 purpose of conducting quasi-judicial deliberations.  
4 The Board returned to open session at 12:04 p.m.]

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6 MOTIONS

7 MR. DAVIS:

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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.

15

MR. DAVIS:

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21

Number 2 on the agenda. Based on the  
Board's discussions in Executive  
Session, I believe the Board will  
entertain a motion to reject the Consent  
Agreement at Case No. 18-57-000557 as  
too harsh.

22

CHAIRMAN GARG:

23

Would somebody like to make that motion?

24

DR. HORBAL:

25

I'll make the motion.

1 DR. COOLEY:

2                   Second.

3 CHAIRMAN GARG:

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

6 [The motion carried unanimously.]

7   \*\*\*

8 MR. DAVIS:

9                   Number 3 on the agenda. Based on the  
10                   Board's discussions in Executive  
11                   Session, I believe the Board will  
12                   entertain a motion to adopt the Consent  
13                   Agreement at Case No. 18-57-03084, as  
14                   well as Case No. 18-57-03087, as well as  
15                   Case No. 18-57-03088.

16 CHAIRMAN GARG:

17                   Would somebody like to make that motion?

18 DR. NEBZYDOSKI:

19                   I'll make the motion.

20 MS. KEHOE:

21                   I'll second.

22 CHAIRMAN GARG:

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

25 [The motion carried unanimously.]

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MR. DAVIS:

Those cases in order are Commonwealth BPOA vs. Erin M. Chastain, (formerly Dill) D.V.M.; Commonwealth BPOA vs. Rachael Sarah Levine, D.V.M.; and Commonwealth BPOA vs. Ellen Levitian, D.V.M.

\*\*\*

MR. DAVIS:

Number 6 on the agenda. Based on the Board's discussions in Executive Session, I believe the Chair will entertain a motion to reject the Consent Agreement at Case No. 18-57-006071.

CHAIRMAN GARG:

Would somebody like to make that motion?

DR. HORBAL:

I'll make the motion.

DR. COOLEY:

Second.

CHAIRMAN GARG:

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

[The motion carried unanimously.]

1

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2 MR. DAVIS:

3

Number 7 on the agenda. Based on the

4

Board's discussions in Executive

5

Session, I believe the Board will

6

entertain a motion to adopt the Consent

7

Agreement at Case No. 17-57-00933.

8 CHAIRMAN GARG:

9

Would somebody like to make that motion?

10 MS. KEHOE:

11

I'll make the motion.

12 DR. NEBZYDOSKI:

13

I'll second.

14 CHAIRMAN GARG:

15

Any further discussion? All in favor,

16

say aye.

17 [The motion carried unanimously.]

18

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19 MR. DAVIS:

20

For the record, that is the Commonwealth

21

BPOA vs. Vanessa Olenick, D.V.M.

22

\*\*\*

23 MR. DAVIS:

24

Number 8 on the agenda. Based on the

25

Board's discussions in Executive

1                           Session, I believe the Chair will  
 2                           entertain a motion to adopt the Consent  
 3                           Agreement at Case No. 16-57-08690.

4 CHAIRMAN GARG:

5                           Would somebody like to make that motion?

6 DR. HORBAL:

7                           I'll make the motion.

8 MS. KEHOE:

9                           I'll second.

10 CHAIRMAN GARG:

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

13 [The motion carried unanimously.]

14   \*\*\*

15 MR. DAVIS:

16                          For the record, that is the Commonwealth  
 17                          BPOA vs. Jack Blair Drummond, D.V.M.

18   \*\*\*

19 MR. DAVIS:

20                          Number 9 on the agenda. Based on the  
 21                          Board's discussions in Executive  
 22                          Session, I believe the Board will  
 23                          entertain a motion to adopt the Consent  
 24                          Agreement at Case No. 19-57-008272.

25 DR. NEBZYDOSKI:



1 I'll make the motion.

2 DR. HORBAL:

3 I'll second.

4 CHAIRMAN GARG:

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

7 [The motion carried unanimously.]

8 \*\*\*

9 MR. DAVIS:

10 For the record, the licensee's name has  
11 been withheld because he is entering  
12 into the Voluntary Recovery Program, and  
13 his participation in that program will  
14 remain confidential as long as he abides  
15 by the terms and conditions of the  
16 program.

17 \*\*\*

18 MR. DAVIS:

19 Next, this is not on the agenda  
20 currently but was presented at this  
21 meeting.

22 Based on the Board's discussions in  
23 Executive Session, I believe the Board  
24 will entertain a motion to adopt the  
25 Consent Agreement at Case No. 17-57-

1 06607.

2 CHAIRMAN GARG:

3 Would somebody like to make that motion?

4 MS. KEHOE:

5 I'll make the motion.

6 DR. NEBZYDOSKI:

7 I'll second it.

8 CHAIRMAN GARG:

9 Any further discussion? All in favor,  
10 say aye. Any opposed?

11 [The motion carried unanimously.]

12 \*\*\*

13 MR. DAVIS:

14 For the record, that is the Commonwealth  
15 BPOA vs. Salvador Galindo, D.V.M.

16 \*\*\*

17 MR. DAVIS:

18 Number 12 on the agenda. Based on the  
19 Board's discussions in Executive  
20 Session, I believe the Chair would  
21 accept a motion to adopt the proposed  
22 adjudication and substitute the Board's  
23 order in the following matter: PA BPOA  
24 vs. Bradley P. MacNeill, D.V.M., Case  
25 No. 17-57-012355.

1 CHAIRMAN GARG:

2                   Would somebody like to make that motion?

3 DR. HORBAL:

4                   I'll make the motion.

5 DR. NEBZYDOSKI:

6                   I'll second it.

7 CHAIRMAN GARG:

8                   Any further discussion? All in favor,  
9                   say aye. Any opposed?

10 [The motion carried unanimously.]

11   \*\*\*

12 Miscellaneous

13 [Thomas Garg, V.M.D., Chairman, noted 2020 Board  
14 meeting dates.]

15   \*\*\*

16 Adjournment

17 CHAIRMAN GARG:

18                   Adjourn the meeting.

19 DR. NEBZYDOSKI:

20                   I'll second that.

21   \*\*\*

22 [There being no further business, the State Board of  
23 Veterinary Medicine Meeting adjourned at 12:10 p.m.]

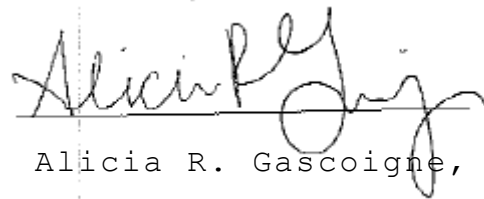
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CERTIFICATE

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.



Alicia R. Gascoigne,  
Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE  
REFERENCE INDEX

November 15, 2019

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TIME	AGENDA
9:09	Official Call to Order
9:10	Approval of Minutes
9:11	Report of Prosecutorial Division
9:38	Appointment - Kimberly A. Mattis, Director, Bureau of Finance and Operations; Julie Snader, Deputy Director, Bureau of Finance and Operations Budget Presentation
9:51	Recess
9:53	Return to Open Session
9:53	Report of Board Counsel
10:10	Executive Session
12:04	Return to Open Session
12:04	Motions
12:10	Miscellaneous
12:10	Adjournment