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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: 10:38 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

November 4, 2022

State Board of Veterinary Medicine
November 4, 2022

BOARD MEMBERS:

Thomas Garg, V.M.D., Chair
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs - Absent
Joseph S. Bender D.V.M.
Anjilla Cooley, D.V.M. - Absent
Apryle Horbal, V.M.D.
Valerie Kehoe, C.V.T.
Andrew Nebzydoski, V.M.D., Secretary
Hilary Vesell, Esquire, Public Member

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Dean F. Picarella, Esquire, Senior Counsel in Charge
Carolyn DeLaurentis, Deputy Chief Counsel,
Prosecution Division
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Julia A. Feld-Caralle, Esquire, Board Prosecution
Liaison
Peter D. Kovach, Esquire, Board Prosecutor
Gregory Liero, Esquire, Board Prosecutor
Amber Lee Czerniakowski, Board Prosecutor
Michelle Roberts, Board Administrator
Marc Farrell, Deputy Policy Director, Department of
State

ALSO PRESENT:

Jennifer Smeltz, Republican Executive Director,
Senate Consumer Protection & Professional
Licensure Committee
Natalie Cook, Associate, McNeese-Winter Group

1 ***

2 State Board of Veterinary Medicine

3 November 4, 2022

4 ***

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

12 ***

13 The regularly scheduled meeting of the State
14 Board of Veterinary Medicine was held on Friday,
15 November 4, 2022. Thomas Garg, V.M.D., Chair, called
16 the meeting to order at 10:38 a.m.

17 ***

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

22 Mr. Davis also noted the Board met in Executive
23 Session prior to this meeting for the purpose of
24 conducting quasi-judicial deliberations and to
25 receive advice of counsel on the matters upon which

1 the Board would later vote.

2 Mr. Davis reminded Board members that only Board
3 members who can establish a live video feed may
4 vote.]

5 ***

6 Roll Call

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

9 ***

10 Approval of minutes of the July 22, 2022 meeting

11 CHAIR GARG:

12 The first item on the agenda is
13 actually the minutes from the last
14 meeting.

15 Are there any questions, comments,
16 or concerns with regard to those
17 minutes?

18 Would somebody like to make a
19 motion?

20 DR. BENDER:

21 I'll make a motion to approve.

22 DR. NEBZYDOSKI:

23 I'll second.

24 CHAIR GARG:

25 Any further discussion? I will go

1 ahead and call roll.

2

3 Dr. Bender, aye; Dr. Cooley, abstain;
4 Dr. Nebzydoski, aye; Ms. Vesell, aye;
5 Ms. Kehoe, abstain; Dr. Horbal,
6 abstain; Dr. Garg, aye.

7 [The motion carried. Anjilla Cooley abstained due to
8 technical difficulties, and left meeting after this
9 vote. Valerie Kehoe and Apryle Horbal abstained from
10 voting on the motion.]

11 ***

12 Introduction of Attendees

13 ***

14 Report of Prosecutorial Division

15 [Julia A. Feld-Caralle, Esquire, Board Prosecution
16 Liaison, presented the Consent Agreement for Case No.
17 19-57-003240.]

18 MR. DAVIS:

19 After hearing the presentation, are
20 there any Board members who would like
21 to reenter into Executive Session to
22 further discuss this matter? Hearing
23 none.

24 Based on the Board's discussions in
25 Executive Session, I believe the Chair

1 would accept a motion to approve the
2 Consent Agreement in the following
3 matter at Case No. 19-57-003240.

4 DR. BENDER:

5 I can make the motion.

6 MS. KEHOE:

7 I second.

8 CHAIR GARG:

9 Any further discussion? I'll call
10 roll.

11

12 Dr. Bender, aye; Dr. Nebzydoski, aye;
13 Ms. Vesell, aye; Dr. Horbal, aye; Ms.
14 Kehoe, aye; Dr. Garg, aye.

15 [The motion carried unanimously. That is
16 Commonwealth BPOA v. Sara Elizabeth Beard, D.V.M.]

17

18 Report of Board Counsel - Regulations

19 [Thomas M. Davis, Esquire, Board Counsel, informed
20 Board members that he has been working on the annex
21 for 16A-5726 regarding euthanasia since the July
22 meeting. He referred to the definition for
23 supervisor of animal care services. He addressed
24 comments from the Independent Regulatory Review
25 Commission (IRRC), where the word "generally," as it

1 appears in the definition of "supervisor of animal
2 care services," is not regulatory language.

3 Mr. Davis suggested removing "who is generally
4 onsite at the shelter facility of a certificate
5 holder and," so the definition would read, "the
6 individual who is responsible to the animal
7 protection organization for animal care services,
8 including euthanasia and supervision of euthanasia
9 technicians."

10 Mr. Davis addressed the next comment regarding
11 the application for approval of employment change.
12 He noted the Board originally had an \$81 application
13 fee for any euthanasia technician who wanted to work
14 at a new facility or change facilities, but IRRC felt
15 that was going to be too expensive and may impede
16 euthanasia technicians from accepting employment,
17 along with pointing out that there was no set
18 procedure.

19 Mr. Davis noted prior Board discussion of
20 removing the requirement, so instead, the animal care
21 supervisor in their report would have to document
22 their contract with any new euthanasia technician.
23 He explained that the fee would be removed because
24 there would be a different procedure to deal with
25 that issue.

1 Mr. Davis referred to the requirement in §
2 31.108(a) that certificate holders ensure that
3 euthanasia technicians are clinically competent. He
4 noted that in a submitted comment, someone took issue
5 with this requirement. He mentioned IRRC's comment
6 was how are the certificate holders supposed to do
7 this and why? The Board decided to remove that
8 requirement and change it so that the certificate
9 holder must, instead, inform the Board if a
10 euthanasia technician is not competent.

11 Mr. Davis noted the proposed language to read, "A
12 certificate holder shall inform the Board if the
13 certificate holder knows or has reason to believe
14 that the euthanasia technician providing euthanasia
15 at the shelter does not possess or no longer
16 possesses the knowledge and ability to provide humane
17 handling and euthanasia to small domestic animals in
18 this Commonwealth by the administration of injectable
19 agents by intravenous and intraperitoneal injection."

20 Dr. Nebzydoski referred to § 31.108(f) regarding
21 the controlled substance log and suggested keeping
22 that on file in case somebody needs to review it but
23 believed that requiring certificate holders to
24 regularly provide a hard copy to the Board is
25 redundant in light of what the Drug Enforcement

1 Administration (DEA) requires. He commented that
2 burdening everyone with reports that are going to be
3 mundane unless there is an issue does not make sense.

4
5 Mr. Davis noted being unclear as to what the
6 Board wanted and noted prior discussion about just
7 doing "what the DEA requires." He noted Dr.
8 Nebzydoski is suggesting the current language be left
9 in but remove the requirement that the controlled
10 substance log be sent to the Board, where it could
11 read, "the certificate holder shall keep or hold or
12 maintain a controlled substance log for the drugs for
13 euthanasia and shall have it available for an
14 inspector."

15 Chair Garg suggested "as required by the DEA or
16 in accordance with regulations from the DEA" to avoid
17 the Board from needing their own set of regulations.

18 Mr. Davis informed Board members that he would
19 present the language at the next meeting for further
20 discussion.

21 Mr. Davis noted deleting the reference to the
22 summary, the 60-day report, based upon the previous
23 discussion.

24 Mr. Davis addressed IRRC's comment regarding
25 exhaust fans in § 31.109(a)(4). He stated one of the

1 requirements for euthanasia is adequate ventilation
2 to prevent the accumulation of odors, including at
3 least one exhaust fan. He noted IRRC questioned
4 whether it was reasonable and asked about the
5 physical impact because some places would require an
6 exhaust fan be put in, and the Board suggested
7 amending it to read, "Has adequate ventilation to
8 prevent the accumulation of odors."

9 Mr. Davis reviewed edits on page 17, where an (F)
10 should have been an (E).

11 Mr. Davis addressed IRRC's comment, where there
12 is no time frame specified in the § 31.112(j) where
13 it says, "if a certificate holder surrenders its
14 Board or DEA Certificate of Registration, the
15 certificate holder shall dispose of drugs for
16 euthanasia in accordance with DEA regulations at 21
17 CFR Part 1317 (relating to disposal) and shall send a
18 copy of the disposal documentation to the Board." He
19 noted proposed language to read, "Shall immediately,
20 upon surrendering a Board Certificate of
21 Registration, send a copy of the disposal
22 documentation to the Board."

23 Mr. Davis referred to § 31.113 regarding renewal
24 of certificate of registration, where an initial
25 certification of registration issued at any time

1 after June 1 of an even-numbered year will not be
2 subject to renewal until the next even-numbered year.

3 He suggested the Board remove that, and by removing
4 that, it would make the certificate of registration
5 the same as every other license and certificate
6 before the Board and before BPOA, where there would
7 be a time the certificate ends and must be renewed
8 like everything else.

9 Mr. Davis referred to § 31.115(c) where the Board
10 "may" summarily revoke the certificate of a
11 certificate holder if the Pennsylvania Department of
12 Agriculture (PDA) revokes a license associated with
13 the shelter or certificate holder. He noted the word
14 "may" was changed to "will."

15 Mr. Davis referred to § 31.122 under
16 qualifications for licensure as a euthanasia
17 technician, where an individual has to be 18 years of
18 age, has received a high school diploma or
19 equivalent; and if the applicant does not meet this
20 requirement, the applicant may submit at least three
21 letters of recommendation. He mentioned receiving
22 comments noting it is not too much to ask that the
23 person have a high school diploma or equivalent.

24 Mr. Davis stated the suggestion from the July
25 2022 meeting was to remove the letter of

1 recommendation language for it to read, "The
2 individual must be 18 years of age or older and must
3 have a high school diploma or equivalent."

4 Mr. Davis addressed a comment noting the act
5 itself requires a euthanasia technician applicant
6 "demonstrates knowledge of the Commonwealth statutes
7 and regulations relating to euthanasia." He noted
8 the Board administrator mentioned a similar situation
9 where the Board used to require proof of knowledge of
10 the statute and regulations.

11 Mr. Davis presented a two-page worksheet he is
12 proposing to be filled out online requiring the
13 applicant for a euthanasia technician license answer
14 questions directly related to the Veterinary Medicine
15 Practice Act and the Animal Destruction Method
16 Authorization Law (ADMAL).

17 Mr. Davis further explained that in drafting the
18 worksheet he took statements directly from the
19 Veterinary Medicine Practice Act, ADMAL, and the
20 Board regulations. To complete the worksheet, the
21 applicant must find the statements within those three
22 documents and inform the Board as to where it could
23 be located which requires the applicant to locate and
24 familiarize themselves with the Veterinary Medicine
25 Practice Act, ADMAL, and the Board's regulations.

1 Mr. Davis referred to § 31.124(a) regarding
2 reports to be filed with the Board, where a licensed
3 euthanasia technician shall provide written notice of
4 to the Board within 30 days of any disciplinary
5 action, verdict of guilt in a criminal court, change
6 in a licensee's name or mailing address, or change in
7 the licensee's employment. He noted by removing the
8 \$81 application fee that the Board would also need to
9 remove this requirement, which is a change in the
10 licensee's employment, where the animal protection
11 organizations/certificate holders will instead be the
12 ones who must inform the Board of any change in
13 euthanasia technicians under contract.

14 Mr. Davis referred to § 31.126, where an initial
15 euthanasia technician license issued at any time
16 after June 1 of an even-numbered year will not be
17 subject to renewal until the next even-numbered year.

18 He stated that, to his knowledge, the Pennsylvania
19 Licensing System (PALS) does not have that ability
20 and no other Board does that. He suggested removing
21 that and discussing it at the next meeting, and
22 promised to research this issue.

23 Mr. Davis addressed IRRC's comment under
24 verifying death in § 31.128 under standards for
25 euthanasia of small domestic animals, where death

1 shall be confirmed by the cessation of all vital
2 signs and § 31.127(b)(6) under duties of euthanasia
3 technicians, where death is verified by examination
4 and establishment of the absence of heartbeat,
5 respiration, etc.

6 Mr. Davis discussed his changes since the July
7 meeting, where both sections would read, "Death shall
8 be confirmed by examination and establishment of the
9 absence of heartbeat and respiration and lack of
10 corneal and pupillary reflexes before disposal of the
11 body."

12 Mr. Davis informed Board members that he would
13 present the changes at the next meeting for further
14 discussion.

15 Ms. Kehoe commented that she assumes that
16 licensed euthanasia technicians know what all of the
17 medical terms mean and know how to assess.

18 Mr. Davis explained that is the purpose of
19 requiring applicants to complete the 14-hour course
20 as well as an examination at the end of that course.

21 He stated it is in the Animal Destruction Method
22 Authorization Law that one of those courses must be
23 completed, which is somewhat similar to how a
24 certified veterinary technician (CVT) or vet has to go
25 to school and then complete the national exam to

1 confirm their competency to perform euthanasia.

2 Ms. Kehoe asked whether it was correct that a CVT
3 working for the Humane Society would not be able to
4 do euthanasia unless a separate certificate is
5 obtained.

6 Mr. Davis explained that if a CVT obtains a
7 separate euthanasia technician license, the CVT who
8 is also a euthanasia technician would be allowed to
9 practice euthanasia at an animal protection
10 organization if that animal protection organization
11 was a certificate holder.

12 Mr. Davis asked the Board not to make any
13 monumental changes at this point and suggested that
14 the regulation be allowed to move forward.

15 Dr. Bender thanked Mr. Davis for his hard work
16 and effort.]

17 ***

18 Report of Board Counsel - Applications

19 MR. DAVIS:

20 Based on the Board's discussions in
21 Executive Session, I believe the Chair
22 would entertain a motion to approve the
23 application for licensure as a
24 veterinarian of: Mahavir Singh Rekhi.

25

1 CHAIR GARG:

2 Would anybody like to make that motion?

3 DR. BENDER:

4 I'll make the motion.

5 DR. NEBZYDOSKI:

6 I'll second it.

7 CHAIR GARG:

8 Any further discussion? I'll call
9 roll.

10

11 Dr. Bender, aye; Dr. Nebzydoski, aye;
12 Ms. Vesell, aye; Dr. Horbal, aye; Ms.
13 Kehoe, aye; Dr. Garg, aye.

14 [The motion carried unanimously.]

15 ***

16 Report of Board Chair - No Report

17 ***

18 Report of Acting Commissioner - No Report

19 ***

20 Upcoming Meeting Dates

21 [Thomas Garg, V.M.D., Chair, noted 2023 meeting dates
22 for the Board's review.]

23 ***

24 Adjournment

25 CHAIR GARG:

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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.



Derek Richmond,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
REFERENCE INDEX

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TIME	AGENDA
10:00	Executive Session
10:30	Commence Open Session
10:38	Official Call to Order
10:40	Roll Call
10:42	Approval of Minutes
10:43	Introduction of Attendees
10:44	Report of Board Prosecution
10:49	Report of Board Counsel
11:20	Upcoming Meeting Dates
11:21	Adjournment