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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: 9:06 A.M.

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

March 15, 2019

1 State Board of Veterinary Medicine
2 March 15, 2019

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4
5 BOARD MEMBERS:

6
7 Thomas Garg, V.M.D., Chairman
8 Kalonji Johnson, Acting Commissioner, Bureau of
9 Professional and Occupational Affairs
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. - Absent
14 Andrew Nebzydoski, V.M.D.

15
16
17 BUREAU PERSONNEL:

18
19 Thomas M. Davis, Esquire, Board Counsel
20 Julia Feld-Caralle, Esquire, Board Prosecution Liaison
21 Kimberly A. Adams, Esquire, Board Prosecutor
22 Codi M. Tucker, Esquire Board Prosecutor
23 Christopher K. McNally, Esquire, Board Prosecutor
24 Michelle Roberts, Board Administrator
25
26 Kimberly Adams, Chief of Fiscal Management, Bureau of
27 Finance and Operations
28 Shannon Boop, Fiscal Management Specialist, Bureau of
29 Finance and Operations
30 Amanda Richards, Fiscal Management Specialist, Bureau
31 of Finance and Operations
32
33

34 ALSO PRESENT:

35
36 Michael H. Landis, Esquire, Attorney at Law
37 Joseph A. Breymeier, Esquire, Naulty, Scaricamazza, &
38 McDevitt, LLC
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1 ***

2 State Board of Veterinary Medicine

3 March 15, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Veterinary Medicine was held on Friday, March
7 15, 2019. Thomas Garg, V.M.D., Chairman, called the
8 meeting to order at 9:06 a.m.

9 Kalonji Johnson, Acting Commissioner, Bureau of
10 Professional and Occupational Affairs, was not present
11 at the commencement of the meeting.

12 ***

13 Approval of Minutes of the January 11, 2019 meeting

14 CHAIRMAN GARG:

15 The first thing on the agenda is the
16 draft minutes from the last meeting.

17 Does anybody have any comments on the
18 minutes?

19 [The Board discussed corrections to the minutes.]

20 CHAIRMAN GARG:

21 Are there any other comments? Could I
22 have a motion to accept the minutes?

23 MS. KEHOE:

24 I motion.

25 DR. NEBZYDOSKI:

1 I'll second.

2 CHAIRMAN GARG:

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

5 [The motion carried unanimously.]

6 ***

7 Report of Prosecutorial Division

8 [Julia Feld-Caralle, Esquire, Board Prosecutor,
9 presented the Consent Agreement for File No. 16-57-
10 10269. Michael H. Landis, Esquire, was present and
11 participated in the discussion.]

12 ***

13 [Julia Feld-Caralle, Esquire, Board Prosecutor,
14 presented the Consent Agreement for File No. 17-57-
15 02012, and File No. 17-57-08991. Joseph A. Breymeier,
16 Esquire, was present and participated in the
17 discussion regarding File No. 17-57-08991.]

18 ***

19 [Julia Feld-Caralle, Esquire, Board Prosecutor,
20 presented the Consent Agreement for File No. 16-57-
21 04674.]

22 ***

23 [Kimberly A. Adams, Esquire, Board Prosecutor,
24 presented the Consent Agreement for File No. 14-57-
25 08338. Joseph A. Breymeier, Esquire, was present and

1 participated in the discussion.]

2 ***

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

5 ***

6 [Christopher K. McNally, Esquire, Board Prosecutor,
7 presented the Consent Agreements for File No. 17-57-
8 05268, File No. 17-57-05545, and File No. 17-57-
9 010715.]

10 ***

11 Appointment - Bureau of Finance and Operations Annual
12 Budget Presentation

13 [Kimberly Adams, Chief of Fiscal Management, Bureau of
14 Finance and Operations, introduced herself; Shannon
15 Boop, Fiscal Management Specialist 1; and Amanda
16 Richards, Fiscal Management Specialist 2.

17 Ms. Adams addressed licensee population from a
18 revenue standpoint. She reviewed FY 2014-2015,
19 FY 2016-2017, and FY 2018-2019. She reviewed the
20 licensee count at 7,662 with a recent addition of 43,
21 bring the total to 7,705. She mentioned current
22 growth in licensee population with an additional 462
23 licensees from FY 2014-2015.

24 Ms. Adams stated 91.7% of revenue was from
25 renewals and applications. She also noted the current

1 biennial total.

2 Ms. Adams reviewed the categorical breakdown of
3 administrative and legal expenses for FY 2016-17 and
4 FY 2017-18, FY 2018-2019 budget, and FY 2018-2019
5 expenses. She discussed a recent increase in
6 expenses. She commented that the current budget was
7 sufficient.

8 Ms. Adams addressed revenues and expenses from FY
9 2016-2017, FY 2017-2018, and FY 2018-2019 with a
10 positive remaining budget balance. She noted that the
11 revenue exceeded the expenditures.

12 Ms. Adams provided a breakdown of Board member
13 expenses for FY 2016-2017 and FY 2017-2018, noting a
14 budget for FY 2018-2019. She noted that the budget
15 will remain the same for FY 2019-2020. She commented
16 that any excess goes back to the restricted account
17 for the Board's use.

18 Ms. Adams reviewed the expenditure sheet
19 reflecting a pictorial overview of the fluctuation in
20 expenses since 2006.]

21 ***

22 Report of Board Chair - No Report

23 ***

24 Report of Board Counsel

25 [Thomas Davis, Board Counsel, addressed agenda items

1 11 through 13 regarding the certified veterinary
2 technicians (CVTs) and adjusting nomenclature from
3 noncertified to veterinarian assistant.

4 Mr. Davis stated no public comments have been
5 received. He noted an informal comment from former
6 Board Counsel. He also noted No. 12 on the agenda,
7 Regulation 16A-5727 Comments from the Independent
8 Regulatory Review Commission (IRRC). He stated two of
9 IRRC's comments were addressed with adjustments to the
10 regulation. He also will discuss another IRRC comment
11 with the Regulatory Committee.

12 Mr. Davis discussed the petition for issuance of
13 regulations received from former Board Counsel
14 regarding inspecting mobile clinics and veterinary
15 offices every other year. He suggested having the
16 Regulatory Committee attend to this issue.]

17 CHAIRMAN GARG:

18 Would somebody like to make a motion?

19 DR. NEBZYDOSKI:

20 I make a motion to send it to committee.

21 DR. HORBAL:

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 The Board recessed from 9:47 a.m. until 9:57 a.m.]

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
6 9:57 a.m. the Board entered into Executive Session
7 with Thomas Davis, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations on
9 a number of matters that are currently pending before
10 the Board and to receive the advice of Counsel. The
11 Board returned to open session at 11:37 a.m.]

12 ***

13 MOTIONS

14 MR. DAVIS:

15 Pursuant to Section 708(a)(5) of the
16 Sunshine Act, the Board met in executive
17 session for the purpose of conducting
18 quasi-judicial deliberations and to
19 receive advice of Counsel on the matters
20 upon which the Board is about to vote.

21 Number 2 on the agenda. Based on
22 the Board's discussions in executive
23 session, I believe the Board will
24 entertain a motion to adopt the Consent
25 Agreement at Case No. 16-57-10269.

1 DR. HORBAL:

2 I'll make a motion to adopt.

3 DR. NEBZYDOSKI:

4 I'll second it.

5 CHAIRMAN GARG:

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

8 [The motion carried unanimously.]

9 Mr. Davis: For the record, that is Commonwealth of
10 Pennsylvania Bureau of Professional and
11 Occupational Affairs vs. Jose Manuel
12 Lucena, D.V.M.

13 ***

14 MR. DAVIS:

15 Number 3 on the agenda. Based on the
16 Board's discussions in executive
17 session, I believe the Board will
18 entertain a motion to adopt the Consent
19 Agreement at Case No. 17-57-02012.

20 CHAIRMAN GARG:

21 Would somebody like to make that motion?

22 DR. HORBAL:

23 I'll make a motion to adopt.

24 MS. KEHOE:

25 I second.

1 CHAIRMAN GARG:

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

4 [The motion carried unanimously.]

5 Mr. Davis: For the record, that is Commonwealth of
6 Pennsylvania Bureau of Professional and
7 Occupational Affairs vs. Molly
8 Rissmiller.

9 ***

10 MR. DAVIS:

11 Number 4 on the agenda. Based on the
12 Board's discussions in executive
13 session, I believe the Board will
14 entertain a motion to adopt the Consent
15 Agreement at Case No. 17-57-08991.

16 CHAIRMAN GARG:

17 Would somebody like to make that motion?

18 DR. NEBZYDOSKI:

19 I will make that motion.

20 DR. HORBAL:

21 I'll second.

22 CHAIRMAN GARG:

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

25 [The motion carried unanimously.]

1 Mr. Davis: For the record, that is
2 Commonwealth of Pennsylvania Bureau of
3 Professional and Occupational Affairs
4 vs. Harold Leon Russel, V.M.D.

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6

7 MR. DAVIS:

8 Number 5 on the agenda. Based on the
9 Board's discussions in executive
10 session, I believe the Board will
11 entertain a motion to adopt the Consent
12 Agreement at Case No. 14-57-08338.

13 CHAIRMAN GARG:

14 Would somebody like to make that motion?

15 MS. KEHOE:

16 I'll make the motion.

17 DR. NEBZYDOSKI:

18 I'll second it.

19 CHAIRMAN GARG:

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

22 [The motion carried unanimously.]

23 Mr. Davis: For the record, that is Commonwealth of
24 Pennsylvania Bureau of Professional and
25 Occupational Affairs vs. Emily D. Russo-

1 Moon, D.V.M.

2 ***

3 MR. DAVIS:

4 Number 6 on the agenda. Based on the
5 Board's discussions in executive
6 session, I believe the Board will
7 entertain a motion to adopt the Consent
8 Agreement at Case No. 16-57-03913.

9 CHAIRMAN GARG:

10 Would somebody like to make that motion?

11 DR. NEBZYDOSKI:

12 I'll make a motion.

13 DR. COOLEY:

14 Second.

15 CHAIRMAN GARG:

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

18 [The motion carried unanimously.]

19 Mr. Davis: For the record, that is Commonwealth of
20 Pennsylvania Bureau of Professional and
21 Occupational Affairs vs. Ebby Milnes.

22 ***

23 MR. DAVIS:

24 Number 7 on the agenda. Based on the
25 Board's discussions in executive

1 session, I believe the Board will
2 entertain a motion to adopt the Consent
3 Agreements at Case No. 17-57-05268 and
4 File No. 17-57-05545.

5
6 CHAIRMAN GARG:

7 Would somebody like to make that motion?

8 DR. HORBAL:

9 I make a motion to adopt.

10 DR. NEBZYDOSKI:

11 I'll second it.

12 CHAIRMAN GARG:

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

15 [The motion carried unanimously.]

16 Mr. Davis: For the record, that is Commonwealth of
17 Pennsylvania Bureau of Professional and
18 Occupational Affairs vs. Richard David
19 Greenwalt, D.V.M.

20 ***

21 MR. DAVIS:

22 Number 8 on the agenda. Based on the
23 Board's discussions in executive
24 session, I believe the Board will
25 entertain a motion to reject as too

1 lenient the Consent Agreement at Case
2 No. 17-57-010715.

3 CHAIRMAN GARG:

4 Would somebody like to make that motion?

5 MS. KEHOE:

6 I'll make the motion.

7 DR. HORBAL:

8 I'll second it.

9 CHAIRMAN GARG:

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

12 [The motion carried unanimously.]

13 ***

14 MR. DAVIS:

15 The new addition to the agenda is Case
16 No. 16-57-04674.

17 Based on the Board's discussions in
18 executive session, I believe the Board
19 would entertain a motion to adopt the
20 Consent Agreement at Case No. 16-57-
21 04674.

22 CHAIRMAN GARG:

23 Would somebody like to make that motion?

24 DR. NEBZYDOSKI:

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 Mr. Davis: For the record, that is Commonwealth of
8 Pennsylvania Bureau of Professional and
9 Occupational Affairs vs. Steven Alan
10 Cantner, V.M.D.

11 ***

12 MR. DAVIS:

13 Number 14 on the agenda is Commonwealth
14 of Pennsylvania Bureau of Professional
15 and Occupational Affairs vs. Bradford P.
16 Baker, D.V.M., Case No. 14-57-00500.

17 The Board has instructed Board
18 Counsel to amend the proposed order in
19 that matter, so this will be on the next
20 agenda.

21 ***

22 MR. DAVIS:

23 Numbers 15 and 16, Case No. 18-57-005695
24 and Case No. 18-57-006460, neither
25 require a vote.

1 ***

2 MR. DAVIS:

3 Number 17 on the agenda. Based on the
4 Board's discussions in executive
5 session, I believe the Chair would
6 accept a motion to approve as final the
7 Adjudication and Order presented by
8 Board Counsel in the following matter:
9 Commonwealth of Pennsylvania Bureau of
10 Professional and Occupational Affairs
11 vs. Leon D. Rumsey, D.V.M., Case No. 15-
12 57-13191.

13 CHAIRMAN GARG:

14 Would somebody like to make a motion?

15 MS. KEHOE:

16 I'll make a motion.

17 DR. NEBZYDOSKI:

18 I'll second.

19 CHAIRMAN GARG:

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

22 [The motion carried unanimously.]

23 ***

24 MR. DAVIS:

25 Number 18 on the agenda. Based on the

1 Board's discussions in executive
2 session, I believe the Chair would
3 accept a motion approving the
4 application of Loren Tyburski. She is
5 applying for a CVT certificate.

6 CHAIRMAN GARG:

7 Would somebody like to make that motion?

8 DR. COOLEY:

9 I make a motion.

10 DR. HORBAL:

11 I'll second.

12 CHAIRMAN GARG:

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

15 [The motion carried unanimously.]

16 ***

17 Report of Board Administrator - No Report

18 ***

19 Miscellaneous

20 [Thomas Garg, V.M.D., Chairman, announced the need to
21 elect a Secretary to the Board. Chairman Garg thanked
22 the previous Secretary for her time on the Board.]

23 CHAIRMAN GARG:

24 Would anybody like to nominate somebody
25 to be Secretary?

1 DR. COOLEY:

2 I nominate Valerie Kehoe.

3 DR. NEBZYDOSKI:

4 I will second that nomination.

5 CHAIRMAN GARG:

6 Are there any other nominations? [No
7 further nominations were heard.] All in
8 favor of Ms. Kehoe being our Secretary,
9 aye? Any opposed? Congratulations.

10 [The motion carried unanimously.]

11 ***

12 [Kalonji Johnson, Acting Commissioner, Bureau of
13 Professional and Occupational Affairs, entered the
14 meeting at 11:44 a.m.]

15 ***

16 [Thomas Garg, V.M.D., Chairman, noted the Regulatory
17 Committee meeting to follow the Board meeting.]

18 ***

19 Report of Acting Commissioner

20 [Kalonji Johnson, Acting Commissioner, Bureau of
21 Professional and Occupational Affairs, introduced
22 himself to the Board. Acting Commissioner Johnson
23 announced that former Commissioner Harlow had been
24 promoted to Deputy Secretary of Regulatory Affairs.

25 Acting Commissioner Johnson expressed his

1 eagerness to work with the Board. He discussed his
2 prior role as Policy Director for the Department of
3 State, including shepherding regulatory oversight and
4 legislative initiatives.

5 Acting Commissioner Johnson announced his
6 replacement, Marc Farrell, who has extensive knowledge
7 in the regulatory process. He also announced that
8 Stephen Latanishen joined the department as the new
9 Director of Public Outreach and stakeholder
10 initiatives. He commented that Mr. Latanishen's job
11 will be primarily to promote nomination of public and
12 professional members of the Boards, to assure all
13 Boards are properly staffed for quorum, and address
14 concerns related to the stakeholders' association.

15 Acting Commissioner Johnson looked forward to
16 working together as a team and offered his assistance
17 regarding Board concerns.]

18 ***

19 [Thomas Garg, V.M.D., Chairman, noted upcoming meeting
20 dates.]

21 ***

22 Adjournment

23 CHAIRMAN GARG:

24 Motion to adjourn?

25 DR. NEBZYDOSKI:

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I would love to make a motion to
adjourn.

DR. HORBAL:

I will second that.

[There being no further business, the State Board of
Veterinary Medicine Meeting adjourned at 11:52 a.m.]

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.



Amber Garbinski,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
REFERENCE INDEX

March 15, 2019

TIME	AGENDA
9:06	Official Call to Order
9:08	Approval of Minutes
9:09	Report of Prosecutorial Division
9:33	Appointment - Bureau of Finance and Operations Annual Budget Presentation
9:42	Report of Board Counsel
9:47	Recess
9:57	Return to Open Session
9:57	Executive Session
11:37	Return to Open Session
11:37	Motions
11:46	Miscellaneous
11:47	Report of Acting Commissioner
11:52	Adjournment