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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: 10:33 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

March 18, 2022

State Board of Veterinary Medicine
March 18, 2022

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BOARD MEMBERS:

Thomas Garg, V.M.D., Chair
Arion R. Claggett, Acting Commissioner, Bureau of
Professional and Occupational Affairs
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 - Absent
Hilary Vesell, Public Member

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Peter D. Kovach, Esquire, Senior Prosecutor in Charge
Julia A. Feld-Caralle, Esquire, Board Prosecution
Liaison
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Michelle Roberts, Board Administrator

1 ***

2 State Board of Veterinary Medicine

3 March 18, 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 returned to open
11 session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Veterinary Medicine was held on Friday, March
15 18, 2022. Thomas Garg, V.M.D., Chair, called the
16 meeting to order at 10:33 a.m.

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 on the matters upon which
25 the Board would later vote.]

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Roll Call

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

[Chair Garg introduced and welcomed Hilary Vesell as a new public Board member.

Hilary Vesell provided a brief summary of her professional background.]

Approval of minutes of the January 7, 2022 meeting

CHAIR GARG:

The first matter on the agenda today is approval of the previous minutes.

Were there any concerns regarding the minutes as presented?

Would anybody like to make a motion to accept the minutes?

DR. HORBAL:

I'll make a motion to accept the minutes.

DR. BENDER:

Second.

CHAIR GARG:

Any further discussion? I am going to

1 go ahead and call roll for the votes
2 today. Because Ms. Vesell has not been
3 present for any of these before, she is
4 going to obviously abstain for this and
5 all of the rest of the matters today
6 because she did not have an opportunity
7 to review them and form an opinion
8 beforehand. I am going to not call on
9 her for any of those as well because she
10 is going to abstain from them.

11
12 Commissioner, aye; Dr. Bender, aye; Dr.
13 Horbal, aye; Ms. Kehoe, aye; Dr. Garg,
14 aye.

15 [The motion carried. Hilary Vesell abstained from
16 voting on the motion.]

17 ***

18 Report of Prosecutorial Division

19 [Peter D. Kovach, Esquire, Senior Prosecutor in
20 Charge, presented the Consent Agreement for Case No.
21 20-57-000869.]

22 ***

23 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
24 presented the Consent Agreement for Case No. 22-57-
25 000937.]

1 ***

2 MR. DAVIS:

3 Number 2 on the Board's agenda. Based
4 on the Board's discussions in Executive
5 Session, I believe the Chair would
6 accept a motion to approve the Consent
7 Agreement in the following matter: Case
8 No. 20-57-000869.

9 DR. HORBAL:

10 I'll make the motion.

11 DR. BENDER:

12 Second.

13 CHAIR GARG:

14 Any further discussion? I am going to
15 call roll.

16
17 Commissioner, aye; Dr. Bender, aye; Dr.
18 Horbal, aye; Ms. Kehoe, aye; Dr. Garg,
19 aye.

20 [The motion carried. Hilary Vesell abstained from
21 voting on the motion. Case No. 20-57-000869 is
22 Commonwealth BPOA v. Ihsan U. Chaudry, D.V.M.]

23 ***

24 MR. DAVIS:

25 Number 3 on the Board's agenda. Based

1 on the Board's discussions in Executive
2 Session, I believe the Chair would
3 entertain a motion to adopt the VRP
4 Agreement at Case No. 22-57-000937.

5 DR. HORBAL:

6 I'll make the motion.

7 DR. BENDER:

8 Second.

9 CHAIR GARG:

10 Any further discussion? I'll call roll.

11

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

15 [The motion carried. Hilary Vesell abstained from
16 voting on the motion. The licensee's name was
17 withheld because this individual was entering into the
18 voluntary recovery program, and his or her
19 participation in that program will remain confidential
20 as long as he or she abides by the terms and
21 conditions of the program.]

22

23 Report of Board Chair - No Report

24

25 Report of Commissioner

1 [Arion R. Claggett, Acting Commissioner, Bureau of
2 Professional and Occupational Affairs, informed
3 everyone that all Board meetings moving forward will
4 be held in a hybrid format providing the option of
5 attending virtually or in person for Board members and
6 the public.

7 Acting Commissioner Claggett announced that he
8 and the Board administrator would be attending all
9 Board meetings in person, and the meetings would be
10 held utilizing Microsoft Teams instead of Webex.

11 Chair Garg asked whether Board members would be
12 required to participate via a video connection and
13 whether they would still be able to contribute toward
14 quorum and vote if they participate by calling in.

15 Acting Commissioner Claggett stated Board members
16 would be required to be on video during meetings.

17 Chair Garg also asked whether their participation
18 would count toward quorum if someone had difficulty
19 and could not establish a video connection the day of
20 the meeting.

21 Acting Commissioner Claggett commented that it
22 would be more of an internal rule to participate on
23 video but would still count toward quorum.]

24 ***

25 Report of Board Counsel - Regulations

1 [Thomas M. Davis, Esquire, Board Counsel, referred to
2 16A-5726 regarding euthanasia, noting it is available
3 on the Independent Regulatory Review Commission's
4 (IRRC) website. He stated the regulation was received
5 by IRRC on March 10 and will be published in the *PA*
6 *Bulletin* on April 2, 2022.

7 Mr. Davis explained that publication in the *PA*
8 *Bulletin* starts a 30-day comment period for the
9 general public. He informed everyone the very last
10 page of the preamble talks about how someone could
11 comment via email. He encouraged everyone to make
12 comments during the 30-day window because it makes it
13 easier to put them all together, package, and review
14 them. He provided IRRC's website address at
15 www.irrc.state.pa.us.

16 Mr. Davis addressed Act 41 regarding licensure by
17 endorsement. He noted the annex, preamble, and
18 Regulatory Analysis Form (RAF) have been transmitted
19 to Senior Regulatory Counsel as of March 3, and he
20 promised to keep the Board abreast of any movement.

21 Mr. Davis addressed the proposed fee regulation
22 (16A-5731). He referred to the Bureau of Finance and
23 Operations (BFO) presentation on January 7, 2022,
24 where the Board approved the 3 percent incremental
25 increase over three licensure bienniums and increase

1 in application fees to reflect the true cost of
2 processing applications.

3 Mr. Davis directed the Board's attention to an
4 annex and preamble that reflect prior discussion at
5 the last meeting and requested a vote to allow the
6 proposed regulation to be promulgated.]

7 MR. DAVIS:

8 After review of the draft annex and
9 preamble for proposed Regulation 16A-
10 5731, the proposed fee regulation, based
11 on the Board's discussions in open
12 session, I believe the Chair would
13 accept a motion to approve the annex and
14 preamble as proposed and promulgate
15 proposed Regulation 16A-5731, the
16 proposed fee regulation, through the
17 regulatory review process.

18 DR. HORBAL:

19 I'll make the motion.

20 DR. BENDER:

21 Second.

22 CHAIR GARG:

23 Any further discussion? I'll call roll.

24

25 Commissioner, aye; Dr. Bender, aye; Dr.

1 Horbal, aye; Ms. Kehoe, aye; Dr. Garg,
2 aye.

3 [The motion carried. Hilary Vesell abstained from
4 voting on the motion. Mr. Davis stated the regulation
5 will be reviewed by the Office of General Counsel
6 (OGC) and Attorney General and several other internal
7 review processes and then published in the PA Bulletin
8 like every regulation put forward. He mentioned there
9 would be a public comment period and would keep the
10 Board abreast regarding the dates.]

11 ***

12 Report of Board Counsel - Regulations

13 [Thomas M. Davis, Esquire, Board Counsel, addressed
14 Act 100 of 2021 regarding online continuing education
15 (CE) and virtual supervision. He noted prior Board
16 discussion to just delete a sentence regarding the CE
17 current cap but now thinks the regulation should be
18 amended, rather than deleted, in light of Act 100 of
19 2021.

20 Mr. Davis suggested making it clear the Board
21 intends to allow all CE to be taken in person or
22 online at the licensee's discretion. He mentioned
23 looking at other boards to consider the practices of
24 other professions and hoped to have a proposed annex
25 and preamble for the next meeting.]

1 ***

2 Report of Board Counsel - Adjudications and Orders

3 MR. DAVIS:

4 As we mentioned at the top of this
5 meeting, the Board discussed several
6 matters in Executive Session. These are
7 those matters as well as consent
8 agreements and an application matter.

9 These adjudications were discussed
10 by the Board at length in Executive
11 Session, and I have proposed motions.

12 Based on the Board's discussions in
13 Executive Session, I believe the Chair
14 would accept a motion to adopt the
15 Proposed Adjudication and direct Counsel
16 to issue a Memorandum Order disposing of
17 the exceptions filed in the following
18 matter: Commonwealth, BPOA v. Gracie
19 Johnson, Case No. 19-57-010223.

20 DR. HORBAL:

21 I'll make that motion.

22 DR. BENDER:

23 Second.

24 CHAIR GARG:

25 Any further discussion? I'll call roll.

1

2

Commissioner, aye; Dr. Bender, aye; Dr.

3

Horbale, aye; Ms. Kehoe, aye; Dr. Garg,

4

aye.

5

[The motion carried. Hilary Vesell abstained from

6

voting on the motion.]

7

8

MR. DAVIS:

9

Number 8 on the Board's agenda. Based

10

on the Board's discussions in Executive

11

Session, I believe the Chair would

12

accept a motion to direct Counsel to

13

draft an order dismissing Case No. 18-

14

57-011622, which is Commonwealth, BPOA

15

v. Karen Elizabeth Kemp-Tiffany.

16

DR. HORBAL:

17

I'll make that motion.

18

DR. BENDER:

19

Second.

20

CHAIR GARG:

21

Any further discussion? I'll call roll.

22

23

Commissioner, aye; Dr. Bender, aye; Dr.

24

Horbale, aye; Ms. Kehoe, aye; Dr. Garg,

25

aye.

1 [The motion carried. Hilary Vesell abstained from
2 voting on the motion.]

3

4 MR. DAVIS:

5 Number 9 on the Board's agenda. Based
6 on the Board's discussions in Executive
7 Session, I believe the Chair would
8 accept a motion to adopt as final the
9 Proposed Adjudication and Order of the
10 hearing examiner in the following
11 matter: Commonwealth, BPOA v. Renee
12 Denise Nodine, V.M.D., Case No. 17-57-
13 05547.

14 DR. HORBAL:

15 I'll make that motion.

16 DR. BENDER:

17 Second.

18 CHAIR GARG:

19 Any further discussion? I'll call roll.

20

21 Commissioner, aye; Dr. Bender, aye; Dr.
22 Horbal, aye; Ms. Kehoe, aye; Dr. Garg,
23 aye.

24 [The motion carried. Hilary Vesell abstained from
25 voting on the motion.]

1 ***

2 Report of Board Counsel - Application

3 MR. DAVIS:

4 Number 10 on the Board's agenda. In the
5 matter of the Application for
6 Certification as a Veterinary Technician
7 of Kaitlyn Schwartz, based on the
8 Board's discussions in Executive
9 Session, I believe the Chair would
10 accept a motion provisionally denying
11 the application.

12 DR. HORBAL:

13 I'll make the motion.

14 DR. BENDER:

15 Second.

16 CHAIR GARG:

17 Any further discussion? I'll call roll.

18

19 Commissioner, aye; Dr. Bender, aye; Dr.
20 Horbal, aye; Ms. Kehoe, aye; Dr. Garg,
21 aye.

22 [The motion carried. Hilary Vesell abstained from
23 voting on the motion.]

24

25 Report of Board Counsel - Miscellaneous

1 [Thomas M. Davis, Esquire, Board Counsel, noted review
2 of the Sunshine Act and Recusal Guidelines at the last
3 meeting but provided an overview of those again for
4 the new Board member.

5 Mr. Davis addressed the Sunshine Act, where the
6 general rule is actions of the Board must be on the
7 record at a public meeting. He noted exceptions
8 include conferences, training programs, seminars, and
9 Executive Session. He emphasized the importance of
10 not discussing Board business outside of the Board
11 meeting.

12 Mr. Davis also discussed a recent update to the
13 Sunshine Act by Act 65 of 2021, where the Board may
14 not take official action on a matter of Board business
15 at a meeting if the matter was not included on the
16 published agenda. He noted emergency exceptions to
17 the rule include clear and present danger or de
18 minimis matters not involving the expenditure of
19 funds.

20 Mr. Davis addressed Recusal Guidelines. He noted
21 mandatory recusals include having a prosecutorial role
22 in a matter or direct financial interest in the
23 matter. He stated strongly suggested recusals would
24 include a having personal affection for someone
25 directly involved in a case or having knowledge from

1 outside of the case that cannot be set aside. He
2 noted discretionary recusals include when you feel you
3 cannot be fair and decide the case without prejudice.

4 He also mentioned anyone who does did not have access
5 to materials should abstain from voting.

6 Mr. Davis encouraged Board members to contact him
7 for advice if anyone is uncertain whether to recuse
8 themselves.]

9

10 Report of Board Counsel - Miscellaneous

11 [Thomas Garg, V.M.D., Chair, referred to
12 correspondence received from Morgan Guiffre regarding
13 modifications to the definition of veterinarian-
14 client-patient relationship (VCPR). He noted the
15 correspondence is similar to what was discussed at the
16 last meeting.

17 Chair Garg suggested amending the definition of
18 VCPR would be more appropriately handled by the
19 Legislature than the Board at this time and directed
20 those interested back to the minutes of the last
21 meeting. He also directed those who feel the
22 definition of VCPR should be updated to contact the
23 Legislature.]

24

25 Miscellaneous

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

3 ***

4 Adjournment

5 CHAIR GARG:

6 Would anybody like to make a motion to
7 end the meeting?

8 DR. HORBAL:

9 I'll make a motion to adjourn.

10 CHAIR GARG:

11 Thank you everybody. Remain safe. I
12 look forward to seeing you again in a
13 couple of months.

14 ***

15 [There being no further business, the State Board of
16 Veterinary Medicine Meeting adjourned at 11:02 a.m.]

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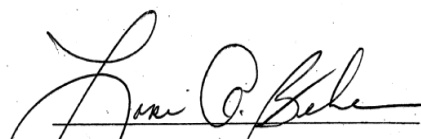
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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Veterinary Medicine meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Veterinary Medicine Meeting.



Lori A. Behe,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:33	Official Call to Order
10:34	Roll Call
10:34	Approval of Minutes
10:36	Report of Prosecutorial Division
10:42	Report of Acting Commissioner
10:44	Report of Board Counsel
11:02	Miscellaneous
11:02	Adjournment