

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

March 19, 2021

State Board of Veterinary Medicine  
March 19, 2021

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

BOARD MEMBERS:

Thomas Garg, V.M.D., Chairman  
Theodore Stauffer, Executive Secretary, Bureau of  
Professional and Occupational Affairs, on behalf of  
K. Kalonji Johnson, Commissioner, Bureau of  
Professional and Occupational Affairs  
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  
Peter D. Kovach, Esquire, Senior Prosecutor in Charge  
Christopher K. McNally, Esquire, Board Prosecutor  
Michelle Roberts, Board Administrator

1 \*\*\*

2 State Board of Veterinary Medicine

3 March 19, 2021

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 from counsel on the matters upon  
10 which the Board will later vote. The Board returned  
11 to open session at 10:30 a.m.]

12 \*\*\*

13 [Theodore Stauffer, Executive Secretary, Bureau of  
14 Professional and Occupational Affairs, reminded  
15 everyone that the meeting was being recorded, and  
16 those who remained on the line were giving their  
17 consent to be recorded.]

18 \*\*\*

19 The regularly scheduled meeting of the State  
20 Board of Veterinary Medicine was held on Friday, March  
21 19, 2021. Thomas Garg, V.M.D., Chair, called the  
22 meeting to order at 10:32 a.m.

23 \*\*\*

24 Roll Call

25 [A roll call of Board members was taken by Mr. Davis.]

1 \*\*\*

2 Approval of minutes of the January 22, 2021 meeting

3 CHAIR GARG:

4 The first item on the agenda today is  
5 simply the approval of the minutes from  
6 last time. Does anybody have any  
7 questions or issues with the minutes as  
8 they were circulated?

9 DR. NEBZYDOSKI:

10 I make a motion to accept the meeting  
11 minutes.

12 MS. KEHOE:

13 I second.

14 CHAIR GARG:

15 Any further discussion?

16

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

20 [The motion carried unanimously.]

21

\*\*\*

22 Report of Prosecutorial Division

23 [Peter D. Kovach, Esquire, Senior Prosecutor in  
24 Charge, on behalf of Julia A. Feld-Caralle, Esquire,  
25 Board Prosecution Liaison, presented the Consent

1 Agreement for Case No. 20-57-010180.]

2 MR. DAVIS:

3 Pursuant to Section 708(a)(5) of the  
4 Sunshine Act, at 9 a.m. the Board  
5 entered into executive session for the  
6 purpose of conducting quasi-judicial  
7 deliberations and to receive advice of  
8 counsel on the matters upon which the  
9 Board will now and later vote.

10 Number 2 on the agenda is Case No.  
11 20-57-010180.

12 Based on the Board's discussions in  
13 executive session, I believe the chair  
14 would accept a motion to approve the  
15 Consent Agreement in the following  
16 matter: Case No. 20-57-010180.

17 CHAIR GARG:

18 Would somebody like to make that motion?

19 DR. BENDER:

20 I motion to accept.

21 MS. KEHOE:

22 I second.

23 CHAIR GARG:

24 Any further discussion? Roll call.

25

1 Dr. Bender, aye; Dr. Cooley, aye; Dr.  
2 Horbal, aye; Ms. Kehoe, aye; Dr.  
3 Nebzydoski, aye; Dr. Garg, aye.

4 [The motion carried unanimously. Case No. 20-57-  
5 010180 is Commonwealth BPOA v. Brock Hohman.]

6 \*\*\*

7 Report of Board Chair - No Report

8 \*\*\*

9 Report of Commissioner - No Report

10 \*\*\*

11 Report of Board Counsel - Regulations

12 [Thomas M. Davis, Esquire, Board Counsel, noted prior  
13 discussion of Act 53 regarding the impact of criminal  
14 convictions on licensure, where the Board worked on  
15 crimes "directly" related to the profession at an  
16 earlier meeting.

17 Mr. Davis referred to § 3116(a) of Act 53,  
18 stating that within 180 days of the effective date of  
19 the subsection, the Department of State shall, in  
20 collaboration with the licensing boards and licensing  
21 commissions, develop a guide of best practices for an  
22 applicant with a criminal conviction to use when  
23 seeking a license, certificate, registration, or  
24 permit. He informed the Board that the best practices  
25 guide had been posted to the Board website under Act

1 53 Best Practices Guide.

2 Mr. Davis provided a Regulatory Status Report for  
3 the Board's review and addressed 16A-5726 regarding  
4 euthanasia. He noted the regulation should be passed  
5 to the Office of General Counsel (OGC) and the  
6 Attorney General for review in the next week or so.

7 Mr. Davis updated the Board regarding Act 41,  
8 noting he has to complete the Regulatory Analysis Form  
9 (RAF), which should be moving very shortly.

10 Mr. Davis addressed House Bill 64 of 2020 that  
11 was passed and signed by the Governor to become Act  
12 116 of 2020. He stated Act 116 empowers the boards to  
13 carryover continuing education credits in excess of  
14 the number required for biennial renewal.

15 Ms. Roberts commented that the biggest issue is  
16 if an individual is audited and have continuing  
17 education (CE) carryover, the individual would have to  
18 be audited for the previous period. She stated the  
19 statute only requires retention of records for 5  
20 years, so the individual may have to be audited for 4  
21 periods back and not have the records.

22 Mr. Davis reported on presenting carryover to the  
23 Board of Physical Therapy, but the PT Board decided  
24 against it due to the administrative problems. He  
25 noted the carryover is valid for one biennial renewal

1 term only, and all of the boards and commissions have  
2 the power to utilize the carryover.

3 Chair Garg questioned whether Ms. Roberts  
4 believed carryover to be problematic for people.

5 Ms. Roberts stated it could be an issue for other  
6 boards but did not appear to be a big issue for the  
7 Board of Veterinary Medicine. She discussed the  
8 inherent difficulties related to tracking and auditing  
9 live versus online continuing education.

10 Dr. Horbal suggested waiting and revisiting the  
11 issue in a year or 2 after things get back to a more  
12 normal state. She mentioned that her opinion would  
13 hinge a bit on what is decided with other discussion  
14 regarding regulations because of the burden travel and  
15 in-person conference fees have on some continuing  
16 education.

17 Chair Garg suggested taking the carryover under  
18 advisement but to hold off on further action. He  
19 requested Mr. Davis and Ms. Roberts bring it to the  
20 Board's attention upon receiving many inquiries or it  
21 becoming an issue.

22 Mr. Davis referred to § 31.15(b) regarding  
23 continuing education, where no more than 25% of a  
24 licensee's continuing education hours may be earned by  
25 taking individual study or written or computer-based



1 correspondence courses.

2 Mr. Davis noted waivers and suspensions approved  
3 by the Governor over the course of the last year due  
4 to the pandemic, including a suspension affecting the  
5 number of continuing education credits that may be  
6 earned through distance education or distance  
7 learning. He questioned whether or not the Board  
8 would be interested amending the Board's regulations  
9 to permanently remove the online continuing education  
10 limit imposed by § 31.15(b).

11 Chair Garg stated the Act defines the hours  
12 required for CE and the content of CE and duplicated  
13 in the regulations, but the Act says nothing  
14 whatsoever about the online CE percentage and is a  
15 matter the Board has the ability to address. He noted  
16 a concern in the past that CE online was of lesser  
17 value or lesser quality, so there was a regulation in  
18 place that limited the amount of CE that could be  
19 taken online.

20 Chair Garg questioned whether the Board felt it  
21 necessary to continue to limit the percentage of  
22 online CE allowed, or some value to requiring in-  
23 person CE that outweighs the expense and burden put on  
24 individuals requiring them to travel and attend in-  
25 person meetings after snow knowing what can actually

1 be done online in terms of content and quality of CE.

2 Dr. Nebzydoski commented that there was no place  
3 for the Board to deny CE credit based on whether it  
4 was in-person or online, regardless of the pandemic,  
5 as long as the CE course is an approved course. He  
6 stated the Board should make it as easy as possible to  
7 keep licensees current with less burden.

8 Dr. Horbal agreed and supported changing the rule  
9 to allow people access to better quality CE and  
10 information.

11 Chair Garg commented that the regulations should  
12 be adjusted to allow the CE online, noting only a  
13 single line in the regulation would need to be  
14 removed.

15 Mr. Davis stated the phrasing requires a little  
16 bit of discussion, because the subsection says "a  
17 maximum of 25% of the hours may be earned by taking  
18 individual study or written or computer-based  
19 correspondence courses". He noted a concern with just  
20 deleting the reference to "computer-based," because  
21 doing so would leave the current limit on "individual  
22 study or written," which then could still potentially  
23 encompass computer-based correspondence courses.

24 Chair Garg did not perceive the necessity of  
25 limiting any form of CE to 25% because the Board has

1 the option to not approve programs that were not  
2 appropriate.

3 Dr. Cooley requested information concerning  
4 subsection b's reference to "individual study".

5 Mr. McNally explained that peer review journals  
6 have quizzes on the articles that give CE hours after  
7 reading the article and completing the quiz.

8 Mr. Davis suggested removing all of subsection  
9 (b) and believed there would be considerable time  
10 savings and cost savings for the licensure base. He  
11 believed that the Board's decision to do so would be  
12 met with approval by the Independent Regulatory Review  
13 Commission (IRRC) and OGC and he offered to draft a  
14 proposed regulation annex for the Board's review.

15 Mr. Davis suggested the Board review the  
16 remaining Board regulations related to continuing  
17 education between now and the next meeting for  
18 anything else that could be tweaked or made better  
19 while removing subsection (b).]

20 \*\*\*

21 Report of Board Counsel - Adjudication and Order

22 MR. DAVIS:

23 All of the adjudications were discussed  
24 in executive session prior to the Board  
25 meeting.

1                   Number 6 on the Board's agenda is  
2                   Case No. 16-57-04014, the Commonwealth  
3                   v. James Temple, D.V.M.

4                   Based on the Board's discussions in  
5                   executive session, I believe the chair  
6                   would accept a motion to deny the  
7                   respondent's Motion for Oral Argument in  
8                   the following matter: Commonwealth BPOA  
9                   v. James Temple, D.V.M., Case No. 16-57-  
10                   01014.

11 CHAIR GARG:

12                   Would somebody like to make that motion?

13 MS. KEHOE:

14                   I'll make the motion.

15 DR. COOLEY:

16                   I'll second.

17 CHAIR GARG:

18                   Any further discussion? Roll call vote.

19

20                   Dr. Bender, aye; Dr. Cooley, aye; Dr.

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

22                   Nebzydoski, aye; Dr. Garg, aye.

23 [The motion carried unanimously.]

24

\*\*\*

25 MR. DAVIS:

1                   Based on the Board's discussions in  
2                   executive session, I believe the chair  
3                   would accept a motion to adopt the  
4                   proposed adjudication and to direct  
5                   counsel to issue a Memorandum and Order  
6                   disposing of the excerpts filed in the  
7                   following matter: Commonwealth BPOA v.  
8                   James Temple, D.V.M., Case No. 16-57-  
9                   04014.

10 CHAIR GARG:

11                   Would somebody like to make that motion?

12 DR. BENDER:

13                   I'll make the motion.

14 DR. COOLEY:

15                   I'll second.

16 CHAIR GARG:

17                   Any further discussion? Roll call.

18

19                   Dr. Bender, aye; Dr. Cooley, aye; Dr.

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

21                   Nebzydoski, aye; Dr. Garg, aye.

22 [The motion carried unanimously.]

23

\*\*\*

24 Report of Board Counsel - Miscellaneous

25 [Mr. Davis directed the Board's attention to number 7

1 on its agenda.]

2 MR. DAVIS:

3           This was a case in which the Board  
4           approved the Consent Agreement in  
5           September of last year. The Consent  
6           Agreement had a stipulation that a  
7           certain number of continuing education  
8           credits had to be obtained within six  
9           months of the adoption or approval of  
10          that Consent Agreement.

11           I was contacted in January of this  
12          year by counsel for this respondent, and  
13          counsel suggested she needed some more  
14          time due to a medical issue.

15           The Board chair was kind enough to  
16          suggest it should be approved and had to  
17          be done outside of a Board meeting due  
18          to time constraints. Today, the issue  
19          is put before the full Board, and I  
20          would suggest at this point the chair  
21          would accept a motion to ratify the  
22          chairperson's decision to extend the  
23          remedial education deadline in Case No.  
24          17-57-07257 by three months.

25 CHAIR GARG:

1                   Would somebody like to make that motion?

2 DR. NEBZYDOSKI:

3                   I'll make the motion.

4 MS. KEHOE:

5                   I'll second.

6 CHAIR GARG:

7                   Any further discussion? Roll call.

8

9                   Dr. Bender, aye; Dr. Cooley, aye; Dr.

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

11                  Nebzydoski, aye; Dr. Garg, aye.

12 [The motion carried unanimously.]

13

\*\*\*

14 MR. DAVIS:

15                  Number 8 on the agenda is Case No. 20-

16                  57-009539. This does not require a

17                  vote. It is a Petition for

18                  Reinstatement. I informed the Board

19                  that the Petition for Reinstatement in

20                  this case has been withdrawn, so the

21                  case file will be closed in that matter.

22

\*\*\*

23 Miscellaneous

24 [Thomas Garg, V.M.D., Chairman, noted the remaining

25 2021 meeting dates.

1 Ms. Kehoe questioned whether anyone else is  
2 interested in attending the American Association of  
3 Veterinary State Boards (AAVSB) Meeting. She noted  
4 AAVSB is paying for two Board members to go at no  
5 charge.

6 Chair Garg questioned whether there was a travel  
7 ban for state business. Mr. Stauffer reported that  
8 there currently was an out-of-state in-person travel  
9 ban.

10 Chair Garg requested the American Association of  
11 Veterinary State Boards Meeting be placed on the  
12 agenda for further discussion at the next meeting.]

13 \*\*\*

14 Adjournment

15 CHAIR GARG:

16 Would somebody like to make a motion to  
17 adjourn?

18 DR. COOLEY:

19 I'll make a motion to adjourn.

20 CHAIR GARG:

21 Thank you all for attending. Be safe.

22 See you all in a few months.

23 [There was no second to the motion.]

24 \*\*\*

25 [There being no further business, the State Board of



1 Veterinary Medicine Meeting adjourned at 11:22 a.m.]

2

\*\*\*

3

4

CERTIFICATE

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

*Kelly Gallick*  
Kelly Gallick,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE  
REFERENCE INDEX

March 19, 2021

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:32	Official Call to Order
10:32	Roll Call
10:33	Approval of Minutes
10:34	Report of Prosecutorial Division
10:38	Report of Commissioner
10:38	Report of Board Counsel
11:16	Miscellaneous
11:22	Adjournment