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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: 9:07 A.M.

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

May 10, 2019

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State Board of Veterinary Medicine
May 10, 2019

BOARD MEMBERS:

Thomas Garg, V.M.D., Chairman
Katelin Lambert, Deputy Commissioner, Bureau of
Professional and Occupational Affairs
Anjilla Cooley, D.V.M.
Apryle Horbal, V.M.D.
Valerie Kehoe, C.V.T.
Andrew Nebzydoski, V.M.D.

BUREAU PERSONNEL:

Thomas Davis, Esquire, Board Counsel
Julia Feld-Caralle, Esquire, Board Prosecution Liaison
Kimberly A. Adams, Esquire, Board Prosecutor
Christopher K. McNally, Esquire, Board Prosecutor
Michelle Roberts, Board Administrator

ALSO PRESENT:

Joseph A. Breymeier, Esquire, Naulty, Scaricamazza,
& McDevitt, LLC
Jamie L. Lenzi, Esquire, Cipriani & Werner
Marc Farrell, Deputy Policy Director, Department of
State
Ted Mowatt, Wanner Associates, on behalf of the
Chiropractic Fellowship of Pennsylvania
Bryan Langlois, D.V.M., Pennsylvania Veterinary
Medical Association

1 ***

2 State Board of Veterinary Medicine

3 May 10, 2019

4 ***

5 The regularly scheduled meeting of the State
6 Board of Veterinary Medicine was held on Friday, May
7 10, 2019. Thomas Garg, V.M.D., Chairman, called the
8 meeting to order at 9:07 a.m.

9 Katelin Lambert, Deputy 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 March 15, 2019 meeting

14 CHAIRMAN GARG:

15 The first thing on the agenda is the
16 approval of the minutes from the last
17 meeting. Does anybody have any comments
18 on the minutes?

19 Does anybody want to make a motion
20 to approve the previous minutes?

21 MS. KEHOE:

22 I'll make a motion.

23 DR. HORBAL:

24 I'll second.

25 CHAIRMAN GARG:

1 All in favor? Any opposed?

2 [The motion carried unanimously.]

3 ***

4 Report of Prosecutorial Division

5 [Julia Feld-Caralle, Esquire, Board Prosecutor,
6 presented the Consent Agreement for File No. 17-57-
7 04687. Joseph A. Breymeier, Esquire, was present and
8 participated in the discussion.]

9 ***

10 [Julia Feld-Caralle, Esquire, Board Prosecutor,
11 presented the Consent Agreement for File No. 17-57-
12 06607.]

13 ***

14 [Julia Feld-Caralle, Esquire, Board Prosecutor,
15 presented the Consent Agreement for File No. 16-57-
16 12866. Jamie L. Lenzi, Esquire, was present and
17 participated in the discussion.]

18 ***

19 [Julia Feld-Caralle, Esquire, Board Prosecutor, on
20 behalf of Paul Jarabeck, presented the Consent
21 Agreement for File No. 19-57-002588.]

22 ***

23 [Kimberly A. Adams, Esquire, Board Prosecutor,
24 presented the Consent Agreement for File No. 16-57-
25 07766 and File No. 16-57-12770.]

1 Jamie L. Lenzi, Esquire, was present and
2 participated in the discussion regarding File No. 16-
3 57-12770.]

4 ***
5 [Christopher K. McNally, Esquire, Board Prosecutor,
6 presented the Consent Agreement for File No. 17-57-
7 010715.]

8 ***
9 Report of Board Counsel
10 [Thomas Davis, Esquire, Board Counsel, addressed the
11 proposed chiropractic regulations. He stated
12 chiropractors have the right to work on animals but
13 with certain restrictions. He commented that
14 chiropractors desiring to work on animals want the
15 Chiropractic Board to clarify their regulations on the
16 matter.

17 Dr. Cooley discussed adjudicating chiropractors
18 who work on pets without a veterinarian in place. Mr.
19 Davis commented that the Board does have the right to
20 adjudicate with regard to being unlicensed to practice
21 of veterinary medicine. He stated the Chiropractic
22 Board has not proposed this regulation and that it
23 comes from a member of their regulated community. He
24 will keep the Board updated.

25 Mr. Davis discussed the final preamble and final

1 annex of 16A-5727 regarding certified veterinary
2 technicians (CVTs) and vet assistants. He noted
3 changes previously discussed. He also noted
4 clarification-type comments from the Independent
5 Regulatory Review Commission and an issue defining
6 direct veterinary supervision. He requested the Board
7 vote to promulgate the final-form regulation as
8 proposed.]

9

10 CHAIRMAN GARG:

11 Would somebody like to make a motion?

12 DR. NEBZYDOSKI:

13 I'll make that motion.

14 DR. HORBAL:

15 Second.

16 CHAIRMAN GARG:

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

19 [The motion carried unanimously.]

20

21 Report of Board Counsel (Continued)

22 [Thomas Davis, Esquire, Board Counsel, addressed
23 correspondence from Ms. Karyn Mcgovern concerning the
24 inability to obtain a prescription from her
25 veterinarian for flea and heartworm preventative

1 medication to be bought online.

2 Chairman Garg discussed the Board's awareness of
3 this issue. He noted that over the last several
4 sessions of congress, at the federal level, there has
5 been legislation proposed to mandate this on a
6 nationwide level, calling it various things similar to
7 the Fairness to Pet Owners Act.

8 Chairman Garg commented that the American
9 Veterinary Medical Association (AVMA) has, in
10 response, asked that all of their constituent
11 organizations at the state level approach their state
12 Boards to request the states support. He stated AVMA
13 desired regulations in place in the majority of
14 states, then the regulation would not be necessary at
15 the federal level. He suggested passing this to the
16 regulatory committee for review.

17 Dr. Horbal agreed to put regulations in place
18 because of the reasons why veterinarians will not
19 write prescriptions for online pharmacies,
20 particularly for the safety of the animals.]

21 ***

22 CHAIRMAN GARG:

23 Would somebody like to make a motion to
24 pass it on to the regulatory committee?

25 DR. HORBAL:

1 I'll make a motion.

2 DR. NEBZYDOSKI:

3 I'll second it.

4 CHAIRMAN GARG:

5 Any further discussion at this point?

6 All in favor, say aye. Any opposed?

7 [The motion carried unanimously.]

8 ***

9 Report of Board Counsel (Continued)

10 [Thomas Davis, Esquire, Board Counsel, questioned
11 whether the Board desired to respond to an email from
12 the American Association of Veterinary State Boards
13 (AAVSB) concerning a USP 800 survey.

14 Chairman Garg suggested no response.]

15 ***

16 [The Board recessed from 9:34 a.m. until 9:44 a.m.]

17 ***

18 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
19 9:44 a.m. the Board entered into Executive Session
20 with Thomas Davis, Esquire, Board Counsel, for the
21 purpose of conducting quasi-judicial deliberations on
22 a number of matters that are currently pending before
23 the Board and to receive the advice of Counsel. The
24 Board returned to open session at 10:46 a.m.]

25 ***

1 MOTIONS

2 MR. DAVIS:

3 Pursuant to Section 708(a)(5) of the
4 Sunshine Act, the Board met in executive
5 session for the purpose of conducting
6 quasi-judicial deliberations and to
7 receive advice of Counsel on the matters
8 upon which the Board is about to vote.

9 Based on the Board's discussions in
10 executive session, I believe the Board
11 will entertain a motion to adopt the
12 Consent Agreement at File No. 17-57-
13 04687.

14 CHAIRMAN GARG:

15 Would somebody like to make that motion?

16 DR. NEBZYDOSKI:

17 I'll make that motion.

18 DR. HORBAL:

19 I'll second.

20 CHAIRMAN GARG:

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

23 [The motion carried. Dr. Anjilla Cooley recused
24 herself from deliberations and voting on the motion.
25 The Respondent's name is Bobbie Jon Ditzler, CVT.]

1 ***

2 MR. DAVIS:

3 For the record, that is Commonwealth
4 BPOA vs. Bobbie Jon Ditzler, CVT.

5 ***

6 MR. DAVIS:

7 Based on the Board's discussions in
8 executive session, I believe the Board
9 will entertain a motion to reject the
10 Consent Agreement at Case No. 17-57-
11 06607 as too harsh.

12 CHAIRMAN GARG:

13 Would anybody like to make that motion?

14 MS. KEHOE:

15 I'll make that motion.

16 DR. COOLEY:

17 Second.

18 CHAIRMAN GARG:

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

21 [The motion carried unanimously.]

22 ***

23 MR. DAVIS:

24 Number 4 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 Agreement at Case No. 16-57-12866.

4 CHAIRMAN GARG:

5 Would somebody like to make that motion?

6 DR. NEBZYDOSKI:

7 I'll make that motion.

8 DR. HORBAL:

9 I'll second.

10 CHAIRMAN GARG:

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

13 [The motion carried unanimously. The Respondent's
14 name is Justin Daniel Kontir, VMD.]

15 ***

16 MR. DAVIS:

17 For the record, that is Justin Daniel
18 Kontir, VMD.

19 ***

20 MR. DAVIS:

21 Based on the Board's discussions in
22 executive session, I believe the Board
23 will entertain a motion to reject the
24 Consent Agreement at File No. 16-57-
25 07766 as too lenient.

1 MS. KEHOE:

2 I'll make the motion.

3 DR. COOLEY:

4 Second.

5 CHAIRMAN GARG:

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

8 [The motion carried unanimously.]

9 ***

10 MR. DAVIS:

11 Number 6 on the agenda. Based on the
12 Board's discussions in executive
13 session, I believe the Board will
14 entertain a motion to reject the Consent
15 Agreement at File No. 16-57-12770 as too
16 lenient.

17 CHAIRMAN GARG:

18 Would anybody like to make the motion?

19 DR. HORBAL:

20 I'll make the motion.

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 MR. DAVIS:

4 Number 7 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 File No. 17-57-010715.

9 CHAIRMAN GARG:

10 Would somebody like to make that motion?

11 DR. NEBZYDOSKI:

12 I'll make that motion.

13 DR. COOLEY:

14 I'll second.

15 CHAIRMAN GARG:

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

18 [The motion carried unanimously. The Respondent's
19 name is Frank Kelly Reilly, DVM.]

20 ***

21 MR. DAVIS:

22 For the record, that is Commonwealth
23 BPOA vs. Frank Kelly Reilly, DVM.

24 ***

25 MR. DAVIS:

1 Number 8 on the agenda. Based on the
2 Board's discussions in executive
3 session, I believe the Board will
4 entertain a motion to adopt the VRP
5 Consent Agreement at File No. 19-57-
6 002588.

7 CHAIRMAN GARG:

8 Would somebody like to make that motion?

9 DR. HORBAL:

10 I'll make the motion.

11 DR. NEBZYDOSKI:

12 I'll second it.

13 CHAIRMAN GARG:

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

16 [The motion carried unanimously.]

17 ***

18 MR. DAVIS:

19 For the record, the licensee's name has
20 been withheld because he is entering
21 into the VRP program, which is the
22 Voluntary Recovery Program, and his
23 participation in that program will
24 remain confidential as long as he abides
25 by the terms and conditions of that

1 program.

2 ***

3 MR. DAVIS:

4 Number 12 on the agenda. Based on the
5 Board's discussions in executive
6 session, I believe the Chair would
7 accept a motion to approve as final the
8 draft Adjudication and Order presented
9 by Board counsel in the following
10 matters:

11 Commonwealth of Pennsylvania BPOA
12 vs. Bradford P. Baker, DVM, Case No. 14-
13 57-00500.

14 CHAIRMAN GARG:

15 Would somebody like to make that motion?

16 MS. KEHOE:

17 I'll make the motion.

18 DR. HORBAL:

19 I'll second.

20 CHAIRMAN GARG:

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

23 [The motion carried unanimously.]

24 ***

25 [Thomas Garg, V.M.D., Chairman, noted remaining 2019

1 and proposed 2020 meeting dates.]

2 ***

3 [Katelin Lambert, Deputy Commissioner, Bureau of
4 Professional and Occupational Affairs, entered the
5 meeting at 10:53 a.m.]

6 ***

7 Report of Deputy Commissioner

8 [Katelin Lambert, Deputy Commissioner, updated the
9 Board on the Pennsylvania Licensing System (PALS).
10 She discussed her work with the Center for Civic
11 Design regarding usability testing and accessibility
12 testing to make the system more intuitive, user-
13 friendly, and accessible for all licensees. She also
14 discussed the core functionality for PALS.

15 Ms. Lambert addressed Center for Civic Design
16 mock-ups with employees and stakeholders and expects
17 recommendations this summer to implement those into
18 the system.]

19 ***

20 [Katelin Lambert, Deputy Commissioner, Bureau of
21 Professional and Occupational Affairs, exited the
22 meeting at 10:55 a.m.]

23 ***

24 Miscellaneous

25 [Thomas Garg, V.M.D., Chairman, noted Board meeting

1 dates.]

2

3 [Thomas Davis, Esquire, Board Counsel, noted the 2019
4 Annual AAVSB Meeting & Conference in St. Louis, MI,
5 September 26-28.

6 Chairman Garg requested a motion to send and fund
7 Ms. Kehoe and Mr. Davis.]

8

9 DR. COOLEY:

10 I would make a motion to send and fund
11 two individuals to the AAVSB.

12 DR. NEBZYDOSKI:

13 I will second that.

14 CHAIRMAN GARG:

15 The motion was made and the motion was
16 seconded. Any further discussion on the
17 motion? All in favor, say aye. Any
18 opposed?

19 [The motion carried unanimously.]

20

21 Adjournment

22 CHAIRMAN GARG:

23 Motion to adjourn the meeting?

24 DR. NEBZYDOSKI:

25 I will make that motion.

1 DR. COOLEY:

2 Second.

3 CHAIRMAN GARG:

4 Thank you.

5 [The motion carried unanimously.]

6 ***

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

9 ***

10

11

CERTIFICATE

12

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

19

20

21



22

Amber Garbinski,

23

Minute Clerk

24

Sargent's Court Reporting

25

Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
REFERENCE INDEX

May 10, 2019

TIME	AGENDA
9:07	Official Call to Order
9:08	Approval of Minutes
9:08	Report of Prosecutorial Division
9:30	Report of Board Counsel
9:34	Recess
9:44	Return to Open Session
9:44	Executive Session
10:46	Return to Open Session
10:46	Motions
10:53	Report of Deputy Commissioner
10:55	Miscellaneous
11:02	Adjournment

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