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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 MEETING
CONDUCTED VIA TELECONFERENCE**

TIME: 9:05 A.M.

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

May 8, 2020

1 State Board of Veterinary Medicine
2 May 5, 2020

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4
5 BOARD MEMBERS:

6
7 Thomas Garg, V.M.D., Chairman
8 K. 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 Andrew Nebzydoski, V.M.D.

14
15
16 BUREAU PERSONNEL:

17
18 Thomas M. Davis, Esquire, Board Counsel
19 Julia A. Feld-Caralle, Esquire, Board Prosecution
20 Liaison
21 Timothy P. Smith, Esquire, Board Prosecutor
22 Peter Kovach, Esquire, Board Prosecutor
23 Michelle Roberts, Board Administrator
24
25 Marc Farrell, Deputy Policy Director, Department of
26 State
27 Ted Stauffer, Executive Secretary, Bureau of
28 Professional and Occupational Affairs
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31

32 ALSO PRESENT:

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34 Jamie Lenz, Esquire, Counsel for Respondent
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1 ***

2 State Board of Veterinary Medicine

3 May 8, 2020

4 ***

5 The regularly scheduled meeting of the State
6 Board of Veterinary Medicine was held on Friday, May
7 8, 2020. Thomas Garg, V.M.D., Chairman, called the
8 meeting to order at 9:05 a.m.

9 ***

10 [Chairman Garg reviewed some points of order as this
11 was the first meeting held via teleconference.]

12 ***

13 Approval of minutes of the January 10, 2020 meeting.

14 CHAIRMAN GARG:

15 The first thing on the agenda for today
16 is just a review of the draft minutes
17 from the previous meeting.

18 Does anybody have any comments or
19 concerns about the previous meeting
20 minutes?

21 MR. NEBZYDOSKI:

22 I'd like to make a motion to accept the
23 minutes as written.

24 [Chairman Garg stated, given the fact that a roll
25 call vote would be necessary for all motions, the

1 Board would hold on voting on all motions until after
2 Executive Session.]

3 ***

4 Report of Prosecutorial Division

5 [Julia A. Feld-Caralle, Esquire, Board Prosecution
6 Liaison, presented a Consent Agreement for Case Nos.
7 15-57-12892, 16-57-00719, 16-57-01039 and 16-57-
8 12040.

9 Ms. Feld-Caralle presented a Consent Agreement
10 for Case No. 17-57-04185. Jamie Lenzi, Esquire,
11 Counsel for the Respondent, was present and
12 participated in discussions.]

13 ***

14 [Timothy P. Smith, Esquire, Board Prosecutor,
15 presented a Consent Agreement for Case No. 15-57-
16 00626. Board members had questions.]

17 ***

18 [Peter Kovach, Esquire, Board Prosecutor, presented a
19 Consent Agreement for Case No. 18-57-009902.]

20 ***

21 Report of Board Counsel

22 Regulation Status Report

23 [Thomas M. Davis, Esquire, Board Counsel, referred
24 Board members to the Euthanasia regulation for
25 further discussion. He explained the Euthanasia

1 regulation would come back before the Board for
2 additional comment before publication.

3 Mr. Davis stated, as previously discussed, unless
4 there was an objection to the CE reg, 16A-5728, he
5 would delete the regulation from the Board's active
6 regulations.]

7 ***

8 16A-5730, Proposed Annex-License by Endorsement
9 [Mr. Davis noted since the last time the Board had
10 reviewed this particular annex, one comment had been
11 received from Prosecution, who suggested that the
12 Board require applicants to submit a copy of the
13 applicable licensing statute in English from
14 applicant's home jurisdiction.

15 Mr. Davis reviewed the definition of the term
16 "the standards are substantially equivalent" and
17 whether it should be specifically defined or just
18 stated as substantially equivalent and allow the
19 Board to make the determination case-by-case. He
20 noted his current school of thought was to just say
21 it must be substantially equivalent and to let the
22 Board decide.

23 Mr. Davis further explained that unnecessary
24 language should be kept out. He noted, while the
25 Board was free to make its own determination, it was

1 strongly recommended not to define the term as there
2 really was not a need to do so at this point. Mr.
3 Davis stated the Board Administrator would have
4 discretion to bring it before the full Board for
5 review and determination, if necessary.

6 Mr. Davis stated a question from Dr. Nebzydoski
7 regarding whether or not the matter should be
8 challenged and under what circumstances it could be
9 challenged would be a matter for discussion during
10 Executive Session. He stated leaving the term as
11 stated should be sufficient.

12 Dr. Horbal pointed out that the only veterinary
13 school in the state did not issue a degree in
14 English. Mr. Davis clarified that the Board should
15 be aware of the requirements and three pages in
16 French would require the state to pay for
17 translation.

18 Mr. Davis noted another matter under Act 41 was
19 provisional licensure and explained the licensee's CE
20 obligations with regard to that. He referred Board
21 members to a newly inserted section in the Act 41
22 Proposed Annex for further review of the matter.

23 After further discussion, Board members would be
24 comfortable with the term "substantially equivalent"
25 not being defined specifically but just determined on

1 a case-by-case basis and would vote to allow the
2 release of an exposure draft.

3 Mr. Davis noted three matters for discussion
4 during Executive Session.]

5 ***

6 Report of Acting Commissioner

7 [K. Kalonji Johnson, Acting Commissioner, Bureau of
8 Professional and Occupational Affairs, commended the
9 Board for their efforts over the past few weeks given
10 the public health crisis. He thanked Chairman Garg
11 for providing information with regard to emergency
12 equipment, specifically ventilators, for those in
13 dire need.

14 Acting Commissioner Johnson also commended Board
15 Counsel and Board Administration, who he noted were
16 vital in getting COVID-19 information up on the
17 Board's website regarding AVMA guidance related to
18 social distancing and rescheduling of nonessential
19 appointments.

20 He noted the work continues on comprehensive
21 guidance for veterinary licensees in the state.]

22 ***

23 Report of Board Chairman

24 [Thomas Garg, V.M.D., Chairman, commented, in the
25 midst of this COVID-19 crisis, the Board had been

1 asked for guidance. Dr. Garg noted inquiries were
2 referred to the website for further information.

3 Marc Farrell, Deputy Policy Director, Department
4 of State, noted, per the Policy Director's daily
5 telephone call this morning, the Department of Health
6 had reported that guidance was finalized and in their
7 hands for approval. Once approved, the guidance
8 should soon be ready to be released.]

9

10 [Pursuant to Section 708(a)(5) of the Sunshine Act,
11 at 9:56 a.m. the Board entered into Executive Session
12 with Thomas Davis, Esquire, Board Counsel, for the
13 purpose of conducting quasi-judicial deliberations.
14 The Board returned to open session at 11:00 a.m.]

15

16 MOTIONS

17 MR. DAVIS:

18 Number 2 on the agenda. Based on the
19 Board's discussions in Executive
20 Session, I believe the Chair will
21 entertain a motion to approve the
22 Consent Agreement at Case Nos. 15-57-
23 12892, 16-57-00719, 16-57-01039 and 16-
24 57-12040.

25 CHAIRMAN GARG:

1 Would somebody like to make that
2 motion?

3 MS. KEHOE:

4 I'll make the motion.

5 DR. NEBZYDOSKI:

6 Second.

7 CHAIRMAN GARG:

8 Roll call vote.

9

10 Dr. Garg, aye; Dr. Cooley, aye; Dr.
11 Horbil, aye; Ms. Kehoe, aye; Dr.
12 Nebzydoski, aye.

13 [The motion carried unanimously. The Respondent's
14 name is Corinne Ann Thomas, VMD.]

15 ***

16 MR. DAVIS:

17 Number 3 on the agenda. Based on the
18 Board's discussions in Executive
19 Session, I believe the Chair will
20 entertain a motion to approve the
21 Consent Agreement at Case No. 17-57-
22 04185.

23 CHAIRMAN GARG:

24 Would somebody like to make that
25 motion?

1 DR. HORBAL:

2 I'll make the motion.

3 ACTING COMMISSIONER JOHNSON:

4 I'll second.

5 CHAIRMAN GARG:

6 Roll call vote.

7

8 Dr. Garg, aye; Dr. Cooley, aye; Dr.

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

10 Nebzydoski, aye; Acting Commissioner

11 Johnson, aye.

12 [The motion carried unanimously. The Respondent's
13 name is Piotr Ryszard Kosturek, VMD.]

14 ***

15 MR. DAVIS:

16 Number 4 on the agenda. Based on the
17 Board's discussions in Executive
18 Session, I believe the Chair will
19 entertain a motion to approve the
20 Consent Agreement at Case No. at 15-57-
21 00626.

22 CHAIRMAN GARG:

23 Would somebody like to make that
24 motion?

25 DR. NEBZYDOSKI:

1 I'll make the motion.

2 ACTING COMMISSIONER JOHNSON:

3 Second.

4 CHAIRMAN GARG:

5 Roll call vote.

6

7 Dr. Garg, aye; Dr. Cooley, aye; Dr.
8 Horbal, aye; Ms. Kehoe, aye; Dr.
9 Nebzydoski, aye; Acting Commissioner
10 Johnson, aye.

11 [The motion carried unanimously. The Respondent's
12 name is Noureldin Khedr Hassane, DVM.]

13 ***

14 MR. DAVIS:

15 Number 5 on the agenda. Based on the
16 Board's discussions in Executive
17 Session, I believe the Chair will
18 entertain a motion to reject the
19 Consent Agreement at Case No. 18-57-
20 009902 as too lenient.

21 CHAIRMAN GARG:

22 Would somebody like to make that
23 motion?

24 DR. HORBAL:

25 I'll make the motion.

1 DR. COOLEY:

2 I'll second.

3 CHAIRMAN GARG:

4 Roll call vote.

5

6 Dr. Garg, aye; Dr. Cooley, aye; Dr.

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

8 Nebzydoski, aye; Acting Commissioner

9 Johnson, aye.

10 [The motion carried unanimously.]

11 ***

12 MR. DAVIS:

13 Number 7 on the agenda. Based on the
14 Board's discussion on the record I
15 believe the Chairman would accept a
16 motion to allow Board Counsel to
17 release an exposure draft of proposed
18 regulations of 16A-5730, Proposed
19 Annex, License by Endorsement under Act
20 41 to interested parties and
21 stakeholders.

22 CHAIRMAN GARG:

23 Would somebody like to make that
24 motion?

25 DR. COOLEY:

1 I'll make the motion.

2 MS. KEHOE:

3 I'll second the motion.

4 CHAIRMAN GARG:

5 Roll call vote.

6

7 Dr. Garg, aye; Dr. Cooley, aye; Dr.
8 Horbal, aye; Ms. Kehoe, aye; Dr.
9 Nebzydoski, aye; Acting Commissioner
10 Johnson, aye.

11 [The motion carried unanimously.]

12 ***

13 CHAIRMAN GARG:

14 Would somebody like to make a motion to
15 accept the Minutes from the previous
16 meeting?

17 DR. NEBZYDOSKI:

18 I'll gladly make the motion.

19 DR. COOLEY:

20 I'll second it.

21 CHAIRMAN GARG:

22 Roll call vote.

23

24 Dr. Garg, aye; Dr. Cooley, aye; Dr.
25 Horbal, aye; Ms. Kehoe, aye; Dr.

1 Nebzydoski, aye; Acting Commissioner
2 Johnson, abstain.

3 [The motion carried. Acting Commissioner Johnson
4 abstained from voting on the motion.]

5 ***

6 MR. DAVIS:

7 Number 8 on the agenda. Based on the
8 Board's discussions in Executive
9 Session, I believe the Chair would
10 accept a motion to adopt as final the
11 Draft Adjudication and Order in the
12 following matter: In the Matter of the
13 Petition for Reinstatement of the
14 License to Practice Veterinary Medicine
15 of Leonard Daryl Kreger, DVM, Case No.
16 17-57-10722.

17 CHAIRMAN GARG:

18 Would somebody like to make that
19 motion?

20 DR. COOLEY:

21 I'll make the motion.

22 MS. KEHOE:

23 I'll second it.

24 CHAIRMAN GARG:

25 Roll call vote.

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Dr. Garg, aye; Dr. Cooley, aye; Dr. Horbal, aye; Ms. Kehoe, aye; Dr. Nebzydoski, aye; Acting Commissioner Johnson, aye.

[The motion carried unanimously. Mr. Davis noted that the Board voted to deny reinstatement at this time.

MR. DAVIS:

No. 9 on the agenda. Based on the Board's discussions in Executive Session, I believe the Chair would accept a motion to adopt as final the Draft Adjudication and Order in the following matter: Commonwealth BPOA vs. Bradley MacNeill, DVM, Case No. 17-57-012355.

CHAIRMAN GARG:

Would somebody like to make that motion?

DR. NEBZYDOSKI:

I'll make the motion.

DR. HORBAL:

I'll second it.

1 CHAIRMAN GARG:

2 Roll call vote.

3

4 Dr. Garg, aye; Dr. Cooley, aye; Dr.
5 Horbal, aye; Ms. Kehoe, aye; Dr.
6 Nebzydoski, aye; Acting Commissioner
7 Johnson, aye.

8 [The motion carried unanimously.

9

10 MR. DAVIS:

11 No. 10 on the agenda. Based on the
12 Board's discussions in Executive
13 Session, I believe the Chair would
14 accept a motion to approve the Petition
15 for Reinstatement of Unrestricted
16 Nonprobationary status of Tracy Pullen
17 Moussa, VMD, Case No. 20-57-004613

18 CHAIRMAN GARG:

19 I am going to recuse myself from this
20 matter.

21 Would somebody like to make that
22 motion?

23 DR. NEBZYDOSKI:

24 I'll make the motion.

25 DR. COOLEY:

1 Second.

2 CHAIRMAN GARG:

3 Roll call vote.

4

5 Dr. Cooley, aye; Dr. Horbal, aye; Ms.
6 Kehoe, aye; Dr. Nebzydoski, aye; Acting
7 Commissioner Johnson, aye.

8 [The motion carried. Chairman Garg recused from
9 deliberations and voting on the motion.]

10 ***

11 Miscellaneous

12 Board Meeting Dates

13 [Chairman Garg referred Board members to the calendar
14 for review of remaining 2020 Board meeting dates.]

15 ***

16 Adjournment

17 CHAIRMAN GARG:

18 Are there any other matters that need
19 to be discussed before a motion to
20 adjourn?

21 DR. NEBZYDOSKI:

22 I'll make a motion to adjourn.

23 MS. KEHOE:

24 Second.

25 CHAIRMAN GARG:

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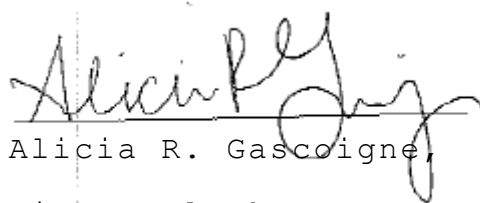
The meeting is adjourned.

[There being no further business, the State Board of
Veterinary Medicine Meeting adjourned at 11:13 a.m.]

[The next meeting date is July 10, 2020.]

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.



Alicia R. Gascoigne,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
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TIME	AGENDA
9:05	Official Call to Order
9:08	Report of Prosecutorial Division
9:30	Report of Board Counsel
9:50	Report of Acting Commissioner
9:53	Report of Board Chairman
9:56	Executive Session
11:00	Return to Open Session
11:00	Motions
11:13	Miscellaneous
11:13	Adjournment