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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: 10:31 A.M.

PENNSYLVANIA DEPARTMENT OF STATE

September 25, 2020

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State Board of Veterinary Medicine  
September 25, 2020

BOARD MEMBERS:

Andrew Nebzydoski, V.M.D., Chair  
Matthew Eaton, Administrative Officer, Department of  
State, 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.

BUREAU PERSONNEL

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

ALSO PRESENT:

Joseph A. Breyemeier, Esquire, Naulty, Scaricamazza,  
& McDevitt, LLC  
Wesley J. Rish, Esquire, Rish Law Office, LLC

1 \*\*\*

2 State Board of Veterinary Medicine

3 September 25, 2020

4 \*\*\*

5 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
6 9:30 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.  
9 The Board returned to open session at 10:30 a.m.]

10 \*\*\*

11 The regularly scheduled meeting of the State  
12 Board of Veterinary Medicine was held on Friday,  
13 September 25, 2020. Thomas M. Davis, Esquire, Board  
14 Counsel, called the meeting to order at 10:31 a.m.

15 \*\*\*

16 [Thomas M. Davis, Esquire, Board Counsel, addressed  
17 the term of office process. He noted the previous  
18 elected Board Chair served a full four-year term and  
19 until successor qualifies (USQ) period, which  
20 recently. He noted the first order of business would  
21 be to elect a new chairperson.]

22 \*\*\*

23 [Thomas M. Davis, Esquire, Board Counsel, noted the  
24 meeting was being recorded, and those who remained on  
25 the line were giving their consent to being recorded.]

1

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2 Roll Call

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

4

\*\*\*

5 Election of Board Chair

6 MR. DAVIS:

7

Do we have any nominations for the  
position of Board Chairperson?

8

9 DR. COOLEY:

10

I nominate Dr. Nebzydoski.

11

MS. KEHOE:

12

I second.

13

MR. DAVIS:

14

Are there any further nominations?

15

Hearing none. I will be closing the  
floor for nominations.

16

17

Being that there was only one  
individual nominated, I do believe he  
could be elected by acclamation.

18

19

20

All in favor, please say aye. If  
we have any Board members who are not in  
favor, please say nay. Dr. Nebzydoski  
is elected Board Chairperson of the  
State Board of Veterinary Medicine.

21

22

23

24

25 [The motion carried unanimously.]

1 \*\*\*

2 [Andrew Nebzydoski, V.M.D., Chair, thanked everyone  
3 for his position.]

4 \*\*\*

5 Approval of minutes of the July 17, 2020 meeting

6 CHAIR NEBZYDOSKI:

7 We will start with the minutes from the  
8 last meeting. Hopefully everybody had a  
9 chance to look at the minutes, and if  
10 someone would like to make a motion to  
11 accept those, we could move on.

12 DR. HORBAL:

13 I'll make the motion to accept.

14 DR. COOLEY:

15 Second.

16 CHAIR NEBZYDOSKI:

17 Roll call.

18  
19 Dr. Bender, aye; Dr. Cooley, aye; Dr.  
20 Horbal, aye; Ms. Kehoe, aye; Dr.  
21 Nebzydoski, aye; Mr. Eaton, aye.

22 [The motion carried unanimously.]

23 \*\*\*

24 Report of Prosecutorial Division

25 [Peter D. Kovach, Esquire, Senior Prosecutor in

1 Charge, presented the Consent Agreement for Case No.  
2 18-57-010911.

3 Joseph A. Breymeier, Esquire, Naulty,  
4 Scaricamazza, & McDevitt, LLC, Counsel for the  
5 Respondent, was present and participated in the  
6 discussion.]

7 \*\*\*

8 [Julia A. Feld-Caralle, Esquire, Board Prosecution  
9 Liaison, presented the Consent Agreement for Case No.  
10 18-57-011513.

11 Joseph A. Breymeier, Esquire, Naulty,  
12 Scaricamazza, & McDevitt, LLC, Counsel for the  
13 Respondent, was present and participated in the  
14 discussion.]

15 \*\*\*

16 [Julia A. Feld-Caralle, Esquire, Board Prosecution  
17 Liaison, presented the Consent Agreement for Case No.  
18 17-57-07257.

19 Wesley J. Rish, Esquire, Rish Law Office, LLC,  
20 Counsel for the Respondent, was present and  
21 participated in the discussion.]

22 \*\*\*

23 MR. DAVIS:

24 Case Nos. 2, 3, and 4 on the Board's  
25 agenda. Based on the Board's

1 discussions in Executive Session, I  
2 believe the Chair would accept a motion  
3 to approve the Consent Agreements in the  
4 following matters: Case No. 18-57-  
5 011513, Case No. 17-57-07257, Case No.  
6 18-57-010911.

7 MR. DAVIS:

8 We are going to do a roll call vote  
9 again.

10

11 Dr. Bender, aye; Dr. Cooley, aye; Dr.  
12 Horbal, aye; Ms. Kehoe, aye; Dr.  
13 Nebzydoski, aye; Mr. Eaton, aye.

14 [The motion carried unanimously. Case No. 18-57-  
15 011513 is Commonwealth BPOA v. Marion Alexander Alston  
16 III, V.M.D.; Case No. 17-57-07257 is Commonwealth BPOA  
17 v. Kristine Marie Shaw, V.M.D.; and Case No. 18-57-  
18 010911 is Commonwealth BPOA v. Anna Megan Dechtiaruk,  
19 D.V.M.]

20

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21 Report of Board Chair - No Report

22

\*\*\*

23 Report of Commissioner - No Report

24

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25 Report of Board Counsel

1 [Thomas M. Davis, Esquire, Board Counsel, provided a  
2 regulatory status report for the Board's review. He  
3 referred to 16A-5726 regarding the euthanasia  
4 regulation. He mentioned drafting the annex,  
5 preamble, and Regulatory Analysis Form (RAF) and noted  
6 updates due to changes in the law since the first  
7 draft. He mentioned regulatory counsel was evaluating  
8 the draft, and he would inform the Board following  
9 receipt of a report.

10 Mr. Davis referred to 16A-5730, which allows  
11 licensure by endorsement for all of the Bureau of  
12 Professional and Occupational Affairs (BPOA) licensure  
13 boards for easier procurement of licensure in  
14 Pennsylvania.

15 Mr. Davis noted the Board's review of the annex  
16 at the previous meeting. He provided a draft of the  
17 preamble and requested the Board's approval of the  
18 preamble and annex as presented, which then would be  
19 promulgated through the regulatory review process.

20 Ms. Kehoe questioned whether veterinary licenses  
21 and veterinary technician certificates should both be  
22 worded as licenses in the preamble.

23 Mr. Davis referred to the Pennsylvania Veterinary  
24 Medicine Practice Act Section 11 where it reads, it  
25 shall further be the responsibility of the Board to



1 promulgate by regulation the qualifications and  
2 requirements for the certification and regulation of  
3 veterinary technicians. He commented that there was  
4 not much difference by use of the terminology.

5 Ms. Kehoe questioned whether a provisional  
6 license was for both veterinarians and veterinary  
7 technicians.

8 Mr. Davis referred to provisional endorsement and  
9 license as it refers to veterinarians in the annex at  
10 § 31.11(e) and provisional endorsement certificate at  
11 § 31.33(c).

12 Ms. Kehoe requested information regarding the  
13 process of a technician who is certified, licensed, or  
14 registered coming from another state to work in  
15 Pennsylvania.

16 Mr. Davis explained that individuals would be  
17 required to prove their licensure, registration, or  
18 certificate was in good standing; prove competency by  
19 validating their work experience as a certified  
20 veterinary technician (CVT) for 2 of the last 5 years;  
21 and confirming the requirements for licensure,  
22 certification, registration, etc., in their home  
23 jurisdiction was substantially similar to commonwealth  
24 requirements.

25 Mr. Davis referred to § 31.33(b)(1)(i) regarding

1 CVTs for clarification, mentioning that it is  
2 practically worldwide as long as their practice is  
3 substantially equivalent.

4 Mr. Davis stated Ms. Roberts would review the  
5 applications for licensure and was aware of the  
6 different terminology in order to determine whether or  
7 not a position was equal to the Board's definition of  
8 a CVT.]

9

\*\*\*

10 MR. DAVIS:

11 Based on the discussions in open  
12 session, I believe the chair would  
13 accept a motion to promulgate regulation  
14 16A-5730 otherwise known by licensure by  
15 endorsement under Act 41 through the  
16 regulatory review process.

17 DR. BENDER:

18 Motion to accept.

19 DR. COOLEY:

20 Second.

21 MR. DAVIS:

22 I am going to have a roll call vote,  
23 please.

24

25 Dr. Bender, aye; Dr. Cooley, aye; Dr.

1 Horbal, aye; Ms. Kehoe, aye; Dr.  
2 Nebzydoski, aye; Mr. Eaton, aye.

3 [The motion carried unanimously.]

4 \*\*\*

5 Report of Board Counsel - Adjudication and Order

6 MR. DAVIS:

7 Based on the Board's discussions in  
8 Executive Session, I believe the Chair  
9 would accept a motion to adopt as final  
10 the proposed Adjudication and Order of  
11 the hearing examiner in the following  
12 matter: Commonwealth BPOA v. Andrew  
13 Church, D.V.M., Case No. 17-57-05759.

14 Is there a motion?

15 DR. BENDER:

16 Motion to accept.

17 MS. KEHOE:

18 I second the motion.

19 MR. DAVIS:

20 Once again, a quick roll call vote.

21

22 Dr. Bender, aye; Dr. Cooley, aye; Dr.  
23 Horbal, aye; Ms. Kehoe, aye; Dr.  
24 Nebzydoski, aye; Mr. Eaton, aye.

25 [The motion carried unanimously.]

1 \*\*\*

2 Miscellaneous

3 [Andrew Nebzydoski, V.M.D., Chair, noted the next  
4 scheduled Board meeting date is November 13.

5 Mr. Davis noted the proposed dates for 2021 are  
6 January 15, March 19, May 21, July 16, September 17,  
7 and November 19.

8 Ms. Roberts will notify all of any changes to the  
9 meeting dates.]

10 \*\*\*

11 Report of Board Counsel (Continued) - Miscellaneous

12 MR. DAVIS:

13 In regard to Case No. 13-57-11643,  
14 Commonwealth BPOA v. David Smolensky,  
15 D.C., based on the Board's discussions  
16 in Executive Session, I believe the  
17 Chair would accept a motion denying the  
18 commonwealth's August 31, 2020 motion  
19 for the Board to recuse itself in toto.

20 Is there a motion to deny?

21 MS. KEHOE:

22 I put forth the motion.

23 MR. DAVIS:

24 Is there a second?

25 DR. COOLEY:

1 I second.

2 MR. DAVIS:

3 Thank you. Roll call vote.

4

5 Dr. Bender, aye; Dr. Cooley, aye; Dr.

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

7 Nebzydoski, aye; Mr. Eaton, aye.

8 [The motion carried unanimously.]

9

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10 Adjournment

11 CHAIR NEBZYDOWSKI:

12 I am looking for somebody to make a

13 motion for adjournment.

14 DR. BENDER

15 I make a motion to adjourn the meeting.

16 DR. HORBAL:

17 I'll second.

18 CHAIR NEBZYDOSKI:

19 Thank you for the support.

20 [The motion carried unanimously.]

21

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

23 Veterinary Medicine Meeting adjourned at 11:13 a.m.]

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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.



Kelly Gallick,

Minute Clerk

Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE  
REFERENCE INDEX

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TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:31	Official Call to Order
10:33	Roll Call
10:34	Election of Board Chair
10:35	Approval of Minutes
10:37	Report of Prosecutorial Division
10:53	Report of Board Counsel
11:10	Miscellaneous
11:11	Report of Board Counsel (Continued)
11:13	Adjournment