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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: 10:34 A.M.

Held at

PENNSYLVANIA DEPARTMENT OF STATE

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

November 3, 2023

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State Board of Veterinary Medicine
November 3, 2023

BOARD MEMBERS:

- Thomas Garg, V.M.D., Chair
- Arion R. Claggett, Acting Commissioner, Bureau of Professional and Occupational Affairs - Absent
- Joseph S. Bender D.V.M.
- Anjilla Cooley, D.V.M.
- Hilary Vesell, Esquire, Public Member
- Apryle Horbal, V.M.D.
- Valerie Kehoe, C.V.T. - Absent

BUREAU PERSONNEL:

- Carole Clarke Smith, Esquire, Senior Board Counsel
- Todd P. Kriner, Esquire, Board Counsel
- Thomas M. Davis, Esquire, Board Regulatory Counsel
- Paul J. Jarabeck, Esquire, Senior Board Prosecutor
- Amber Lee Czerniakowski, Esquire, Board Prosecution Liaison
- Denice Szekely, Esquire, Board Prosecutor
- Michelle Roberts, Board Administrator

ALSO PRESENT:

- Natalie Cook, Associate, McNeese-Winter Group
- Victoria Lantz

1 ***

2 State Board of Veterinary Medicine

3 November 3, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 10:00 a.m. the Board entered into Executive
7 Session with Todd P. Kriner, Esquire, Board Counsel,
8 for the purpose of conducting quasi-judicial
9 deliberations and to receive the advice of counsel.
10 The Board returned to open session at 10:30 a.m.]

11 ***

12 The regularly scheduled meeting of the State
13 Board of Veterinary Medicine was held on Friday,
14 November 3, 2023. Thomas Garg, V.M.D., Chair, called
15 the meeting to order at 10:34 a.m.

16 ***

17 [Todd P. Kriner, Esquire, Board Counsel, informed
18 everyone that the Board met in Executive Session to
19 discuss quasi-judicial matters under the Report of
20 Board Counsel.

21 Mr. Kriner also noted the meeting was being
22 recorded and voluntary participation constituted
23 consent to be recorded.]

24 ***

25 Roll Call

1 [A roll call of Board members was taken by Chair
2 Garg. He noted everyone is participating virtually.]

3 ***

4 Introduction of Attendees

5 [Michelle Roberts, Board Administrator, provided an
6 introduction of attendees.]

7 ***

8 Approval of minutes of the September 22, 2023 meeting

9 CHAIR GARG:

10 The first item on the agenda is
11 approval of the minutes from the
12 previous meeting. Did anybody have any
13 concerns or any questions about the
14 previous minutes?

15 Would anybody like to make that
16 motion?

17 DR. BENDER:

18 I'll make the motion.

19 DR. COOLEY:

20 I'll second.

21 CHAIR GARG:

22 Any further discussion? I'll call
23 roll.

24

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

1 Vessel, aye; Dr. Horbal, aye; Tom Garg,
2 aye.

3 [The motion carried unanimously.]

4 ***

5 Report of Board Prosecution - No Report

6 [Thomas Garg, V.M.D., Chair, commented that there
7 have been very few items from prosecution the last
8 couple of meetings and asked whether there is a
9 decrease in the number of complaints or complaints do
10 not warrant coming before the Board.

11 Paul J. Jarabeck, Esquire, Senior Board
12 Prosecutor, explained that prosecution lost three
13 experienced attorneys in less than 12 months. He
14 noted having four attorneys on the team for the State
15 Board of Veterinary Medicine since June 2023, who
16 continue to learn and work cases, but waiting for
17 Sarah Buhite, an additional attorney who would be
18 starting next week with an animal science
19 undergraduate background.

20 Mr. Jarabeck informed Board members that cases
21 are moving through the process and some are being
22 closed based upon expert review but others where
23 attorneys need to work through the process of where
24 the cases are and how cases would be handled. He
25 mentioned that many of the instances are in

1 litigation and not at a point for settlement since
2 Julia Feld-Caralle's departure in June.

3 Chair Garg thanked Mr. Jarabeck for the
4 information and stated it was helpful for the Board
5 and anyone following the Board to understand what is
6 happening and the changes because it has been
7 consistent across a couple of agendas.]

8

9 Report of Board Counsel - Adjudication and Order

10 MR. KRINER:

11 Pursuant to discussions in Executive
12 Session, it is my understanding that
13 the Board would entertain a motion to
14 adopt the Final Adjudication and Order
15 at Case No. 21-57-003103 for Karin
16 Breitlauch.

17 CHAIR GARG:

18 Would anybody like to make that motion?

19 DR. BENDER:

20 I'll make the motion.

21 MR. KRINER:

22 We need a second.

23 DR. COOLEY:

24 Second.

25 CHAIR GARG:

1 Any further discussion? I'll call
2 roll.

3
4 Dr. Bender, aye; Dr. Cooley, aye; Ms.
5 Vessel, aye; Dr. Horbal, aye; Tom Garg,
6 aye.

7 [The motion carried unanimously.]

8 ***

9 Report of Regulatory Counsel - Regulations

10 [Thomas M. Davis, Esquire, Board Regulatory Counsel,
11 provided a status update of the four active
12 regulations, including euthanasia, Act 41, continuing
13 education (CE) regulation, and fee regulation. He
14 updated the Board members on the euthanasia reg and
15 fee reg. He reported the fee reg is complete and
16 undergoing internal review. He provided an annex and
17 preamble from when the Board last reviewed the
18 regulation.

19 Mr. Davis pointed out that no numbers have been
20 changed with the fee regulation and is only a
21 formatting change. He referred to § 31.41, where all
22 of the current fees are, noting he had to change it
23 and put the fees for the euthanasia regulation under
24 § 31.104.

25 Mr. Davis addressed the application fees, noting

1 the original draft stated the application fees would
2 be effective December 1, 2024, noting it did not make
3 sense because they still need application fees that
4 are active prior to that date. He changed it to a
5 blank, along with an editor's note for when it is
6 published as final.

7 Mr. Davis referred to renewal fees, where it
8 originally stated it was effective as of December 1,
9 2024, followed by 2026 and 2028 and clarified that it
10 would now say that for the biennial renewal period
11 between December 2024 and November 30, 2026, etc. He
12 mentioned that when people are renewing they only
13 need to figure out the period they are renewing for
14 and that would be the appropriate fee.

15 Mr. Davis informed Board members that he removed
16 the euthanasia technician employment change fee. He
17 noted prior discussion at the July 2022 meeting
18 concerning comments received after the publication of
19 the proposed regulation for euthanasia, and the Board
20 decided to no longer require the euthanasia
21 technicians inform the Board of employment changes
22 because it was an unnecessary fee and step. He
23 stated the individuals overseeing the operation would
24 now inform the Board in their report as to any new
25 hires or anyone who left that particular job.]

1 MR. DAVIS:

2 Based on the Board's discussions in
3 open session, I believe the Chair would
4 accept a motion to approve the amended
5 annex and preamble for Proposed
6 Rulemaking 16A-5732, also known as the
7 Fee Regulation as presented by reg
8 counsel this date.

9 DR. BENDER:

10 I'll make the motion.

11 DR. COOLEY:

12 Second.

13 CHAIR GARG:

14 Any further discussion? I'll call
15 roll.

16
17 Dr. Bender, aye; Dr. Cooley, aye; Ms.
18 Vessel, aye; Dr. Horbal, aye; Tom Garg,
19 aye.

20 [The motion carried unanimously.]

21 ***

22 [Thomas M. Davis, Esquire, Board Regulatory Counsel,
23 mentioned his work on the euthanasia regulation and
24 believed the final version would be before the Board
25 at the next meeting. He noted he had to address

1 comments received and changes made by the Board. He
2 further explained that he would have it under
3 internal review so when it is presented in January
4 that it would only need the Board's seal of approval
5 and then sent to the Office of General Counsel (OGC)
6 and Office of Attorney General (OAG).

7 Mr. Davis stated there is a time frame to be
8 concerned with because it was published in the
9 *Pennsylvania Bulletin* April 2, 2022, with all
10 comments due May 2, 2022. He mentioned there is a
11 two-year time frame to get it back to the Independent
12 Regulatory Review Commission (IRRC) and is due May 2,
13 2024.]

14 ***

15 Report of Board Chairperson - No Report

16 ***

17 Report of Acting Commissioner - No Report

18 [Michelle Roberts, Board Administrator, mentioned
19 that Acting Commissioner Claggett had an announcement
20 at the State Board of Physical Therapy Meeting
21 yesterday, where the proposal for a new system to
22 replace the Pennsylvania Licensing System (PALS) was
23 sent for procurement to the Procurement Committee.]

24 ***

25 Report of Board Administrator - Election of Officers

1 MR. KRINER:

2 Are there any nominees for the position
3 of Chair?

4 DR. BENDER:

5 I'd like to nominate Dr. Garg.

6 DR. COOLEY:

7 I'd like to second that.

8 MR. KRINER:

9 Are there any other nominees? Seeing
10 none.

11 Let's go through the exercise and
12 vote to approve Dr. Garg as
13 Chairperson.

14

15 Dr. Bender, aye; Dr. Cooley, aye; Ms.
16 Vessel, aye; Dr. Horbal, aye.

17 [The motion carried unanimously.]

18

19 MR. KRINER:

20 Are there any nominees for Secretary?

21 DR. COOLEY:

22 I nominate Apryle Horbal.

23 DR. BENDER:

24 I'll second that.

25 MR. KRINER:

1 Are there any other nominees for
2 Secretary? I don't hear any. Since
3 there are no other nominees, that would
4 pass.

5 [The motion carried unanimously.]

6 ***

7 Upcoming Meeting Dates - 2024 Meeting Dates

8 [Thomas Garg, V.M.D., Chair, noted the upcoming 2024
9 meeting dates on the agenda.]

10 ***

11 Adjournment

12 CHAIR GARG:

13 Would somebody want to move to adjourn?

14 DR. BENDER:

15 I'll make the motion to adjourn.

16 CHAIR GARG:

17 Thank you again. Since we won't see
18 anybody until next year, I hope
19 everybody has a great, happy, safe rest
20 of the year.

21 ***

22 [There being no further business, the State Board of
23 Veterinary Medicine Meeting adjourned at 10:53 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.



Victoria Lantz,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
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TIME	AGENDA
10:00	Executive Session
10:30	Return to Open Session
10:34	Official Call to Order
10:34	Roll Call
10:34	Introduction of Attendees
10:36	Approval of Minutes
10:39	Report of Board Prosecution
10:41	Report of Board Counsel
10:43	Report of Regulatory Counsel
10:49	Report of Acting Commissioner
10:50	Report of Board Administrator
10:52	Upcoming Meeting Dates
10:53	Adjournment