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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: 10:32 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

March 24, 2023

State Board of Veterinary Medicine
March 24, 2023

BOARD MEMBERS:

Thomas Garg, V.M.D., Chair
Arion R. Claggett, Acting 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
Hilary Vesell, Esquire, Public Member

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Dean F. Picarella, Esquire, Senior Board Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Julia A. Feld-Caralle, Esquire, Board Prosecution
Liaison
Jason T. Anderson, Esquire, Board Prosecutor
Kayla R. Bolan, Esquire, Board Prosecutor
Timothy J. Henderson, Esquire, Board Prosecutor
Amber Lee Czerniakowski, Esquire, Board Prosecutor
Michelle Roberts, Board Administrator

ALSO PRESENT:

Jennifer Smeltz, Republican Executive Director,
Senate
Consumer Protection & Professional Licensure
Committee
Natalie Cook, Associate, McNeese-Winter Group
Barbara A. Zemlock, Esquire, Tucker Arensberg
Beth Venit VMD, MPH, DACVPM, Chief Veterinary
Officer,
American Association of Veterinary State Boards
Ben Morrow

1 ***

2 State Board of Veterinary Medicine

3 March 24, 2023

4 ***

5 [Pursuant to Section 708(a)(5) of the Sunshine Act,
6 at 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 and to receive advice of counsel on the matters upon
10 which the Board would later vote. The Board returned
11 to open session at 10:30 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Veterinary Medicine was held on Friday,
15 March 24, 2023. Thomas Garg, V.M.D., Chair, called
16 the meeting to order at 10:32 a.m.

17 ***

18 [Thomas M. Davis, Esquire, Board Counsel, informed
19 everyone that the meeting was being recorded, and
20 those who continued to participate were giving their
21 consent to be recorded.

22 Mr. Davis also noted the Board entered into
23 Executive Session prior to this meeting for the
24 purpose of conducting quasi-judicial deliberations
25 and to receive advice of counsel on the matters upon

1 which the Board would later vote.]

2 ***

3 Roll Call

4 [A roll call of Board members was taken by Chair
5 Garg.]

6 ***

7 Introduction of Attendees

8 [Michelle Roberts, Board Administrator, noted Acting
9 Commissioner Claggett is the only Board member
10 present in the room.

11 Ms. Roberts also provided an introduction of
12 attendees.]

13 ***

14 Approval of minutes of the January 27, 2023 meeting

15 CHAIR GARG:

16 The first item on the agenda is
17 approval of the minutes from the last
18 meeting.

19 Does anybody have any concerns or
20 questions about those minutes?

21 Would anybody like to make a motion
22 to accept the minutes?

23 DR. BENDER:

24 I'll make the motion.

25 DR. NEBZYDOSKI:

1 I'll second that.

2 CHAIR GARG:

3 Any further discussion? I'll call
4 roll.

5

6 Mr. Claggett, aye; Dr. Bender, aye; Dr.
7 Cooley, aye; Dr. Nebzydoski, aye; Ms.
8 Vesell, aye; Dr. Horbal, aye; Ms.
9 Kehoe, aye; Tom Garg, aye.

10 [The motion carried unanimously.]

11

12 Report of Board Prosecution

13 [Julia A. Feld-Caralle, Esquire, Board Prosecution
14 Liaison, presented the Consent Agreements for Case
15 No. 19-57-005396 and Case No. 19-57-005399.

16 Ms. Feld-Caralle presented the Consent Agreement
17 for Case No. 22-57-000119.

18 Barbara A. Zemlock, Esquire, Tucker Arensberg,
19 counsel for the respondent, was present and
20 participated in the discussion regarding Case No. 22-
21 57-000119.

22 Ms. Feld-Caralle presented the Consent Agreement
23 for Case Nos. 22-57-013909 & 22-57-013910.]

24

25 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,

1 Moving on to number 3. Based on the
2 Board's discussions in Executive
3 Session, I believe the Chair would
4 accept a motion to approve the Consent
5 Agreement in the following matter:
6 Case No. 19-57-005399.

7 DR. BENDER:

8 I'll make the motion.

9 DR. NEBZYDOSKI:

10 I'll second it.

11 CHAIR GARG:

12 Any further discussion? I'll call
13 roll.

14
15 Mr. Claggett, aye; Dr. Bender, aye; Dr.
16 Cooley, aye; Dr. Nebzydoski, aye; Ms.
17 Vesell, aye; Dr. Horbal, aye; Ms.
18 Kehoe, aye; Tom Garg, aye.

19 [The motion carried unanimously. That is
20 Commonwealth BPOA v. Kelly S. Johnston, D.V.M.]

21 ***

22 MR. DAVIS:

23 Moving on to number 4 on the Board's
24 agenda. Based on the Board's
25 discussions in Executive Session, I

1 believe the Chair would accept a motion
2 to approve the Consent Agreement in the
3 following matter: Case No. 22-57-
4 000119.

5 DR. BENDER:

6 I'll make the motion.

7 DR. NEBZYDOSKI:

8 I'll second it.

9 CHAIR GARG:

10 Any further discussion? I'll call
11 roll.

12

13 Mr. Claggett, aye; Dr. Bender, aye; Dr.
14 Cooley, aye; Dr. Nebzydoski, aye; Ms.
15 Vesell, aye; Dr. Horbal, aye; Ms.
16 Kehoe, aye; Tom Garg, aye.

17 [The motion carried unanimously. That is
18 Commonwealth BPOA v. Allen Post Bonnell, D.V.M.]

19

20 MR. DAVIS:

21 Moving on to number 5 on the Board's
22 agenda. Based on the Board's
23 discussions in Executive Session, I
24 believe the Chair would accept a motion
25 to approve the Consent Agreement in the

1 following matter: Case Nos. 22-57-
2 013909 & 22-57-013910.

3 DR. BENDER:

4 I'll make the motion.

5 DR. NEBZYDOSKI:

6 I'll second it.

7 CHAIR GARG:

8 Any further discussion? I'll call
9 roll.

10

11 Mr. Claggett, aye; Dr. Bender, aye; Dr.
12 Cooley, aye; Dr. Nebzydoski, aye; Ms.
13 Vesell, aye; Dr. Horbal, aye; Ms.
14 Kehoe, aye; Tom Garg, aye.

15 [The motion carried unanimously. That is
16 Commonwealth BPOA v. Gerald David Tishman, D.V.M.]

17

18 MR. DAVIS:

19 Number 6 on the Board's agenda. Based
20 on the Board's discussions in Executive
21 Session, I believe the Chair would
22 accept a motion to approve the Consent
23 Agreement in the following matter:
24 Case No. 22-57-018277.

25 DR. BENDER:

1 I'll make the motion.

2 DR. NEBZYDOSKI:

3 I'll second it.

4 CHAIR GARG:

5 Any further discussion? I'll call
6 roll.

7

8 Mr. Claggett, aye; Dr. Bender, aye; Dr.
9 Cooley, aye; Dr. Nebzydoski, aye; Ms.
10 Vesell, aye; Ms. Kehoe, aye; Tom Garg,
11 aye.

12 [The motion carried unanimously. Apryle Horbal did
13 not vote on the motion due to technical difficulty.
14 The licensee's name was being withheld because the
15 licensee is entering into the Voluntary Recovery
16 Program. A licensee's participation in the program
17 would remain confidential provided he or she abide by
18 the terms and conditions of the program.]

19

20 Report of Board Counsel - Applications

21 MR. DAVIS:

22 Number 9 is an application matter.
23 Based on the Board's discussions in
24 Executive Session, I believe the Chair
25 would accept a motion to approve the

1 Application for Certification as a
2 Veterinary Technician of Julie Avalos.

3 DR. BENDER:

4 I'll make the motion.

5 DR. NEBZYDOSKI:

6 I'll second it.

7 CHAIR GARG:

8 Any further discussion? I'll call
9 roll.

10

11 Mr. Claggett, aye; Dr. Bender, aye; Dr.
12 Cooley, no; Dr. Nebzydoski, aye; Ms.
13 Vesell, aye; Dr. Horbal, aye; Ms.
14 Kehoe, no; Tom Garg, aye.

15 [The motion carried. Anjilla Cooley and Valerie
16 Kehoe opposed the motion.]

17

18 MR. DAVIS:

19 Number 11 is an Order rescinding the
20 Board's Order in the Matter of BPOA v.
21 Kristian Rhein, D.V.M.

22 Based on the Board's discussions in
23 Executive Session, I believe the Chair
24 would accept the motion to approve the
25 Draft Order in the following: Case

1 Nos. 20-57-003697 & 22-57-006934.

2 DR. BENDER:

3 I will make the motion.

4 DR. NEBZYDOSKI:

5 Second.

6 CHAIR GARG:

7 Any further discussion? I'll call
8 roll.

9

10 Mr. Claggett, aye; Dr. Bender, aye; Dr.
11 Cooley, aye; Dr. Nebzydoski, aye; Ms.
12 Vesell, aye; Dr. Horbal, aye; Ms.
13 Kehoe, aye; Tom Garg, aye.

14 [The motion carried unanimously.]

15 ***

16 Report of Board Counsel - Regulations

17 [Thomas M. Davis, Esquire, Board Counsel, informed
18 Board members that he made the changes discussed at
19 the last two meetings for 16A-5726 regarding
20 euthanasia and that the annex is complete. He noted
21 that he is currently drafting the preamble and
22 Regulatory Analysis Form (RAF) and would try to have
23 it ready for the next meeting.]

24 ***

25 Report of Board Counsel - Miscellaneous

1 [Thomas M. Davis, Esquire, Board Counsel, addressed
2 Act 35 of 22 regarding temporary licensure for
3 military applicants. He noted prior Board discussion
4 at the last meeting regarding expediting licensure
5 for veterans. He referred to § 3303(b)(1)(ii), where
6 a licensing board may issue a temporary license to a
7 military applicant who complies with the licensing
8 board's requirements for temporary licensure for a
9 limited period of time at the discretion of the
10 licensing board while the military applicant
11 completes additional requirements for licensure in
12 this commonwealth. He noted Act 35 applies to all
13 the licensing boards under the Bureau of Professional
14 and Occupational Affairs (BPOA). Mr. Davis discussed
15 requirements for licensure and stated that
16 veterinarians and certified veterinary technicians
17 (CVTs) have to go to school and pass the national
18 exam. He asked whether the Board wanted to waive
19 anything to allow a military applicant to be licensed
20 quicker. The Board had no suggestions.

21 Chair Garg asked how Act 35 applies to the Board
22 since they do not issue temporary licenses.

23 Mr. Davis explained that it comes directly out of
24 Act 35 to expedite licensure for veterans, service
25 members, and spouses of services members if a board

1 feels that a particular applicant would benefit from
2 temporary licensure under Act 35.

3 Chair Garg referred to the wording "usual
4 procedures" for temporary licensure, noting the Board
5 does not have any usual procedures for temporary
6 licensure and asked whether they would grant a
7 temporary license even though they have not granted
8 temporary licenses anytime in the recent past or just
9 be as expedient as possible about issuing a license
10 given the fact that their requirements are pretty
11 straightforward.

12 Mr. Davis stated Act 35 is just another tool in
13 their toolbox when it comes to possibly getting
14 someone working sooner. He mentioned that Ms.
15 Roberts would expedite applications that would
16 potentially benefit via Act 35 for licensure and, if
17 need be, bring it before the Board or possibly the
18 applications committee.

19 Acting Commissioner Claggett stated most cases
20 would not come before the Board because applicants
21 that identify themselves as a veteran, service
22 member, or spouse of a service member and would
23 receive an expedited process.

24 Mr. Davis also mentioned any applications sent to
25 the applications committee may ultimately be ratified

1 by the Board at the next meeting.]

2 ***

3 Report of Board Chairperson - No Report

4 ***

5 Report of Acting Commissioner

6 [Arion R. Claggett, Acting Commissioner, Bureau of
7 Professional and Occupational Affairs, stated
8 licensees are currently not notified when their
9 license expires and informed everyone of new
10 functionality being created within the Pennsylvania
11 Licensing System (PALS) notifying licensees through
12 email that their license has expired, which should
13 begin in May of 2023.]

14 ***

15 Upcoming Meeting Dates

16 [Thomas Garg, V.M.D., Chair, noted upcoming meeting
17 dates are available on the agenda.]

18 ***

19 Adjournment

20 CHAIR GARG:

21 Would anybody like to make a motion to
22 adjourn?

23 DR. BENDER:

24 I'll make a motion.

25 CHAIR GARG:

1 Thank you everybody. Stay safe. We'll
2 see you in a couple of months.

3 ***

4 [There being no further business, the State Board of
5 Veterinary Medicine Meeting adjourned at 11:08 a.m.]

6 ***

7

8 CERTIFICATE

9

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

16

17

18



19

Ben Morrow,

20

Minute Clerk

21

Sargent's Court Reporting

22

Service, Inc.

23

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26

STATE BOARD OF VETERINARY MEDICINE
REFERENCE INDEX

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TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:32	Official Call to Order
10:33	Roll Call
10:33	Introduction of Attendees
10:34	Approval of Minutes
10:35	Report of Board Prosecution
10:58	Report of Board Counsel
11:07	Report of Acting Commissioner
11:08	Upcoming Meeting Dates
11:08	Adjournment