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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: 10:33 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

May 5, 2023

State Board of Veterinary Medicine
May 5, 2023

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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.
Hilary Vesell, Esquire, Public Member - Absent
Apryle Horbal, V.M.D.
Valerie Kehoe, C.V.T.

BUREAU PERSONNEL:

Thomas M. Davis, Esquire, Board Counsel
Carlton Smith, Deputy Chief Counsel, Prosecution
Division
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
Michelle Roberts, Board Administrator
Andrew LaFratte, MPA, Executive Policy Specialist,
Department of State

ALSO PRESENT:

Jennifer Smeltz, Republican Executive Director,
Senate Consumer Protection & Professional Licensure
Committee
Scott Yeager, Outreach Manager, Pennie
Judith Wechter, Outreach Coordinator, Pennie
Natalie Cook, Associate, McNees-Winter Group
Heidi Carroll, Diversion Program Manager, Drug
Enforcement Administration Philadelphia Division
Sophia Mahoney

1 ***

2 State Board of Veterinary Medicine

3 May 5, 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 Thomas M. Davis, Esquire, Board Counsel,
8 for the purpose of conducting quasi-judicial
9 deliberations and to receive advice of counsel on the
10 matters upon which the Board would later vote. The
11 Board returned to open session at 10:29 a.m.]

12 ***

13 The regularly scheduled meeting of the State
14 Board of Veterinary Medicine was held on Friday, May
15 5, 2023. Thomas Garg, V.M.D., Chair, called the
16 meeting to order at 10:33 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 the 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, provided an
9 introduction of attendees.]

10 ***

11 Approval of minutes of the March 24, 2023 meeting

12 CHAIR GARG:

13 The first item on the agenda today is
14 the draft minutes from the last
15 meeting.

16 Does anybody have any questions or
17 concerns regarding those?

18 Would anybody like to make a motion
19 to approve those minutes?

20 DR. BENDER:

21 Motion to accept.

22 DR. HORBAL:

23 Second.

24 CHAIR GARG:

25 Any further discussion? I'll call

1 roll.

2

3 Mr. Claggett, aye; Dr. Bender, aye; Dr.
4 Cooley, aye; Dr. Horbal, aye; Ms.
5 Kehoe, aye; Tom Garg, aye.

6 [The motion carried unanimously.]

7

8 Report of Board Prosecution

9 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
10 informed Board members that Ms. Feld-Caralle is
11 retiring, and this would be her last meeting with the
12 Board of Veterinary Medicine. He stated Ms. Feld-
13 Caralle has been involved in the prosecution and
14 review of nearly 600 cases before the Board and has
15 provided the Board with knowledge and new information
16 about the practice of veterinary medicine.

17 Mr. Jarabeck noted that Ms. Feld-Caralle has also
18 developed and curated relationships with partners in
19 the Pennsylvania Department of Agriculture, as well
20 as the United States Department of Agriculture. He
21 mentioned that she has been a fearless litigator and
22 has done everything possible to protect the public.

23 Julia A. Feld-Caralle, Esquire, Board Prosecution
24 Liaison, presented the Consent Agreement for Case
25 Nos. 20-57-003697 & 22-57-006934.

1 Ms. Feld-Caralle noted being a prosecutor for the
2 Board since 2011 and seeing many changes in
3 composition, as well as the philosophies of the
4 Board. She addressed working with other agencies when
5 reviewing cases.

6 Ms. Feld-Caralle thanked the Board and expressed
7 having a great appreciation for the Board members and
8 their profession, along with prosecution to ensure
9 practitioners provide animals the care expected by
10 consumers of those services.

11 Chair Garg congratulated Ms. Feld-Caralle on her
12 retirement and wished her well.]

13 MR. DAVIS:

14 Based on the Board's discussions in
15 Executive Session, I believe the Chair
16 would accept a motion to approve the
17 Consent Agreement in the following
18 matter: Case Nos. 20-57-003697 & 22-
19 57-006934.

20 DR. BENDER:

21 I'll make a motion.

22 DR. HORBAL:

23 I'll second.

24 CHAIR GARG:

25 Any further discussion? I'll be

1 recusing from this matter, but I'm
2 going to go ahead and call roll.

3

4 Mr. Claggett, aye; Dr. Bender, aye; Dr.
5 Cooley, aye; Dr. Horbal, aye; Ms.
6 Kehoe, aye; Tom Garg, recuse.

7 [The motion carried. Thomas Garg recused himself
8 from deliberations and voting on the motion. That is
9 Commonwealth BPOA v. Kristian Sean Rhein, D.V.M.]

10

11 Report of Board Counsel - Adjudication and Order

12 MR. DAVIS:

13 Number 6 on the Board's agenda. Based
14 on the Board's discussions in Executive
15 Session, I believe the Chair would
16 accept a motion to approve as final the
17 Draft Adjudication and Order in the
18 following matter: Commonwealth BPOA v.
19 Corin Louise Reed, Case No. 20-57-
20 003191.

21 DR. BENDER:

22 I'll make the motion.

23 DR. HORBAL:

24 I'll second.

25 CHAIR GARG:

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

3
4 Mr. Claggett, aye; Dr. Bender, aye; Dr.
5 Cooley, aye; Dr. Horbal, aye; Ms.
6 Kehoe, aye; Tom Garg, aye.

7 [The motion carried unanimously.]

8 ***

9 Report of Board Counsel - Motion to Deem Facts

10 Admitted

11 MR. DAVIS:

12 The last matter the Board has to vote
13 on today is number 7. Based on the
14 Board's discussions in Executive
15 Session, I believe the Chair would
16 accept a motion to approve the order
17 rescinding the Board's prior order
18 granting the MDFA in the following
19 matter: Commonwealth BPOA v. Seth Ian
20 Fishman, D.V.M., Case No. 20-57-003696
21 & 22-57-13036.

22 DR. BENDER:

23 I'll make the motion.

24 DR. HORBAL:

25 I'll second.

1 CHAIR GARG:

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

4

5 Mr. Claggett, aye; Dr. Bender, aye; Dr.
6 Cooley, aye; Dr. Horbal, aye; Ms.
7 Kehoe, aye; Tom Garg, recuse.

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

10

11 Appointment - Pennsylvania Insurance Department -
12 Pennie Health Insurance Presentation

13 [Scott Yeager, Outreach Manager, Pennie, provided
14 information to benefit communities and individuals
15 who may have lost their health insurance or do not
16 have access to health insurance through an employer
17 or qualify for Medical Assistance.

18 Mr. Yeager stated Pennie's official name is the
19 Pennsylvania Health Insurance Exchange Authority and
20 officially launched on November 1, 2020, to help
21 Pennsylvanians with health insurance. He noted that
22 Pennie is an unbiased resource and the official
23 health insurance marketplace for Pennsylvanians to
24 connect with affordable high-quality health
25 insurance, along with being the only source for

1 financial assistance.

2 Mr. Yeager reported 1 in 20 Pennsylvanians do not
3 have health insurance and noted the importance of
4 connecting individuals who are uninsured and in
5 transition with affordable options.

6 Mr. Yeager mentioned that Pennie has a good
7 relationship with the Department of Community &
8 Economic Development, Department of Agriculture, and
9 Department of Human Services and operates a no wrong
10 door policy with the Department of Human Services to
11 help people get insured.

12 Mr. Yeager reported migrating about 280,000
13 existing customers from HealthCare.gov in November
14 2020 to Pennie and that 9 out of 10 customers
15 qualified for financial assistance on some level.

16 Mr. Yeager mentioned that the biggest barrier is
17 cost and addressed the advanced premium tax credit,
18 which lowers the monthly premium. He noted that
19 Pennie offers gold, silver, and bronze options
20 through Pennie.

21 Mr. Yeager provided a scenario, where an
22 individual making about \$20,000 a year would
23 typically pay \$395 a month but zero dollars with the
24 financial assistance available through Pennie. He
25 explained that some of their plans are quality health

1 insurance at zero dollars and some with zero-dollar
2 deductibles. Mr. Yeager provided another scenario of
3 a couple who retired one year early, where their
4 monthly premium would normally be about \$2,633 a
5 month but is \$549 through Pennie. He reported 36
6 percent of customers between 55 and 64 are helping
7 spread the word. He also explained that a family of
8 four making about \$55,500 would have a monthly
9 payment less than a cable bill in most cases.

10 Mr. Yeager stated the open enrollment period is
11 from November 1 through January 15 with a special
12 enrollment period for a qualifying life event. He
13 noted creating a qualifying life event specifically
14 for individuals and families at or below 150 percent
15 of the federal poverty limit who do not qualify for
16 Medical Assistance. He also noted the qualifying
17 life event includes lawfully present immigrants.

18 Mr. Yeager addressed the Path to Pennie, which is
19 a partnership between Pennie and the Department of
20 Revenue for uninsured tax filers, where individuals
21 who attach Form REV-1882 to their income tax return
22 receive information about how to claim their Pennie
23 account.

24 Mr. Yeager addressed the end of continuous
25 coverage that allowed thousands of Pennsylvanians to

1 be protected with Medical Assistance under the
2 pandemic. He noted that the Department of Human
3 Services started the annual redetermination process
4 on April 1 and is where financial assistance through
5 Pennie may be able help those no longer covered. He
6 provided links for the Department Human Services and
7 for Pennie for loss of Medical Assistance.

8 Mr. Yeager welcomed opportunities to address
9 professional organizations and local community
10 organizations that may be interested in hearing their
11 message. He encouraged everyone to refer anyone who
12 may be uninsured to Pennie at pennie.com or to call
13 844-844-8040. He also provided his contact
14 information in chat for anyone who may have
15 questions.]

16 ***

17 Report of Board Counsel - Regulations

18 [Thomas M. Davis, Esquire, Board Counsel, informed
19 Board members that he has been actively working on
20 16A-5726 regarding euthanasia and is receiving
21 assistance from a Drug Enforcement Administration
22 (DEA) individual in Philadelphia with a categories
23 issue. He noted that the DEA issues certificates of
24 registration to professionals in certain categories.

25

1 across Pennsylvania according to an April 18, 2023
2 memorandum from the governor's office and contributed
3 to 90 overdose deaths in 2017 and 575 overdose deaths
4 across 30 counties in 2021, an increase of over 600
5 percent in just 5 years. He mentioned that it is
6 also becoming increasingly prevalent in Philadelphia,
7 where the city of Philadelphia reported that 90
8 percent of street opioid samples contained xylazine
9 in 2021.

10 Mr. Davis stated the acting secretary of health
11 submitted a notice of intent to temporarily add
12 xylazine to the list of Schedule III drugs under
13 Pennsylvania's Controlled Substance, Drug, Device,
14 and Cosmetic Act and is available online at the
15 pacodeandbulletin.gov and under announcements on the
16 Board's website.

17 Mr. Davis addressed the possibility of action on
18 a federal level and read something he received from
19 the American Veterinary Medical Association (AVMA),
20 where the AVMA has urged Congress to pass the
21 Combating Illicit Xylazine Act because it strikes the
22 right balance of protecting communities while
23 preserving veterinary access to this critically
24 important animal drug.

25 Mr. Davis stated he copied the following from the

1 AVMA website on May 4, 2023: "The Combating Illicit
2 Xylazine Act was introduced into Congress on March
3 28, culminating weeks of work by AVMA and other
4 stakeholders. The bill's provisions would equip law
5 enforcement with additional tools to stop xylazine
6 trafficking while maintaining veterinarians' ability
7 to legitimately use xylazine."

8 Mr. Davis mentioned that the legislation would
9 make the manufacture, distribution, dispensing, or
10 possession of illicit xylazine subject to Schedule
11 III penalties under the federal Controlled Substances
12 Act. He explained that illicit use of xylazine
13 includes any use or intended use in people, and it
14 would address any diversion of xylazine from
15 veterinary resources, at the same time, legitimate
16 veterinary uses would remain under their current
17 prescription status.

18 Mr. Davis stated the PA Department of Health is
19 aware of the Combating Illicit Xylazine Act on the
20 federal level but does not know whether the
21 Department of Health would make it a Schedule III or
22 do something similar to what the federal government
23 is considering. He commented that whatever happens
24 may directly affect how the veterinary community
25 handles and utilizes xylazine.

1 Mr. Davis mentioned that the State Board of
2 Veterinary Medicine does not control the scheduling
3 of controlled substances in the Commonwealth of
4 Pennsylvania and suggested that anyone wishing to
5 share their opinion on xylazing-related issues
6 contact a professional organization, such as AVMA or
7 the Pennsylvania Veterinary Medical Association
8 (PVMA) and maybe local representatives to advocate on
9 their behalf.

10 [Thomas M. Davis, Esquire, Board Counsel,
11 introduced Heidi Carroll, Diversion Program Manager,
12 Drug Enforcement Administration Philadelphia
13 Division, to discuss the euthanasia regulation as
14 well as xylazine.]

15 Ms. Carroll informed Board members that she has
16 engaged at their headquarters level with registration
17 specialists to try to ascertain how to accommodate
18 the clinics with the euthanasia issue and which
19 category of registrant.

20 Ms. Carroll noted asking several colleagues in
21 other states whether they have a similar category of
22 licensees that potentially are registered with the
23 DEA to see how they could accommodate the Board.

24 Ms. Carroll had no additional visibility to offer
25 other than what has been in the news and proposed

1 regarding xylazine. She stated there are several
2 bills in Congress with attachments for xylazine. She
3 mentioned seeing ones that proposed a scheduling of
4 xylazine for all other medical practices with a
5 carve-out for veterinarians. She noted it is
6 actively being looked at and offered to keep the
7 Board posted.

8 Ms. Carroll noted the DEA has been engaged with
9 boots on the ground, especially with what is
10 happening in the communities with the fentanyl
11 individuals but also understand that who the laws
12 affect does not necessarily target the right
13 community. She believed it to be a supply and demand
14 issue that needed to be addressed at a manufacturing
15 level. She commented that the industry as a whole
16 has given some really good feedback and hopefully
17 would be something that is considered.

18 Dr. Horbal noted being an equine veterinarian by
19 trade and using xylazine about 8 to 10 times per day
20 on a regular basis. She reported xylazine to be very
21 effective in horses when properly administered. She
22 mentioned that it does concern the industry but
23 wanted to advocate for safe use and support making
24 sure it does not end up in the hands of illicit drug
25 users and unauthorized users who somehow end up

1 buying it at a farm store.

2 Dr. Horbal acknowledged that things are going to
3 be changing but expressed concern with making sure it
4 stays readily accessible for food production
5 veterinarians and for equine veterinarians,
6 acknowledging that it is often used in a lot of
7 ambulatory situations in that case. She mentioned
8 that the regulations that fall on controlled
9 substances used in ambulatory situations are also a
10 concern. She also expressed concern with making sure
11 the price point of xylazine is accessible for
12 customers and clients, noting it is an affordable
13 drug and allows veterinarians to do their job safely
14 and effectively. She mentioned that any additional
15 regulation applied to the drug would raise the price.

16 Ms. Carroll noted seeing potential replacement
17 drugs and doing a cost-benefit analysis and referred
18 to Dr. Horbal's comment, where the price point seems
19 to be astronomically higher for replacement drugs
20 than with xylazine.

21 Dr. Horbal explained that the duration of action
22 of xylazine is different than other alpha-2 agonists
23 used in horses, where xylazine is effective for about
24 15-20 minutes and safer and more desirable for
25 veterinarians, patients, and clients.]

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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.



Sophia Mahoney,

Minute Clerk

Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
REFERENCE INDEX

May 5, 2023

	TIME	AGENDA
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8		
9	10:00	Executive Session
10	10:29	Return to Open Session
11		
12	10:33	Official Call to Order
13		
14	10:34	Roll Call
15		
16	10:34	Introduction of Attendees
17		
18	10:35	Approval of Minutes
19		
20	10:36	Report of Board Prosecution
21		
22	10:44	Report of Board Counsel
23		
24	10:47	Appointment - Pennsylvania Insurance
25		Department - Pennie Health Insurance
26		Presentation
27		
28	11:02	Report of Board Counsel (cont.)
29		
30	11:17	Upcoming Meeting Dates
31		
32	11:18	Adjournment
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