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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

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

May 17, 2024

State Board of Veterinary Medicine
May 17, 2024

BOARD MEMBERS:

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

BUREAU PERSONNEL:

Dana M. Wucinski, Esquire, Board Counsel
Todd P. Kriner, Esquire, Board Counsel
Thomas M. Davis, Esquire, Regulatory Board Counsel
Paul J. Jarabeck, Esquire, Senior Board Prosecutor
Amber Lee Czerniakowski, Esquire, Board Prosecution
Liaison
Sarah Buhite, Esquire, Board Prosecutor
Denice Szekely, Esquire, Board Prosecutor
Timothy J. Henderson, Esquire, Board Prosecutor
Michelle Roberts, Board Administrator
Andrew LaFratte, MPA, Deputy Policy Director,
Department of State
Piri Pantoja Jr., Deputy Director of Legislative
Affairs, Department of State

ALSO PRESENT:

Derek Richmond, Sargent's Court Reporting Service,
Inc.

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State Board of Veterinary Medicine

May 17, 2024

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

The regularly scheduled meeting of the State Board of Veterinary Medicine was held on Friday, May 17, 2024. Thomas Garg, V.M.D., Chair, called the meeting to order at 10:34 a.m.

[Todd P. Kriner, Esquire, Board Counsel, noted the meeting was being recorded and voluntary participation constituted consent to be recorded.

Mr. Kriner also noted the Board entered into Executive Session for the purpose of conducting quasi-judicial deliberations and to receive advice of counsel on the matters upon which the Board will later vote.]

1 Roll Call

2 [A roll call of Board members was taken by Chair
3 Garg. A quorum was present. He noted the
4 representative from the Commissioner's office is
5 present in person, and all other members of the Board
6 were attending virtually.]

7 ***

8 Introduction of Attendees

9 [Michelle Roberts, Board Administrator, provided an
10 introduction of attendees.]

11 ***

12 Report of Board Prosecution

13 [Amber Lee Czerniakowski, Esquire, Board Prosecution
14 Liaison, presented the Consent Agreement for Case No.
15 22-57-017255.]

16 ***

17 [Timothy J. Henderson, Esquire, Board Prosecutor,
18 presented the Consent Agreement for Case No. 19-57-
19 012570.]

20 ***

21 [Paul J. Jarabeck, Esquire, Senior Board Prosecutor,
22 presented the VRP Consent Agreements for Case No. 24-
23 57-001988 and Case No. 24-57-003653.]

24 ***

25 [Denice Szekely, Esquire, Board Prosecutor, presented

1 the Consent Agreement for Case No. 22-57-003145.]

2 MR. KRINER:

3 Based on the Board's discussion in
4 Executive Session, I believe the Chair
5 would accept a motion to approve the
6 VRP Consent Agreements in the following
7 matters: Case No. 24-57-001988 and
8 Case No. 24-57-003653, in which there
9 are no recusals.

10 DR. HORBAL:

11 I'll make that motion.

12 DR. COOLEY:

13 Second.

14 CHAIR GARG:

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

17

18 Mr. Eaton, yes; Dr. Cooley, yes; Dr.
19 Horbal, yes; Ms. Kehoe, yes; Tom Garg,
20 aye.

21 [The motion carried unanimously.]

22

23 MR. KRINER:

24 Based on the Board's discussions in
25 Executive Session, I believe the Chair

1 would accept a motion to approve the
2 following Consent Agreements, in which
3 there are no recusals: Case No. 22-57-
4 017255, Case No. 19-57-012570, and Case
5 No. 22-57-003145.

6 DR. HORBAL:

7 I'll make that motion.

8 DR. COOLEY:

9 Second.

10 CHAIR GARG:

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

13

14 Mr. Eaton, yes; Dr. Cooley, aye; Dr.
15 Horbal, aye; Ms. Kehoe, aye; Tom Garg,
16 aye.

17 [The motion carried unanimously. The Respondent's
18 name at Case No. 22-57-017255 is Thomas P. Lopez,
19 D.V.M.; Case No. 19-57-012570, Paul Daniel Kutish,
20 V.M.D.; and Case No. 22-57-003145, Larry Lee
21 Stefanick, V.M.D.]

22

23 Report of Board Counsel

24 MR. KRINER:

25 Number 7 on the agenda. Based on the

1 Board's discussions in Executive
2 Session, I believe the Chair would
3 accept a motion to approve as final the
4 Draft Adjudication and Order in the
5 following matter: Nicholas Carroll,
6 Case No. 21-57-000829.

7 DR. HORBAL:

8 I'll make that motion.

9 DR. COOLEY:

10 Second.

11 CHAIR GARG:

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

14
15 Mr. Eaton, yes; Dr. Cooley, aye; Dr.
16 Horbal, aye; Ms. Kehoe, aye; Tom Garg,
17 aye.

18 [The motion carried unanimously.]

19 ***

20 MR. KRINER:

21 Number 8 on the agenda. Based on the
22 Board's discussions in Executive
23 Session, I believe the Chair would
24 accept a motion to approve as final the
25 Draft Adjudication and Order as amended

1 per our discussion in Executive Session
2 in the following matter: Rachel Lee
3 Cline, Case No. 22-57-007841.

4 DR. HORBAL:

5 I'll make that motion.

6 DR. COOLEY:

7 Second.

8 CHAIR GARG:

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

11

12 Mr. Eaton, yes; Dr. Cooley, aye; Dr.
13 Horbal, aye; Ms. Kehoe, aye; Tom Garg,
14 aye.

15 [The motion carried unanimously.]

16

17 MR. KRINER:

18 Number 9 on the agenda. Based on the
19 Board's discussions in Executive
20 Session, I believe the Chair would
21 accept a motion to direct counsel to
22 draft an order vacating the Board's
23 prior order granting the Motion to Deem
24 Facts Admitted and ordering prosecution
25 to serve the amended Order to Show

1 Cause on Respondent at his address on
2 file with the Board in the Matter of
3 Andrew Church, Case Nos. 20-57-01112 &
4 20-57-013715.

5 DR. HORBAL:

6 I'll make that motion.

7 DR. COOLEY:

8 Second.

9 CHAIR GARG:

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

12
13 Mr. Eaton, yes; Dr. Cooley, yes; Dr.
14 Horbal, aye; Ms. Kehoe, aye; Tom Garg,
15 aye.

16 [The motion carried unanimously.]

17 ***

18 MR. KRINER:

19 Number 10 on the agenda. Based on the
20 Board's discussions in Executive
21 Session, I believe the Chair would
22 accept a motion to direct counsel to
23 draft an Adjudication and Order in the
24 following matter: Karin-Susan
25 Breitlauch, Case No. 21-57-003768.

1 DR. HORBAL:

2 I'll make that motion.

3 DR. COOLEY:

4 I second.

5 CHAIR GARG:

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

8

9 Mr. Eaton, yes; Dr. Cooley, aye; Dr.
10 Horbal, aye; Ms. Kehoe, aye; Tom Garg,
11 aye.

12 [The motion carried unanimously.]

13

14 Report of Board Counsel - Annual Report

15 [Todd P. Kriner, Esquire, Board Counsel, referred to
16 the Annual Report to the General Assembly and
17 explained that the Veterinary Medicine Practice Act
18 requires the Board to annually provide the General
19 Assembly with a description of the types of
20 complaints received and status of cases.

21 Mr. Kriner reminded Board members that Carlton
22 Smith, Deputy Chief Counsel of the Prosecution
23 Division, presented the information to the Board a
24 few months ago and recently provided additional data
25 for the Board's review.

1 Mr. Kriner reported 9,328 active licensees in
2 2023 with 264 opened cases, 298 open cases at the
3 time of the report, and 212 closed cases. He
4 mentioned the average age to close a case was 335
5 days, which is down from 2022. He also reported 11
6 cases ended in fines, 124 prosecution not warranted
7 cases, and 40 warning letters. He noted that anyone
8 who wished to have a copy of the report should
9 contact him or the Board's main email address.]

10

11 Report of Regulatory Counsel - Regulations
12 [Thomas M. Davis, Esquire, Regulatory Counsel,
13 provided a Status of Regulations Report for the
14 Board's review. He referred to 16A-5726 regarding
15 the euthanasia regulation and referred to the list of
16 Board approvals from March 22, 2024. He reported the
17 Office of General Counsel (OGC) approved the
18 regulation on April 17, 2024, and Office of Policy on
19 April 23, 2024.

20 Mr. Davis mentioned being able to affect delivery
21 of that rulemaking on April 29, 2024, to the
22 Independent Regulatory Review Commission (IRRC),
23 noting the next public meeting for that particular
24 regulation will occur Thursday, June 20, 2024, at 10
25 a.m. in Harrisburg, PA. He noted the agenda and

1 information concerning meetings could be found on
2 IRRC's website at www.irrc.state.pa.us.

3 Mr. Davis explained that IRRC commissioners will
4 review the final regulation, and he will be available
5 to answer any questions. He also believed IRRC would
6 give the audience time to speak if the audience
7 members would have anything to say regarding that
8 regulation. He mentioned the meeting is also
9 broadcasted on the Internet.

10 Mr. Davis provided an update for 16A-5732
11 regarding the fee regulation, noting the Office of
12 Policy approved the proposed regulation on May 8,
13 2024, and the Office of General Counsel sent that to
14 the Office of Attorney General on May 9, 2024. He
15 noted the Office of Attorney General (OAG) has 30
16 days to review and will keep the Board apprised of
17 any new information. He mentioned that the Board may
18 not be able to get the final regulation in place for
19 this renewal cycle.

20 Chair Garg commented that the previous fees would
21 apply into the next cycle if it does not get through
22 by the time this cycle is up.

23 Mr. Davis noted Chair Garg to be correct.]

24 ***

25 Report of Regulatory Counsel - Continuing Education

1 Discussion

2 [Thomas M. Davis, Esquire, Regulatory Counsel,
3 addressed three subpoints to the continuing education
4 discussion. He reported being contacted by the
5 Assistant Director of the Department of Agriculture's
6 Bureau of Animal Health and Diagnostic Services on
7 March 22, 2024, asking that the Department of
8 Agriculture's Bureau of Animal Health and Diagnostic
9 Services be added to the Board's list in its
10 regulations of preapproved continuing education
11 providers.

12 Mr. Davis referred to a discussion with the
13 individual and mentioned possibly becoming a Registry
14 of Approved Continuing Education (RACE) provider
15 through the American Association of Veterinary State
16 Boards (AAVSB) or something along those lines,
17 because it may be a little quicker. He noted the
18 individual did say specifically in an April 30, 2024
19 email, "The Bureau is not a RACE provider. This is a
20 lengthy process for which we would need to pay
21 certification fees. Though we understand the process
22 may take some time, we hope that we'll be able to be
23 an approved CE provider similar to other veterinary
24 organizations in PA."

25 Mr. Davis mentioned the Board is currently

1 working on a regulation to add the National
2 Association of Veterinary Technicians (NAVTA) as a
3 preapproved provider and working to clarify that now
4 all veterinarians may accrue all hours via distance
5 education. He asked whether the Board had any
6 objection to him adding the Department of
7 Agriculture's Bureau of Animal Health and Diagnostic
8 services to the annex in the proposed regulation.

9 Chair Garg commented that the Board had approved
10 some changes with regard to the other items and asked
11 whether adding this in at this point would affect the
12 timing of the process.

13 Mr. Davis explained that the addition would not
14 slow the regulation process, because the preamble is
15 not complete. He further explained that having to
16 amend the preamble because the Board already voted on
17 it would set them back at this stage.

18 Chair Garg did not see any reason to object and
19 other Board members had no response.

20 Mr. Davis mentioned being surprised that the
21 Board did not have some kind of a continuing
22 education approval available through state agencies
23 as a general aspect. He informed Board members that
24 he would look into that possibility, so they do not
25 have to add every bureau or department to the

1 preapproved list of providers. He will present the
2 information at the next Board meeting.

3 Chair Garg commented that there is a list of
4 preapproved providers, but anybody who is not on that
5 list of preapproved providers can provide continuing
6 education (CE) if they provide notice to the Board,
7 get approval, and pay a fee. He noted understanding
8 why an organization like the Pennsylvania Veterinary
9 Medical Association (PVMA) would want to be on that
10 list, but asked whether there is actually any
11 practical implication to their ability to go ahead
12 and to provide CE. He mentioned the difference would
13 be the need to apply and pay a fee and asked whether
14 that fee has any impact from one state government
15 agency to another.

16 Mr. Davis did not know of any blanket exception
17 to the fee if it is any organization asking for
18 continuing education approval to be a provider.

19 Ms. Roberts explained that there is an invoice
20 that that goes from one agency to the other through
21 the revenue office if it is another state agency,
22 like agriculture. She was not sure if it is an
23 actual fee or just in place of the fee, but there is
24 some sort of paperwork involved.

25 Mr. Davis stated the Assistant Director did not

1 mention the fee or anything but wanted to make it
2 easier. He again informed Board members that he
3 would conduct more research and have a more in-depth
4 report as to how this can actually be effectuated
5 instead of just adding each agency individually.

6 Mr. Davis addressed the 25% maximum for
7 individual study or written computer-based courses.
8 He referred to § 31.15(b) of the Board's regulations,
9 where a maximum of 25% of the hours may be earned by
10 taking individual study or written computer-based
11 correspondence courses, for which third-party
12 verification of satisfactory completion is provided.

13 Mr. Davis explained that veterinarians must
14 complete a certain number of continuing education
15 hours biennially, and only 25% of those hours may be
16 computer-based courses. He stated the Board was
17 allowed to waive that particular regulation during
18 COVID to allow veterinarians to accrue all required
19 hours via distance education.

20 Mr. Davis referred to distance education via
21 proposed rulemaking 16A-5731 and prior Board
22 discussion, where the Board intends to amend
23 § 31.15(b) to allow veterinarians to accrue all
24 required hours via distance education. He mentioned
25 that the rulemaking has not yet been published as

1 final, so the regulation has not yet been amended.
2 He referred to Chair Garg's concern at the last
3 meeting, where there might be confusion as to what is
4 or is not allowed when it comes to computer-based
5 continuing education courses.

6 Mr. Davis noted Chair Garg referred to proposed
7 rulemaking 16A-5731 at the last meeting and asked
8 Counsel to look into the possibility of waiving
9 enforcement of § 31.15(b) in light of proposed
10 rulemaking 16A-5731. He mentioned discussing the
11 matter with Board Counsel and believed it would be
12 allowable to waive enforcement of that particular
13 revision, which would allow their entire licensure
14 base to obtain 100% of their continuing education
15 hours for this biennial renewal cycle via computer-
16 based education should the licensees decide to go
17 that route. He noted licensees could still obtain
18 live continuing education.

19 Chair Garg commented that the licensees are
20 coming toward the end of the licensing cycle, and
21 there were many veterinarians who know that the Board
22 had previously started this process but do not seem
23 to understand that the process takes time and is not
24 done. He mentioned that in the absence of some sort
25 of action that there is a good chance a number of

1 veterinarians believed that they do not need to have
2 in-person CE and could face discipline for something
3 the Board already voted to move forward and intends
4 to not have as a requirement.

5 Chair Garg thanked Mr. Davis and Mr. Kriner for
6 their research and believed it would be appropriate
7 for the Board to move forward.]

8 MR. DAVIS:

9 Based on the Board's discussions in
10 open session and in light of proposed
11 rulemaking 16A-5731, I believe the
12 Chair would accept a motion to
13 henceforth suspend enforcement of 49
14 Pa. Code § 31.15(b), thereby allowing
15 licensed veterinarians to obtain all
16 required continuing education hours via
17 distance education.

18 CHAIR GARG:

19 Would anybody like to make that motion?

20 DR. HORBAL:

21 I will make that motion.

22 CHAIR GARG:

23 Is there a second?

24 DR. COOLEY:

25 I will second that motion.

1 CHAIR GARG:

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

4
5 Mr. Eaton, yes; Dr. Cooley, aye; Dr.
6 Horbal, aye; Ms. Kehoe, aye; Tom Garg,
7 aye.

8 [The motion carried unanimously.]

9 ***

10 [Mr. Davis noted that certified veterinary
11 technicians (CVTs) were not mentioned in any of the
12 discussion, because there is no such regulation where
13 CVTs have been allowed to obtain 100% of continuing
14 education online this entire time.

15 Mr. Davis addressed correspondence from a
16 veterinarian, who is soon retiring, and complained of
17 the cost and inconvenience of CE, specifically the
18 cost associated with traveling all over the U.S. to
19 attend large animal conferences. He stated the
20 individual asked the Board to modify CE requirements
21 to make it easier for "senior veterinarians to
22 maintain a license in Pennsylvania."

23 Mr. Davis believed a vote would take care of 99%
24 of this individual's concern. He stated no
25 particular subclass of veterinarian could be exempted

1 from CE requirements.

2 Chair Garg agreed completely that the Board's
3 actions essentially eliminates that requirement to
4 travel and is why the Board elected to move forward
5 with that regulation. He stated the Board became
6 very aware during COVID that individuals can obtain
7 high-quality continuing education without having to
8 travel.

9 Chair Garg addressed the idea of exempting people
10 or reducing their requirements at a certain point in
11 their career. He mentioned being opposed to reducing
12 the requirement for CE, noting it is specifically
13 counter to the whole purpose of requiring continuing
14 education. He commented that it would be impossible
15 for somebody to maintain the current and acceptable
16 prevailing standard of care without actually being
17 aware of what the current advancements were in the
18 field.

19 Chair Garg noted the trend toward online
20 continuing education is not something that would just
21 be in Pennsylvania, where all of the organizations
22 that provide CE are going to have an incentive to
23 offer it as online education and be an
24 economic driver for them.

25 Mr. Davis offered to draft a letter to the

1 individual based on the Board's discussion.

2 Chair Garg asked Mr. Davis to also draft a letter
3 to the Pennsylvania Veterinary Medical Association to
4 inform them of the Board's decision as well.]

5 ***

6 Report of Board Chairperson - No Report

7 ***

8 Report of Acting Commissioner

9 [Matthew Eaton, Director of Operations, Bureau of
10 Professional and Occupational Affairs, on behalf of
11 Arion Claggett, Acting Commissioner, informed Board
12 members that all licensees will have the ability to
13 print their own licenses from their dashboard in the
14 Pennsylvania Licensing System (PALS) on May 31, 2024.
15 He noted the Bureau will continue to print licenses
16 automatically.

17 Chair Garg asked whether it was fair to say there
18 would not be a fee for printing their own license.

19 Mr. Eaton was unable to provide an answer
20 concerning fees but offered to check on that.]

21 ***

22 Report of Board Administrator

23 [Michelle Roberts, Board Administrator, noted the
24 American Association of Veterinary State Boards
25 Annual Meeting is September 25-28, 2024, in San

1 Diego, CA. She informed Board members that AAVSB
2 will fund delegates and mentioned that Ms. Kehoe and
3 Dr. Cooley have gone in the past. Ms. Kehoe
4 expressed an interest in attending.

5 Chair Garb commented that multiple Board members
6 have attended, and multiple Board members, who have
7 not attended, were not present. He suggested having
8 the discussion again at the next meeting to give
9 individuals who have not gone prior an opportunity to
10 express interest.]

11 ***

12 Report of Board Administrator - Upcoming Meeting

13 Dates - 2024 Meeting Dates

14 [Thomas Garg, V.M.D., Chair, noted the upcoming 2024
15 meeting dates are July 26, September 27, and November
16 22.]

17 ***

18 Approval of minutes of the March 22, 2024 meeting

19 MR. KRINER:

20 Approval of the draft minutes of March
21 22, 2024.

22 CHAIR GARG:

23 Would anybody like to make that motion?

24 DR. HORBAL:

25 I will make that motion.

1 DR. COOLEY:

2 I will second that motion.

3 CHAIR GARG:

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

6

7 Mr. Eaton, abstain; Dr. Cooley, aye;
8 Dr. Horbal, aye; Ms. Kehoe, aye; Tom
9 Garg, aye.

10 [The motion carried. Matthew Eaton abstained from
11 voting on the motion.]

12

13 Adjournment

14 CHAIR GARG:

15 Would anybody like to make a motion to
16 adjourn?

17 DR. HORBAL:

18 I will make a motion to adjourn.

19 CHAIR GARG:

20 Thank you everybody.

21

22 [There being no further business, the State Board of
23 Veterinary Medicine Meeting adjourned at 11:22 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.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF VETERINARY MEDICINE
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TIME	AGENDA
9:30	Executive Session
10:30	Return to Open Session
10:34	Official Call to Order
10:34	Roll Call
10:35	Introduction of Attendees
10:37	Report of Board Prosecution
10:49	Report of Board Counsel
10:55	Report of Regulatory Counsel
11:16	Report of Acting Commissioner
11:18	Report of Board Administrator
11:21	Approval of Minutes
11:22	Adjournment