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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

2525 North 7th Street

CoPA HUB, Eaton Conference Room

Harrisburg, Pennsylvania 17110

as well as

VIA MICROSOFT TEAMS

March 22, 2024

1 ***

2 State Board of Veterinary Medicine

3 March 22, 2024

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 Todd P. Kriner, Esquire, Board Counsel, for the
8 purpose of conducting quasi-judicial deliberations
9 and to receive the advice of counsel. The Board
10 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 March 22, 2024. Thomas Garg, V.M.D., Chair, called
15 the meeting to order at 10:33 a.m.

16 ***

17 [Todd P. Kriner, Esquire, Board Counsel, noted the
18 Board met in Executive Session pursuant to the
19 Sunshine Act for the purpose of conducting quasi-
20 judicial deliberations on the matters under the
21 Report of Board Prosecutors and Report of Board
22 Counsel.

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

1

2 Roll Call

3 [Chair Garg noted that all of the Board members are
4 participating virtually with the exception of Acting
5 Commissioner Claggett. A roll call of Board members
6 was taken by Chair Garg.]

7

8 Introduction of Attendees

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

11

12 Approval of minutes of the January 26, 2024 meeting

13 CHAIR GARG:

14 The first item on the agenda today is
15 approval of the minutes from the
16 previous meeting.

17 Were there any concerns with regard
18 to those minutes? Would anybody like
19 to make a motion?

20 DR. BENDER:

21 Motion to accept the minutes.

22 DR. COOLEY:

23 Second.

24 CHAIR GARG:

25 Any further discussion? I'll call

1 roll.

2

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

7 [The motion carried. Hilary Vesell abstained from
8 voting on the motion.]

9

10 Appointment - Annual Prosecution Division

11 Presentation

12 [Carlton Smith, Esquire, Deputy Chief Counsel,
13 Prosecution Division, informed Board members that he
14 assumed his role in March 2023 when Carolyn
15 DeLaurentis was promoted to the Executive Deputy
16 Chief Counsel position and provided a brief summary
17 of his professional background.

18 Mr. Smith reported a decrease in the number of
19 Bureau of Professional and Occupational Affairs
20 (BPOA) complaints processed across all boards from
21 around 22,000 in 2022 to roughly 19,000 in 2023.

22 Mr. Smith presented the Prosecution Division's
23 Annual Report for the State Board of
24 Veterinary Medicine. He reported a little over 9,000
25 active licensees in 2023. He noted 264 cases were

1 opened in 2023. He also noted nearly 300 current
2 open cases and 212 closed cases. He informed Board
3 members that prosecution's standard is to be able to
4 dispose of a case within a year across all boards,
5 noting the average days to close a case was around
6 335 days.

7 Mr. Smith addressed discipline cases in 2023,
8 noting 11 fines, 2 citations, 7 involving mandatory
9 continuing education (CE), and a few probations. He
10 reported there were more reprimands for their Board
11 compared to other boards.

12 Mr. Smith addressed disposition of cases with no
13 discipline. He noted the majority of cases closed
14 where there was no discipline would be prosecution
15 not warranted represented at 124 or warning letters.
16 He explained that warning letters are issued after
17 prosecution considers the seriousness of the
18 allegations, licensee disciplinary history, and
19 strength of the evidence.

20 Mr. Smith noted prosecution not warranted again
21 considers the seriousness of the allegations,
22 disciplinary history, and strength of the evidence
23 but also considers an expert opinion as to whether
24 there was a violation of a standard of care.

25 Ms. Kehoe asked whether there was any data on how

1 many cases were from licensees of other states who
2 also have a Pennsylvania license.

3 Mr. Smith was not able to provide that data, but
4 mentioned there are different measurements regarding
5 how many cases are sexual misconduct or involve
6 another type of metric.]

7 ***

8 Report of Board Prosecution

9 [Amber Lee Czerniakowski, Esquire, Board Prosecution
10 Liaison, presented the Consent Agreement for Case No.
11 23-57-011185.]

12 MR. KRINER:

13 Based on the discussions in Executive
14 Session, it is my understanding that
15 the Chair would accept a motion to
16 adopt the Consent Agreement at Case No.
17 23-57-011185.

18 DR. BENDER:

19 I'll make the motion.

20 DR. COOLEY:

21 Second.

22 CHAIR GARG:

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

25

1 Mr. Commissioner, aye; Dr. Bender, aye;
2 Dr. Cooley, aye; Ms. Vesell, aye; Dr.
3 Horbal, aye; Ms. Kehoe, aye; Tom Garg,
4 aye.

5 [The motion carried unanimously. The Respondent's
6 name at Case No. 23-57-011185 is Brian Scott
7 Haschets, D.C.]

8 ***
9 Report of Board Counsel

10 MR. KRINER:

11 Items 4, 5, and 6 are tabled until the
12 next meeting in May.

13 ***

14 SECRETARY HORBAL ASSUMED THE CHAIR

15 ***

16 MR. KRINER:

17 Item 7 is the Adjudication and Order
18 for Seth Ian Fishman, Case Nos. 22-57-
19 013036 & 20-57-003696. Chairman Garg
20 is recused from deliberation in this
21 matter.

22 Based on discussions in Executive
23 Session, it is my understanding that
24 the Secretary, who is now assuming the
25 Chair position, Dr. Horbal, would

1 accept a motion to adopt the
2 Adjudication and Order for Seth Ian
3 Fishman at Case Nos. 22-57-013036 & 20-
4 57-003696

5 SECRETARY HORBAL:

6 Would anyone like to make the motion?

7 DR. BENDER:

8 I'll make the motion.

9 DR. COOLEY:

10 Second.

11 SECRETARY HORBAL:

12 I'll take a roll call vote.

13

14 Dr. Bender, aye; Dr. Cooley, aye; Mr.
15 Commissioner, aye; Ms. Vesell, aye; Ms.
16 Kehoe, aye.

17 [The motion carried. Thomas Garg recused himself
18 from deliberations and voting on the motion. Apryle
19 Horbal did not vote on the motion.]

20

21

CHAIR GARG RESUMED THE CHAIR

22

23 Report of Regulatory Counsel - Regulations

24 [Thomas M. Davis, Esquire, Regulatory Counsel,
25 provided a Status of Regulations Report for the

1 Board's review and two updates. He referred to 16A-
2 5732 regarding fees and reported that the Office of
3 General Counsel (OGC) approved those fees but is
4 waiting on budget and policy.

5 Mr. Davis also provided an update on 16A-5726
6 regarding the euthanasia regulation. He stated it is
7 related the Animal Destruction Method Authorization
8 Law (ADMAL) that requires the Board to originate
9 regulations. He noted the Board published
10 regulations as proposed on April 2, 2022, which began
11 a 30-day public comment period that ended on May 2,
12 2022.

13 Mr. Davis stated the Board received quite a few
14 comments, along with receiving comments from the
15 Independent Regulatory Review Commission (IRRC) on
16 June 1, 2022. He noted the Board discussed every one
17 of those comments in open session and directed him to
18 to continue with the final-form rulemaking.

19 Mr. Davis presented the Board with the final-form
20 rulemaking and informed everyone that he started
21 trying to push it through for approvals. He noted
22 the Office of General Counsel is currently looking at
23 it, and it has to be delivered to IRRC by May 2,
24 2024, or they essentially have to start over.

25 Mr. Davis referred to the final-form rulemaking,

1 noting the annex and preamble have been altered in
2 accordance with all of the comments. He stated the
3 annex has changed a good bit as per discussions of
4 the Board, and the preamble has changed a lot,
5 because it is the final-form rulemaking preamble,
6 which discusses the Board's reasoning for all of the
7 changes and the Board's answers to all of the
8 comments.]

9 MR. DAVIS:

10 With respect to rulemaking 16A-5726
11 small animal euthanasia under the
12 Animal Destruction Authorization Law, I
13 believe the Chair would accept a motion
14 to approve the final-form rulemaking.

15 DR. BENDER:

16 Glad to make the motion.

17 DR. COOLEY:

18 Second.

19 CHAIR GARG:

20 Any further discussion? I'll call
21 roll.

22

23 Mr. Commissioner, aye; Dr. Bender, aye;
24 Dr. Cooley, aye; Ms. Vesell, aye; Dr.
25 Horbal, aye; Ms. Kehoe, aye; Tom Garg,

1 aye.

2 [The motion carried unanimously.]

3 ***

4 Report of Regulatory Counsel

5 [Thomas Garg, V.M.D., Chair, referred to the CE
6 portion of the the Regulatory Status Report, noting
7 the anticipated publication in the spring of 2024.
8 He reported that there have been questions from the
9 Pennsylvania Veterinary Medical Association (PVMA)
10 and others regarding that specific topic. He asked
11 whether Mr. Davis was fairly confident that it will
12 be final by spring.

13 Mr. Davis explained that it will not be finalized
14 by the end of the spring of 2024, but believed there
15 was a very good chance it would be published as
16 proposed before summer.

17 Chair Garg requested a time frame as far as when
18 it would realistically be final once it is published
19 as proposed and goes through the usual path forward.

20 Mr. Davis believed there was a very good chance
21 it would be published as final by the end of 2024,
22 unless there was a tremendous number of comments or
23 opposition to the proposed regulation.

24 Chair Garg commented that the Board decided the
25 regulation was appropriate. He asked whether the

1 Board would still have the ability to direct Ms.
2 Roberts to act if it was not final by the end of the
3 CE cycle in November or whether there was a chance
4 that people will need the in-person percentage of CE
5 that was in the previous regulation in this cycle.

6 Mr. Davis explained that the Board's regulations
7 currently say that a certain amount of continuing
8 education may be obtained through online education,
9 and then a large portion has to be obtained through
10 in-person continuing education. He mentioned the
11 regulation change would permit 100% online.

12 Chair Garg further explained that there was a
13 waiver of the regulation during COVID, and this
14 current cycle is the first cycle since that waiver
15 expired. So the in-person CE would be required in
16 the absence of passing the updated regulation.

17 Mr. Davis referred to the Board's actual
18 regulations, because the waiver is no longer in
19 place. He commented that the public and the Board
20 both have to adhere to the regulations until they are
21 changed, and in-person CE is still required as of
22 right now.

23 Mr. Davis strongly suggested that the community
24 adhere to the regulations and get the in-person CE as
25 per the current regulations. He offered to look into

1 whether or not the Board would have the authority to
2 waive but recommended not relying on that at the
3 current time.]

4 ***
5 Report of Board Chairperson - No Report

6 ***
7 Report of Acting Commissioner - No Report

8 ***
9 Report of Board Administrator - No Report

10 ***
11 Upcoming Meeting Dates - 2024 Meeting Dates

12 [Thomas Garg, V.M.D., Chair, noted the upcoming 2024
13 meeting dates are available on the Board's agenda.]

14 ***
15 Adjournment

16 CHAIR GARG:

17 Would anybody like to make a motion to
18 adjourn?

19 DR. BENDER:

20 Motion to adjourn.

21 DR. COOLEY:

22 Second.

23 CHAIR GARG:

24 Thank you everybody. We'll see you in
25 a couple of months.

1 ***

2 [There being no further business, the State Board of
3 Veterinary Medicine Meeting adjourned at 11:03 a.m.]

4 ***

5
6 CERTIFICATE

7
8 I hereby certify that the foregoing summary
9 minutes of the State Board of Veterinary Medicine
10 meeting, was reduced to writing by me or under my
11 supervision, and that the minutes accurately
12 summarize the substance of the State Board of
13 Veterinary Medicine Meeting.

14
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16 

17 Derek Richmond,

18 Minute Clerk

19 Sargent's Court Reporting
20 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
10:33	Official Call to Order
10:33	Roll Call
10:34	Introduction of Attendees
10:36	Approval of Minutes
10:36	Appointment - Carlton Smith, Deputy Chief Counsel, Annual Prosecution Division Report
10:47	Report of Board Prosecution
10:51	Report of Board Counsel
10:53	Report of Regulatory Counsel
11:02	Upcoming Meeting Dates
11:03	Adjournment