

INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

MINUTES

MARCH 2, 2022

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM 8:00 a.m.

Dr. Jerry Rodenbarger called the meeting to order at 8:02 a.m. through virtual video and audio conferencing and declared a quorum in accordance with Indiana Code § 25-38.1-2-5 (c).

Board Members Present:

Jerry Rodenbarger, D.V.M. – Chair
Paul Clemente, D.V.M. – Vice Chair
Steven Sunbury, D.V.M.
John Schnarr, D.V.M.
Natalie Goodwin, Consumer Member
Bret Marsh, D.V.M., State Veterinarian, BOAH

Board Members Not Present:

Vacant, R.V.T. Member
Vacant, D.V.M. Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Clarence Leatherbury, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF AGENDA

A motion was made and accepted to accept the agenda as amended.

Schnarr/Sunbury
Motion carried 5/0/0

III. ADOPTION OF MINUTES

There were no minutes for review.

IV. PERSONAL APPEARANCES 8:00 a.m.

A. Probation

1. **Ericka Bates, D.V.M., License No. 24007619A**
Cause No. 2019 VB 015

Dr. Bates appeared as requested to discuss her ongoing probation with counsel, Rori Goldman. Dr. Bates is still employed at Hope for Animals and has been assisting in surgeries and leading a few surgeries. She stated that her employment has lost a veterinarian on staff. Dr. Bates informed the Board that the few surgeries where she led went well. She primarily does the opening portion of the surgery process and goes step by step. She has progressed with closing surgeries, but only at an assisting capacity. Dr. Bates stated that she feels prepared enough to start solo surgeries and would like the Board's permission. Dr. Bates submitted copies of her completed CE to the Board.

Board Action: A motion was made and seconded to allow Dr. Bates to perform solo surgeries as long as there is another veterinarian in the building.

Schnarr/Clemente
Motion carried 5/0/0

B. Renewals

1. Charles Douglas Turmail, D.V.M., License No. 24003860A

Dr. Turmail appeared as requested to discuss his request for waiver of the continuing education requirements. Dr. Turmail stated that he struggled to get in person CE and completed only online CE. The Board noted that all his CE occurred on the same day. Dr. Turmail stated that the digital on demand CE he completed had a quiz at the end of each program.

Board Action: A motion was made and seconded to approve Dr. Turmail's renewal and CE.

Clemente/Sunbury
Motion carried 5/0/0

2. Brittany Covert, R.V.T., Registration No. 25002296A

Ms. Covert appeared as requested to discuss her renewal response to the question "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?" Ms. Covert disclosed that she was convicted of Operating a Vehicle While Intoxicated Endangering a Person (IC 9-30-5-2(a) and (b)) under Cause Number 15D01-2104-CM-281 in Dearborn County, Indiana. She is currently on criminal probation in Dearborn County. Ms. Covert provided a statement and supporting documents for the Board to review. She informed the Board that she is currently attending therapy and has not consumed alcohol for the past year. She did complete an alcohol assessment and her legal probation will be up in November. Ms. Covert is currently employed by Dearborn County Animal Clinic as the Head Technician.

Board Action: A motion was made and seconded to renew Ms. Covert's registration on indefinite probation to coincide with her criminal probation.

1. The Respondent's license is renewed on **INDEFINITE PROBATION** with no right to petition for the withdrawal until she has completed her criminal probation in Dearborn County, Indiana.
2. Respondent shall submit her substance abuse evaluation by her

addictionologist to the Indiana Board of Veterinary Medical Examiners, 402 W. Washington Street, Room W072, Indianapolis, Indiana 46204 (email: cvaught@pla.in.gov).

3. Respondent must submit copies of any random drugs screens that occur as part of her Dearborn County Probation to the board on a quarterly basis.
4. Respondent must notify the board promptly if she is rearrested or has a substance abuse relapse.
5. Respondent shall provide a copy of this Probationary Order imposing discipline to her employer. Her employer shall sign a Copy of this Order and then the signed copy shall be returned to the Indiana Board of Veterinary Medical Examiners.
6. Respondent shall submit quarterly reports from her employer to the board evaluating her work performance.
7. Once Respondent's Criminal Probation is completed, Respondent shall submit documentation evidencing such completion to the board.
8. Respondent shall appear before the board on a quarterly basis while Respondent's license remains on probation with the board.
9. The Respondent must comply with all statutes and rules governing the Respondent's profession.
10. Failure to comply with the requirements of the probationary terms imposed on the license may subject Respondent to a show cause hearing before this Board and the imposition of further sanctions including emergency suspension.

Ms. Covert agrees to the probation terms.

Clemente/Schnarr
Motion carried 5/0/0

3. Hillary Henderson, R.V.T., Registration No. 25002826A

Ms. Henderson appeared as requested to discuss her renewal response to the question "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?" Ms. Henderson was convicted of Carrying a Handgun Without a License (IC 35-47-2-1) under Cause Number 30D02-2104-CM-000458 in Hancock County, Indiana. She is currently on criminal probation in Hancock County, Indiana. Ms. Henderson provided a statement and supporting documents for the Board to review. She informed the Board that she was in the process of obtaining her gun permit, but it had been denied due her medical condition. She stated that she is currently on criminal probation and that will be completed in June of 2022.

Board Action: A motion was made and seconded to renew Ms. Henderson's registration on indefinite probation to coincide with the criminal probation.

1. The Respondent's license is renewed on Indefinite Probation with no right to petition for the withdrawal until she has completed her criminal probation in Hancock County, Indiana.
2. Once Respondent's Criminal Probation is completed, Respondent shall submit documentation evidencing such completion to the Indiana Board of Veterinary Medical Examiners, 402 W. Washington Street, Room W072, Indianapolis, Indiana 46204.
3. Respondent shall appear before the board at the October 27, 2022, board meeting.
4. The Respondent must comply with all statutes and rules governing the Respondent's profession.
5. Failure to comply with the requirements of the probationary terms imposed on the license may subject Respondent to a show cause hearing before this Board and the imposition of further sanctions including emergency suspension.

Ms. Henderson agrees to the probation terms.

Sunbury/Clemente
Motion carried 5/0/0

4. Britney Newcomer, R.V.T., Registration No. 25002653A

Ms. Newcomer appeared as requested to discuss her renewal response to the question "Since you last renewed, and except for minor violations of traffic laws resulting in fines and arrests or convictions that have been expunged by a court, have you been arrested, entered into a diversion agreement, been convicted of, pled guilty to, or pled nolo contendere to any offense, misdemeanor, or felony in any state or U.S. territory?" She was placed on probation in 2020 for a DUI and was required to submit a report or other documentation showing the results of the alcohol assessment she completed as part of her criminal plea. As of the March 2, 2022, this has not been completed. The Board asked for her to provide a copy of the assessment that she completed, but Ms. Newcomer stated that she is unable to obtain a copy of the court assessment and to complete a new assessment they are either outside her budget, or she cannot get the time off work. The Board table action on her renewal until at this time and required her to appear at the May 4, 2022 meeting with the report from the court or to complete a new report. The Board warned her that at this time she could be in violation of her probation and advised her that if she does not provide that information, then she may see further discipline imposed upon her registration. Renewal has been tabled until the next meeting in order for Ms. Newcomer to provide time to obtain her assessment.

B. Examination Retakes – VTNE & NAVLE

There were no examination retake requests.

D. Reinstatements

There were no reinstatements for review.

E. Application

There were not application appearances.

V. PROPOSED SETTLEMENT AGREEMENTS

There were no Settlement Agreements.

VI. ADMINISTRATIVE HEARINGS

A. Duane Wilcox, D.V.M., License No. 24004694A

Administrative Cause No. 2020 VB 0013

Re: Petition for Modification of Probation

Parties Present:

Respondent was present with counsel David Murphy
Ryan Eldridge, Deputy Attorney General for the State of Indiana
Carol Rowe, Intern Deputy Attorney General for the State of Indiana
Lindy Meyer, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

Jerry Rodenbarger, D.V.M., (Hearing Officer)
Steven Sunbury, D.V.M.
Paul Clemente, D.V.M.
John Schnarr, D.V.M.
Natalie Goodwin, Consumer Member

Case Summary: On or about June 11, 2021, Dr. Wilcox accepted a Settlement with this Board and was placed on probation. Dr. Wilcox and counsel filed a motion to modify his probation. Based upon his Settlement Agreement, Dr. Wilcox was required to complete 10 hours of continuing education in record keeping via the online course veterinaryrecordkeeping.com. However, based upon the evidence received, the course is no longer available. Dr. Wilcox stated that he has found and took another course through Drip Learning Technologies, LLC which offered a six-hour online course entitled, “Medical Record Keeping for Veterinarians.” That Respondent has completed the six hour “Medical Record Keeping for Veterinarians” course and submitted a signed Certificate of Attendance. Dr. Wilcox stated that he is still working at his equine practice between Illinois and Indiana. His record keeping has improved since he was placed on probation, and that the CE he completed provided him with more direction on how to be more detailed. The Board asked him to explain what SOAP stands for. Dr. Wilcox was unable to define the acronym. He stated that he when he was taught record keeping, he was not taught SOAP, and that format was not used in every State. The Board noted that he took the course recently, so he has not had time to put what he learned in practice. Dr. Wilcox explained the changes he made in his record keeping prior to taking the course.

That the board finds it is appropriate to modify the June 11, 2021, Final Order Incorporating the Proposed Settlement Agreement filed April 27, 2021, and substitute the requirement that Respondent take the ten-hour course through veterinaryrecordkeeping.com in paragraph 8 of the Settlement Agreement with the six-hour Drip Learning Technologies Course “Medical Record Keeping for Veterinarians.”

Board Action: A motion was made and seconded to modify Dr. Wilcox’s probation to substitute the requirement that Dr. Wilcox take the ten-hour course through veterinaryrecordkeeping.com with the six hour Drip Learning Technologies Course “Medical Record Keeping for Veterinarians.”

Schnarr/Sunbury
Motion carried 5/0/0

B. Rebecca McGovern, D.V.M., License No. 24008200A

Administrative Cause No. 2020 VB 0014

Re: Petition for Modification of Probation

Parties Present:

Respondent was present with counsel J. Michael Grubbs
Ryan Eldridge, Deputy Attorney General for the State of Indiana
Katie Daggett, Intern Deputy Attorney General for the State of Indiana
Lindy Meyer, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

Jerry Rodenbarger, D.V.M., (Hearing Officer)
Steven Sunbury, D.V.M.
Paul Clemente, D.V.M.
John Schnarr, D.V.M.
Natalie Goodwin, Consumer Member

State Witness:

Cindy Vaught, Indiana Professional Licensing Agency, Board Director

Case Summary: On or about September 17, 2021, Dr. McGovern accepted a Settlement Agreement with this Board and her license was placed on probation for no less than three (3) years. Dr. McGovern has requested that her probation be modified as her circumstances have changed. She stated that she is currently employed at Indy Paws, and as part of her employment she is asked to euthanize animals. Dr. McGovern is requesting a modification allow her to allow her to use Controlled Substances so she can perform that practice safely. The Board asked if there is another veterinarian on staff that can perform that service. Dr. McGovern stated that Indy Paws only employs two (2) veterinarians, which she is one (1). Due to scheduling conflicts that practitioner is not always available. Dr. McGovern proposed that if she is allowed this modification, then a Registered Veterinarian Technician can be with her if the other veterinarian is not available to perform the service. The Board asked for clarification on which drugs she would handle, how they were stored, and who had access. Dr. McGovern stated that she would only handle pentobarbital, the controlled substances are kept in a separate locked room storage that she currently does not have access to, and that she would only handle

one (1) to four (4) cases a week. She stated that she is currently doing well with the Well Being program and she sees her physician once a week.

The State called Ms. Vaught as witness. Ms. Vaught is the current administrator of Dr. McGovern's case. She confirmed that at this time she has not received reports on Dr. McGovern's current status with the Well Being Program, though she is aware that Dr. McGovern has signed a contract with them. Ms. Vaught stated she has not received any reports from Dr. McGovern. Dr. McGovern stated that she emailed them to Ms. Vaught, but Ms. Vaught stated she is not showing receipt of them.

A brief recess occurred to allow Dr. McGovern to resend the reports to Ms. Vaught for the Board to review.

The Board advised Dr. McGovern it is her responsibility to ensure that reports are sent to the Board in a timely manner.

Board Action: A motion was made and seconded to accept Dr. McGovern's request to modify the April 27, 2021, Settlement Agreement to "Respondent shall not have access to controlled substances at her place of employment with the express exception of Pentobarbital, a euthanasia drug, and it must be drawn up, witnesses and wasted by a staff member at her workplace and must be documented by both Respondent and such staff member. After one (1) year from the date of the Final Order, Respondent may request the Board modify this denial of access."

Schnarr/Clemente
5/0/0

C. Lindsey Shoup, R.V.T., Registration No. 25001913A

9:30 a.m.

Administrative Cause No. 2018 VB 0006

Re: Petition for Withdraw of Probation

Parties Present:

Respondent was present with counsel Tim Kappes
Ryan Eldridge, Deputy Attorney General for the State of Indiana
Brendan Basaran, Intern Deputy Attorney General for the State of Indiana
Lindy Meyer, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

Jerry Rodenbarger, D.V.M., (Hearing Officer)
Steven Sunbury, D.V.M.
Paul Clemente, D.V.M.
John Schnarr, D.V.M.
Natalie Goodwin, Consumer Member

State Witness:

Cindy Vaught, Indiana Professional Licensing Agency, Board Director

Case Summary: On or about February 18, 2019, Ms. Shoup was placed on probation based upon a Settlement Agreement with this Board. She stated that she is currently employed with the Indiana State Crop Association. She has not been employed in the

capacity of a Veterinarian Technician for a while. She has kept IPLA updated on her current employment status and notified the Board on any communication and changes with her status. She stated that she finds it difficult to obtain CE in the area of Controlled Substances as she was trying to find courses that addressed her issues specifically. She stated that COVID also slowed down her attempts to complete the CE requirements. Ms. Shoup confirmed that she has completed her CE, fees, and evaluation per her order, and provided that information to the Board. She stated that she feels more comfortable working as a Veterinarian Technician, and she is able to address potential burnout better.

The State called Ms. Vaught as witness. Ms. Vaught is the current administrator of Ms. Shoup's case. She confirmed that the Board has received all documents required per the probation terms.

Board Action: A motion was made and seconded to accept Ms. Shoup's request to withdraw her probation.
Schnarr/Sunbury
5/0/0

D. Cody Breault, R.V.T., Registration No. 25002779A

9:45 a.m.

Administrative Cause No. 2021 VB 0006

Re: Order To Show Cause

Parties Present:

Respondent was not present
Ryan Eldridge, Deputy Attorney General for the State of Indiana
Katie Dagget, Intern Deputy Attorney General for the State of Indiana
Lindy Meyer, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

Jerry Rodenbarger, D.V.M., (Hearing Officer)
Steven Sunbury, D.V.M.
Paul Clemente, D.V.M.
John Schnarr, D.V.M.
Natalie Goodwin, Consumer Member

Case Summary: On or about June 11, 2021, Mr. Breault was placed on probation for no less than three (3) years. Mr. Breault was required to appear at the October 27, 2021, meeting, and then appear every six (6) months after that date. Mr. Breault did not appear and an Order to Show cause was issued on January 20, 2022. This notice was emailed to Mr. Breault, and notice was additionally sent by certified mailed to two (2) different locations. The State recommends that the Board issue a Notice of Default.

Board Action: A motion was made and seconded to issue a Notice of Proposed Default.
Schnarr/Sunbury
5/0/0

VII. APPLICATION REVIEW

A. Ralph Hecht, D.V.M.

Dr. Hecht's application was submitted for review of his state constructed exam. Dr. Hecht has been practicing in Ohio since 1973 with no discipline. The Board noted that at the time he obtained his license the CCT exam from the AAVSB was not available. He provided a statement in his application that his intention is to join a group practice should he obtain his Indiana license.

Board Action: A motion was made and seconded to approved Dr. Hecht's application pending passing the jurisprudence exam.
Clemente/Sunbury
5/0/0

VIII. CONTINUING EDUCATION

There was no continuing education for review.

IX. DISCUSSION

X. PROBATION REVIEW

A. Benny Brian Moore, D.V.M., License No. 24003485A Cause No. 2019 VB 0007

Rori Goldman, counsel of Dr. Moore, was present to address any of the Board's concerns. Dr. Moore submitted additional records for the Board to review. Dr. Rodenbarger noted that on one record, Dr. Moore wrote the diagnosis but did not indicate the dosages for the treatment. The Board stated that they know he is trying, but he is not being concise in his records. Ms. Goldman stated that she has been forwarding their advice to Dr. Moore who has found the direction helpful. Dr. Rodenbarger also noted that in half of the patients, Dr. Moore wrote their heart rates as all the same. He stated that statistically this is unlikely. The Board informed Ms. Goldman to let Dr. Moore know that if a consumer complaint is filed against him, with this level of record keeping, there would be serious concerns. The Board requested additional records to review and stated they would like a screen shot of his schedule with those records.

XI. REPORTS

A. Attorney General's Report

The Attorney General's office reported to the Board that they have 66 complaints with an average age of 5.8 months. Since the beginning of the year, they have 62 open cases and closed 9. There are currently 6 litigation cases open with a duration average of 12.6 months. There have been 8 opened since the beginning of the year, and 1 case has closed.

The Attorney General's office stated that they have averaged 60% of the complaints they receive have been malpractice and misdiagnosed cases, 20% has been complaints regarding unprofessional behavior, 10% has been complaints regarding unlicensed processed. The remaining percentages is a mix of drug diversion and discipline from other State complaints.

B. State Veterinarian's Report – Dr. Marsh

Dr. Marsh reported that the Avian influenza has been reported in Southwest Ind. They have noted that there are currently six (6) flocks in two (2) counties that cover the span of around 170,000 birds that have been destroyed. Dr. Marsh went over the quarantine area for the Board, and the processes taken to dispose of the infected animals safely. Samples of the disease have been taken and sent for testing. Currently the Department of Natural Resources are looking into the impact of waterfowl to the area.

Dr. Marsh reported on the updates that the Veterinarian Medical Examiners Board is currently in transition to the Board of Animal Health.

XII. OLD/NEW BUSINESS

IPLA reported to the Board an update on the Purdue graduates. Ms. Vaught reported that the State of Indiana only had twenty-four (24) graduates from Purdue obtained licensure in the State. It is the understanding of IPLA that the Veterinarian graduate classes at Purdue University is half in-state versus half out of state. IPLA stated that in 2019, 100 Purdue graduates were licensed by the Board, and last year 70 graduates became licensed. The Board discussed why this number has lowered.

XIII. ADJOURNMENT

The Board adjourned at 1:26 pm.

Next Scheduled Meeting

April 27, 2022

Indiana Government Center South

402 West Washington Street

Room W064

Indianapolis, Indiana 46204