

MINUTES

INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

APRIL 29, 2010

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Headley called the meeting to order at 9:00 a.m. in the Indiana Government Center South, 302 West Washington Street, Conference Center Room 1, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Richard Headley, D.V.M. – Chair
Dawn Frank, D.V.M. – Vice Chair
Patricia Kovach, D.V.M.
Ralph Welp, D.V.M.
Robin Waltz, D.V.M.
Susan Pedigo, R.V.T.
Bret Marsh, D.V.M., State Veterinarian

Board Members Absent:

Frank Andrews, Consumer Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Assistant Board Director, Professional Licensing Agency
Phillip Thompson, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

WELP/KOVACH
Motion carried 6-0-0

III. APPEARANCES

A. Probation

There were no probationary appearances before the Board.

B. Renewal

There were no renewal appearances before the Board.

C. Applications

There were no application appearances before the Board.

IV. ADMINISTRATIVE HEARINGS

1. **State of Indiana vs. Brenton Arihood, D.V.M., License No. 24003071A**
Administrative Cause No. 2009 VB 0001
Re: Order to Show Cause

Parties and Counsel Present:

Respondent was present and represented by Rori Goldman
Mark Mader, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Headley, D.V.M., President (Hearing Officer)
Dr. Frank, D.V.M.,
Dr. Waltz, D.V.M.
Dr. Kovach, D.V.M.
Dr. Welp, D.V.M.
Ms. Pedigo, R.V.T.

Case Summary: Respondent appeared and was represented by Rori Goldman, of Hill, Fulwider, McDowell, Funk & Matthews. Mr. Mader stated he had come in on the tail end of Respondents personal appearance at the last Board meeting and heard the Board's concerns with his record keeping, surgery logs and controlled substance logs. Mr. Mader feels the Board was extremely concerned with his attitude as well. Ms. Goldman stated she understands the reason he is here today and understands the concerns of the Board and will show the Respondent has improved his practice in the last 30 days and takes this matter seriously. The State requested the minutes from the last meeting of the Board, in which he was informed they were not ready yet. The State called Ms. Cindy Vaught. She stated she has been the veterinary board director for approximately 12 years. She is ultimately responsible for scheduling meetings, taking notes, organizing the meetings, and scheduling personal appearances for the meetings, keeps meeting minutes and goes over them for accuracy. When asked what steps she takes prior to scheduling a personal appearance for probationary, she explained that she determines whether the practitioner is in compliance with the probationary order and points out to the Board whether they are in compliance or not. She then sends a letter to the practitioner regarding any non-compliance with their probationary order. Ms. Vaught stated she mailed a copy of Respondents order to him. When asked if she sent a letter outlining the order, she answered no, but that she did send him a letter advising him of his personal appearance as well as requesting copies of his surgery log, controlled substance log, and patient records and would need to pay Sherry Rutledge for a copy of the transcripts from his probationary hearing. Mr. Mader questioned his surgery procedure of leaving animals alone at night after late night surgeries, his record keeping, anesthesia regiment, using ketamine and

xylazine exclusively even though the Board had suggested using dexmedetomidine, going to continuing education courses and job shadowing but not implementing new practices in his office. Mr. Mader is concerned with the lack of compliance in the rules, specifically the practice facility rules which states he must have an oxygen machine in which he did not have at the time of the order and the x-ray machine rule. The State reminded the Board that at Respondents last personal appearance, they made it clear he had 30 days to get his act together. Defense counsel explained that since Respondents last personal appearance, he has updated his facility, purchased labels for record keeping, purchased child proof containers for dispensing medications, purchased a gas anesthesia machine and obtained the necessary training on said machine and has upgraded his pharmacy. Defense counsel gave to the Board a binder that outlines and includes equipment invoices, the business improvements, Purdue Protocol from his shadowing, continuing education he has completed, job shadowing he has completed, copies of record labels he has purchased, letters of recommendation from patient owners, photographs of his facility, a sworn affidavit from Dr. Philip Michal, his controlled substance log, a copy of the manual from the recently purchased gas machine, and copies of his animal records. Respondent stated he took everything the Board said at the last meeting to heart. He explained to the Board that he now does surgeries between noon and 2:00 p.m. so he can observe the patient during the evening and if one must stay overnight, either his wife or the office manager and her husband stay with the animal for observation; however, an overnight stay is a rare thing. Respondent assured the Board that he will move away from the use of ketamine in its entirety once he is completely comfortable using the gas anesthesia machine. He also went onto explain that he does have a radiology machine on premises but will generally send patients to Creekside Animal Hospital for x-rays and lab work. Respondent told the Board that he had not made the changes in the past because he has practiced this way for so long and was afraid he would lose patients. He stated he is open to change and now understands where he is in this process and stated he plans to retire in a few years and was not updating the building so in the future it could be sold as a non-veterinary use building. Since he has made the updates he feels renewed in the comings and goings of his practice and hopes to practice until he retires. Instead of demolishing the clinic and selling the property upon retirement, he now plans to bring on an associate veterinarian or sell the property as a veterinary practice. Respondent told the Board they have helped him in the long run and he appreciates what the Board and his assistant has done to help take this to a better level so when he retires or brings in an associate, it will all be up to date and will make it easier on him when he does decide to retire. The State asked if he is familiar with the veterinary statute and rules. He responded yes, that he is now. The Board feels Respondents current records are an improvement from before, but also

feels he has a ways to go. The Board asked about his spay/neuter procedure from the time the owner drops off the pet until the pet is released for pick up. He explained that he observes, weighs and assesses the patient, takes their temperature to make sure there is no fever or sickness, stressed he does not spay dogs that are in heat. He then places the animal in a kennel until he is ready to perform the surgery. Once he is ready to do surgery, he pre-anesthetizes the animal first, waits 10 minutes for everything to kick in, induces the animal with an endotracheal catheter, does the surgery, observes the patient while cleaning up then takes it back to the kennel and wraps in towels or blankets while in recovery. Respondent then observes the patient for a while longer to make sure it comes out of the anesthesia okay and checks again before he leaves. During the surgeries either his wife or Dena, his assistant, is present. Respondent has assured the Board that he has bought top o the line equipment. Dr. Waltz stated she is relieved to see the changes in his procedures and demeanor with the entire Board being pleased to see the seriousness of his moving forward. The State told the Board he has looked at what the Respondent has said and done over the past 30 days and feels if he had done all of this months ago we wouldn't be here today. He thinks it is clear that the Board knows Dr. Arihood's intentions and that he is willing to change and will find out the practice of veterinary medicine is more pleasurable than what he did in the past that was not the right way. Mr. Mader is impressed with what he has done and his attitude, feels he should be allowed to practice as long as he is willing to learn and maintain the standard of practice. The Defense thanked the Board. She stated most of the documentation is a result of his willingness to prove to the Board that he is willing to make the changes and continue to make the additions that need to be done. Ms. Goldman stated she will stick with him and assured the Board that she is not fly by night attorney and will not leave him after this is done. Ms. Goldman stressed to the Board that the Respondent has gone out on his own to implement the changes the Board as asked him to do. Defense entered into evidence Defense Exhibit A, the binder with all of the information discussed by the Respondent regarding his practice.

Board action: A motion was made and seconded to not take further action on Dr. Arihood's license but to remain on probation with the current terms and conditions.

WALTZ/WELP
Motion carried 6-0-0

2. **Christina Ann Fritz, R.V.T., Registration No. 25001007A**
Administrative Cause No. 2010 VB 0002
Re: Modification of Probation

Parties and Counsel Present:

Petitioner was present without Counsel
Mark Mader, Deputy Attorney General for the State of Indiana
Sherry Rutledge, Court Reporter

Participating Board Members:

Dr. Headley, D.V.M., President (Hearing Officer)
Dr. Frank, D.V.M.,
Dr. Waltz, D.V.M.
Dr. Kovach, D.V.M.
Dr. Welp, D.V.M.
Ms. Pedigo, R.V.T.

Case summary: Ms. Fritz is requesting modification of her probation. There was no opening statement by the Petitioner. Mr. Mader stated we are here to modify her probation order due to Ms. Fritz not being able to get supervisor reports from her supervising veterinarian at Purdue University. She has asked three different veterinarians at Purdue but they will not comply with her request. She stated Ms. Hollcraft attempted to contact Purdue University, but was not able to speak with anyone. The Board pointed out she is not in compliance with her probationary order and that it will be difficult for her to comply. Ms. Fritz stated there are others in at the university willing to write letters to the Board stating how she handles herself, drugs and patients. She is asking the Board that it be changed to where it is not a supervisor that writes the letters but that they accept reports from the anesthesia head or she can potentially get a report from the surgery department on her progress. Ms. Fritz explained to the Board that it has been told by the head of Purdue that it is not within their policy to write the letters and Dr. Arigi has stated it is against their policy to write the letter and refuses to allow anyone in the veterinary program to write the requested letters. When asked if she ever asked the media relations person if they could get a letter and she could verify if the letter would be okay to submit, she answered no. She has been advised by the Board to speak with the office of development and to speak with public relations as they may be able to assist her with this. The Board is concerned that they cannot get a letter from Purdue and they will not be able to monitor Purdue University employees in the future. Ms. Fritz has agreed to allow the Board to contact Purdue University to help find someone to get the letters requested by the Board. Dr. Waltz stated she will try to get in touch with the public relations person and the veterinary head to get something to the Board. Mr. Mader suggested the Board accept letters from anyone that is in direct supervision of her on a daily basis until the Board can get a supervising veterinarian to help her comply with her order. Ms. Fritz stated she has completed all court requirements to be placed on the diversion agreement for her court case. She has completed 40 hours of continuing education and attended a one day course

for shoplifters. She will receive a certificate of completion once she pays the fee. She is currently doing community service at Lafayette Columbia Park Zoo and has completed 26 hours so far. She will have her community service done by the end of next week. Dr. Kovach is concerned with accepting the requested reports from a non-supervising veterinarian. She would rather the Board accepts self-reports. Dr. Headley pointed out that Dr. Waltz is willing to work with Purdue. The Board understands that Ms. Fritz is trying and that this is out of her control.

Board action: A motion was made and seconded to modify the probationary order as stated:

Based upon the foregoing Findings of Fact and Conclusions of Law, the Board hereby **GRANTS** Ms. Fritz's request to modify the probationary terms imposed on her veterinary technician registration at paragraph 4 of the Terms and Conditions of the Board's February 17, 2010 Decision on License Renewal Application. Fritz shall submit bimonthly written personal reports to the Board, advising it, concerning her professional competence, sense of responsibility, work habits, mental attitude, access to controlled substances, ability to work with others, and any other matter that would be of interest to the Board. Fritz shall continue submitting such reports up to and including such date as her next regularly scheduled probationary appearance before the Board, after which time the original probationary terms imposed on Fritz's veterinary technician registration will again be enforced. All other terms and conditions imposed on Fritz's veterinary technician registration imposed by the Board's February 17, 2010 Decision on License Renewal Application remain in full force and effect.

PEDIGO/WALTZ
Motion carried 6-0-0

V. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VI. NOTICE OF PROPOSED DEFAULT

There were no notices of proposed default before the Board.

VII. DISCUSSION

A. American Association of Veterinary State Boards
Re: Association Activities and Updates for 2010

AAVSB newsletter was placed on the agenda for informational purposes only.

VIII. APPLICATION REVIEW

A. Endorsement

There were no endorsement applications for the Board to review.

B. Examination

There were no examination applications for the Board to review.

C. Professional Corporation

There were no professional corporation applications for the Board to review

IX. PROBATIONARY REPORT

There were no probationary reports for the Board to review.

X. CONTINUING EDUCATION

There were no continuing education applications for the Board to review.

XI. REPORTS

A. Consumer Complaints – Dr. Waltz

Dr. Waltz – no report given.

B. Controlled Substances Advisory Committee- Dr. Kovach

Dr. Kovach reported the CSAC committee is no longer.

B. State Veterinarian's Report – Dr. Marsh

- Dr. Marsh reported that the Board of Animal Health has moved to 4150 North Keystone Avenue in Indianapolis, Indiana.
- BOAH is experiencing a series of layoffs. When the State moved meat, poultry and dairy to BOAH in 1996 they employed 148. They currently employ 104.

XII. OLD/NEW BUSINESS

- The next meeting is set for Wednesday, May 26, 2010 in Room W-064.
- Dr. Headley spoke of a new committee being comprised through the Professional Licensing Agency that is asking if the Board has any concerns. He has relayed the concern with working more closely with the Attorney General's office regarding complaints.

- Ms. Vaught will schedule someone to speak on behalf of the PAVE and ECFVG for the May meeting. The Indiana Veterinary Medical Association will meet with the Board in July for their discussion.

XIII. OTHER ITEMS FOR CONSIDERATION

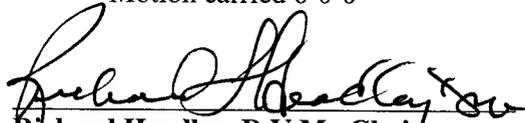
There were no other items for consideration before the Board.

XIV. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 12:35 p.m.

Board action: A motion was made and seconded to adjourn the meeting of the Indiana Board of Veterinary Medical Examiners at 12:35 p.m.

KOVACH/WALTZ
Motion carried 6-0-0


Richard Headley, D.V.M., Chairman

7-28-10
Date


Dawn Frank, D.V.M., Vice Chair

7.28.10
Date