

MINUTES

INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

MAY 26, 2010

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Headley called the meeting to order at 9:00 a.m. in the Indiana Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, 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 AS AMENDED

A motion was made and seconded to adopt the agenda as amended.

WELP/FRANK

Motion carried 4-0-0

*Dr. Waltz and Ms. Pedigo were not present for the vote

III. ADOPTION OF THE MINUTES FROM THE MARCH 31, 2010 MEETING OF THE BOARD

The minutes from the March 31, 2010 meeting were not available for approval.

IV. APPEARANCES

A. Probation

1. Robert David Brunner, D.V.M., License No. 24003969A
Administrative Cause No. 2010 VB 0003

Dr. Brunner appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Brunner renewed his controlled substance registration on February 23, 2010. Dr. Brunner has completed 20 hours of community service with Habitat for Humanity but has 20 hours left to complete based upon his court order. Dr. Brunner indicated to the Board that he is in compliance with his court order. When asked by the Board, Dr. Brunner stated his last drink was approximately four (4) months ago.

2. Christina Ann Fritz, R.V.T., License No. 25001007A
Administrative Cause No. 2010 VB 0002

Ms. Fritz appeared before the Board, as requested, regarding her ongoing probationary status. Ms. Fritz was terminated by Purdue University on May 11, 2010. Purdue University forwarded this information to Ms. Vaught prior to the meeting of the Board. Ms. Fritz indicated the reason for the termination was due to forgetting to put a few charges on a charge sheet for injection fees and that for the past three (3) years she has been written up for everything she makes a mistake on. Ms. Fritz is currently unemployed and is volunteering to keep on veterinary technician skills. She has completed 36 hours of community service in compliance with her court order. Ms. Fritz stated she is no longer seeing her counselor, Julia M. Mills, ACSW, LCSW, as she feels she does not need further counseling but she continues to see a doctor to receive medications she needs. Ms. Fritz stated once she is gainfully employed with health insurance she will begin seeing a therapist. The Board's legal counsel advised Ms. Fritz that she will need to self-report until she is employed. The Board advised Ms. Fritz she can only do one half (1/2) of her continuing education on the internet. The Board asked for a clarifying letter from her previous therapist and doctor regarding her required visits to them as the reports we have are conflicting.

B. Renewal

There were no renewal appearances before the Board.

C. Applications

1. John Joseph Sykes, D.V.M.

Dr. Sykes appeared before the Board, as requested, regarding his application for licensure by endorsement. Dr. Sykes is a 1996 graduate of Ross University and has passed the NBE and CCT examination in 1996 and 1997. He is currently licensed in the states of Alaska, Ohio and Pennsylvania and holds expired licenses in the state of Georgia, Massachusetts, Michigan and Prince Edward Island. Dr. Sykes answered "yes" to question 2 that asks "Has disciplinary action ever been taken regarding any health license, certificate registration or permit that you hold or have held?" and to question 5B that asks "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" In response to question 2, he explained that while awaiting licensure in Alaska he was working with another licensed veterinarian. A

technician at the clinic where he worked presented her dog that had surgery a few days prior at their hospital for a gastropexy. The abdominal incision had dehiscenced overnight and the other licensed veterinarian in the hospital did not feel comfortable performing this surgery on such a large dog. The wound was open to the abdomen and the dog and owner were both in distress. After discussing this with the other licensed veterinarian, he made the decision to take the dog to surgery fully believing he had the right to do so since there was a licensed veterinarian on the premises. The state of Alaska issued a Cease and Desist order for practicing without a license and fined him \$1,000.00 in October 2007. In response to question 5B, he explained that he was convicted of driving under the influence in July 1997 in New Jersey, in July 1998 in Pennsylvania and in November 2005 in Florida. Dr. Sykes stated all obligations have been fulfilled in these cases and this has not affected his ability to practice. He indicated to the Board that he has been sober for over five (5) years. Dr. Sykes told the Board he has had yearly appointments at various locations, hence the reason for so many licenses. He is currently trying to secure a Medical Director position at VCA Hospital in Anderson, Indiana but is currently working in Columbus, Ohio.

Board action: A motion was made and seconded to table the application decision for licensure for Dr. Sykes until an evaluation from the Veterinary Well-Being Program can be completed.

KOVACH/FRANK

Motion failed 1-5-0

*Dr. Waltz, Dr. Welp, Dr. Frank, Dr. Headley and Ms. Pedigo
voted against

Board action: A motion was made and seconded to issue the following probationary order:

1. The Board will issue Applicant's license to practice veterinary medicine on **INDEFINITE PROBATION** after Applicant successfully completes the Indiana veterinary law exam. Further, the Applicant will undergo an evaluation for substance abuse by Candace Backer of the Veterinarian Wellness Program and will cause a copy of his wellness evaluation to be sent to the Board before the Board's next meeting, which is currently scheduled for July 28, 2010. Applicant may request withdrawal of the **TERMS AND CONDITIONS** of probation imposed on his license to practice veterinary medicine after establishing by means of his wellness evaluation that he does not abuse alcohol or other consciousness-altering substances. The Board reserves its rights to alter or impose additional probationary terms depending on the results of Applicant's wellness evaluation.

2. The Applicant's practice of veterinary medicine shall be governed by the following **TERMS AND CONDITIONS**:

a) The Applicant must keep the Board apprised of the following information in writing and update it as necessary:

1. The Applicant's current home address, mailing address, e-mail address, and residential telephone number.

2. The Applicant's place of employment, employment telephone number, employment e-mail address, and name of supervisor.
- b) The Applicant shall comply with all statutes and rules regulating the practice of veterinary medicine.
- c) Report any criminal violations to the Board.
 3. Applicant must make personal appearances when requested by the Board while his license to practice veterinary medicine is on probation.
 4. The failure of the Applicant to comply with the terms of this decision may subject him to a show cause hearing and the imposition of further sanctions, including emergency suspension of his license.

WELP/FRANK

Motion carried 5-1-0

*Dr. Kovach voted against

V. ADMINISTRATIVE HEARING

1. **Todd Alan Cooney, D.V.M., License No. 24004650A**
Administrative Cause No. 2005 VB 0007
Re: Petition for the Withdrawal of Probation

Parties and Counsel Present:

Petitioner was present without counsel

Elizabeth Kiefner-Crawford, 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: Petitioner requested a hearing before the Board to request the withdrawal of probation on his veterinary license. Petitioner's license was placed on probation on or around June 3, 2005 pursuant to an investigation by the Indiana Office of the Attorney General regarding substance abuse and being found unfit to practice. Petitioner stated he has been on probation for nearly five (5) years. He explained to the Board that this has been an unexpected journey and he is not the same person he was five years ago. Petitioner indicated he will continue to train in homeopathy care and continue caring for animals in that way. Ms.

Kiefner-Crawford asked questions regarding the compliance of his probationary order. Petitioner stated his last urine drug screen was in April 2010 with a negative result and he has had no positive results during his entire probation, he has made all personal appearances with the Board as required, he has kept the Professional Licensing Agency apprised of his home and work information as required, he has followed all recommendations of his addictionologist, he stated the reports were not always sent to the Board on a timely basis due to the health of Dr. Gustavson, he has submitted timely reports of AA/NA meetings, he has worked at Noah's Ark in Kokomo, Indiana for the past three years, has had no discipline action during that time, has had no relapses since he was on probation, had Dr. Morris sign a copy of his order as required, and has had supervisory reports sent as requested. Petitioner told the Board that Dr. Messina quit the day after the last board meeting. He has indicated that he will continue with weekly AA/NA meetings. The State feels he has done a remarkable job during his probation and feels he is ready to be taken off of probation. The Board is pleased with the letter from Dr. Moore as well as with his progress.

Board action: A motion was made and seconded to withdraw the probationary status of Dr. Cooney's veterinary license.

WALTZ/WELP
Motion carried 6-0-0

VI. APPEARANCE/DISCUSSION

A. Nathan Voris, D.V.M., Chair-Elect

American Veterinary Medical Association
Educational Commission for Foreign Veterinary Graduates (ECFVG)

Dr. Voris presented to the Board the steps and requirements for a graduate of a foreign program to complete the ECFVG in order to obtain licensure in states that require this program.

B. Corinne R. Sweeney, D.V.M., Professor of Medicine

Associate Dean & Executive Hospital Director, University of Pennsylvania
American Association of Veterinary State Boards
Program of Assessment of Veterinary Education Equivalency (PAVE)

Dr. Sweeney presented to the Board the steps and requirements for a graduate of a foreign veterinary program to complete the PAVE program to obtain licensure in states that accept PAVE.

The presentations were to show the difference between the ECFVG and PAVE programs. There have been several requests from veterinarians to accept the PAVE program. In order to make this change, legislature would need to modify the Board's statute.

VII. DISCUSSION

- Legal Counsel for the Board discussed public meetings and the open door policy regarding what the Board needs to follow for before, during and after meetings. He explained that they serve in a judicial function, such as hearings and administrative function such as executive sessions. Because of the open door law, business is not supposed to be conducted behind closed doors as these are to be open proceedings. However, some will speak through other measures regarding the meeting. Legal counsel advised that Boards need to stop discussions outside of the meeting and that business of the Board is only to take place at meetings in an open door format. He also advised the Board they cannot use outside sources during a hearing to make a decision on the outcome of the hearing since it is considered outside information and not evidence.
- The Board discussed the administrative hearing policies and procedures

VIII. APPLICATION REVIEW

A. Endorsement

1. Debra Buckner, D.V.M.

The Board reviewed Dr. Buckner's application for licensure by endorsement. Dr. Buckner is a 1997 graduate of Purdue University and has taken and passed the NBE and CCT in 1996 and 1997. She is currently licensed in the state of Ohio and holds an expired license in the state of Pennsylvania. Dr. Buckner was previously licensed in the State of Indiana from July 11, 1997 to October 15, 1999. Since it has been expired over 5 years, she is required to reapply for licensure. Dr. Buckner meets all of the current licensing requirements.

Board action: A motion was made and seconded to grant Dr. Buckner a veterinary license.

FRANK/WELP
Motion carried 6-0-0

2. James Lee Becht, D.V.M.

The Board reviewed Dr. Becht's application for licensure by endorsement. Dr. Dr. Becht is a 1974 graduate from Purdue University and has taken and passed the NBE and CCT in 1974 and 1985. He is currently licensed in the state of Kentucky and holds and expired license in the state of Texas. Dr. Becht was previously licensed in the state of Indiana from May 30, 1974 to October 15, 1995. Dr. Becht has worked mostly in university settings. Dr. Waltz stated he is a radiologist imaging consultant.

Board action: A motion was made and seconded to grant Dr. Becht a veterinary license.

FRANK/KOVACH
Motion carried 6-0-0

3. Charles R. Schelkopf, D.V.M

The Board reviewed Dr. Schelkopf's application for licensure by endorsement. Dr. Schelkopf is a 1981 graduate from the University of Illinois and has passed the NBE in 1980. The CCT was not available at this time. He is currently licensed in the states of Illinois and Iowa and holds an expired license in the state of Wisconsin. He has taken and passed a state constructed examination in the state of Illinois. His application was brought before the Board for approval due to him not having taken the NAVLE or the CCT.

Board action: A motion was made and seconded to grant Dr. Schelkopf a veterinary license upon passing the Indiana jurisprudence examination.

WELP/FRANK
Motion carried 6-0-0

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

1. Indianapolis Veterinary Referral

"Tennis Balls, Tumors, Tinker Toys – GI Surgery Complications"

Indianapolis, IN

June 30, 2010

Hours Granted: 1.5

Board action: A motion was made and seconded to approve the requested continuing education seminar for Indianapolis Veterinary Referral.

WELP/WALTZ
Motion carried 6-0-0

XI. REPORTS

A. Consumer Complaints – Dr. Waltz

Dr. Waltz – no report given.

C. State Veterinarian's Report – Dr. Marsh

Dr. Marsh reported that he will be attending the AVMA meeting at the end of July.

XII. OLD/NEW BUSINESS

There was no old/new business discussed by the Board.

XIII. OTHER ITEMS FOR CONSIDERATION

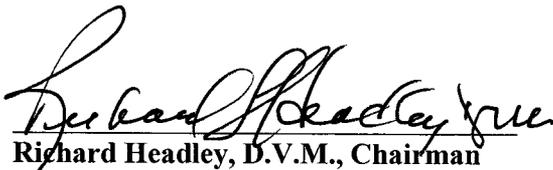
There were no other items for consideration before the Board.

XIV. ADJOURNMENT

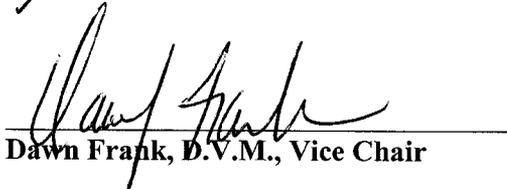
There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 1:45 p.m.

Board action: A motion was made and seconded to adjourn the meeting of the Indiana Board of Veterinary Medical Examiners at 1:45 p.m.

WALTZ/WELP
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