

MINUTES

INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

SEPTEMBER 26, 2007

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Welp called the meeting to order at 9:00 a.m. in the 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:

Ralph Welp, D.V.M. – Chairman
Dawn Frank, D.V.M. – Vice Chairman
Nicholas Pappas, D.V.M.
Robin Waltz, D.V.M.
Patricia Kovach, D.V.M.
Frank Andrew, Consumer Member

Board Member Absent:

Bret Marsh, D.V.M., State Veterinarian

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Becky Walker, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

FRANK/PAPPAS
Motion carried 5-0-0
Dr. Waltz was not present

III. ADOPTION OF THE MINUTES FROM THE JULY 16, 2007 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes from the July 16, 2007 meeting of the Board.

FRANK/PAPPAS
Motion carried 5-0-0
Dr. Waltz was not present

IV. INSPECT PROGRAM

A. INSPECT Presentation

The presentation to be given by Todd Kinney is postponed until the November board meeting.

V. APPEARANCES

A. RENEWAL

1. Carol Dartz, D.V.M., License No. 24003804A

Ms. Vaught explained that Dr. Dartz has a positive response on her renewal application due to a disciplinary action taken in the state of Illinois. Dr. Dartz has been on probation there and Illinois issued an Order to Refuse Renewal. This action was taken most likely due to their discovery of her last relapse. Dr. Dartz is not sure if she will just have to reapply to get her Illinois license back but stated in a letter that her license there has been inactive for years and she has never practiced in Illinois.

Board Action: A motion was made and seconded to grant the renewal of Dr. Dartz's license.

FRANK/WELP

Motion carried 5-0-0

Dr. Pappas is recused from this matter

B. PROBATIONARY

**1. State of Indiana v. Carol Dartz, D.V.M., License No. 24003804A
Administrative Cause No. 99 VB 005**

Dr. Dartz appeared before the Board, as requested, regarding her ongoing probationary status. Dr. Dartz reported no problems and claimed she is doing well with her sobriety. The Board noted that she is in compliance with her probation order.

**2. State of Indiana v. Peter L. Johnson, D.V.M., License No. 24003630A
Administrative Cause No. 2005 VB 0019**

Dr. Johnson appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Johnson told the Board all of his contact information is the same and he still owns a Banfield franchise. He explained that the corporate office handles all of the marketing. His next appearance will be at the January meeting.

**3. State of Indiana v. Tess Peavy, D.V.M., License No. 24006005A
Administrative Cause No. 2005 VB 0017**

Dr. Peavy appeared before the Board, as requested, for a personal appearance regarding the ongoing terms and monitoring of her clinics. Dr. Peavy asked the Board to approve Caroline Borden to be a monitor at one of her clinics because she has had difficulty contacting the other doctor's the Board approved. The Board did not feel Dr. Borden should be the official monitor because she is not a small animal veterinarian and has not practiced for several years. The Board asked Dr. Peavy if she would be willing to submit a list of her upcoming clinic dates and locations, the Board would submit a list of veterinarians in those areas for her to choose her monitor. Dr. Peavy said she would be willing to do it this way.

C. APPLICATIONS

1. Richard A. Berlinski, D.V.M.

Dr. Berlinski appeared before the Board, as requested, regarding his application for veterinary licensure. Dr. Berlinski is a 2003 graduate of Ross University and has passed the NAVLE in 2004. He has also obtained his ECFVG certificate on July 31, 2007 and is currently licensed in the state of Ohio and New York. On his application he answered "yes" to question 5A asking, "Have you ever been convicted of, pled guilty or nolo contendere to a violation of any Federal, State, or local law relating to the use, manufacturing, distribution or dispensing of controlled substances or drug addiction?" Dr. Berlinski explained in 1981 he was arrested and convicted of a controlled substance violation. He served 10 months, 17 days in a county jail and was on probation for five (5) years without incident. He explained he does not even take aspirin and is randomly drug tested at his place of employment at the zoo.

Board Action: A motion was made and seconded to grant Dr. Berlinski veterinary licensure.

KOVACH/ANDREW
Motion carried 6-0-0

2. Kathleen Kay Fenger, R.V.T.

Ms. Fenger appeared before the Board, as requested, regarding her application for registration as a veterinary technician. Ms. Fenger is a 2001 graduate of Ridgewater College and has taken and passed the VTNE in 2002. She is currently registered in the state of Minnesota. On her application she answered "yes" to question 5B asking, "Have you ever been convicted of, pled guilty or nolo contendere to any offense, misdemeanor or felony in any state?" Ms. Fenger told the Board on April 11, 2001 she received her third misdemeanor citation for underage consumption and was sentenced to three weekends in jail. She paid a fine, attended a MADD session, submitted to random alcohol testing, and was on probation for six (6) months. She stated she was released from probation early due to her successful compliance.

Board Action: A motion was made and seconded to grant Ms. Fenger registration as a veterinary technician upon passing the law examination.

WALTZ/RABAS
Motion carried 6-0-0

3. Richard Wayne Mackey, D.V.M.

Dr. Mackey appeared before the Board, as requested, regarding his re-application for veterinary licensure. Dr. Mackey is a 1977 graduate of the Purdue University and has taken the National Board Examination. He also has taken and passed the Indiana state constructed examination in 1977 and is licensed in the states of Pennsylvania, Ohio, Virginia and Maryland. Dr. Mackey original license in the state of Indiana expired October 15, 1995. After five years of expiration a new application for a license must be submitted. On his application

he answered "yes" to question 2 asking, "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit to practice veterinary medicine or any regulated health occupation in any state or country?" In 2006 the state of Pennsylvania issued a letter of reprimand and paid a civil penalty of \$250, that on two (2) occasions he administered outdated drugs, Zeniquin and Apomorphine, to a patient. He explained in 1987 he was placed on probation for a period of eighteen (18) months by the Indiana Board. Dr. Mackey CSR had expired on February 28, 1984 and DEA expired on August 31, 1985. Subsequent to the expiration of his CSR and DEA permits, Dr. Mackey wrote prescriptions for Ritalin, a schedule II controlled substance. From June 1986 to October 1986 he wrote for 180 10 mg of Ritalin. He stated at that time this was for his own pet and told the pharmacist he was treating canine narcolepsy. He also obtained prescriptions for Ritalin from Georgette Samuelson, DVM from September 1986 to November 1986 of 104 10 mg of Ritalin. He stated that he needed the drugs for the dog's narcolepsy. Probation was lifted on June 15, 1988.

Board Action: A motion was made and seconded to grant Dr. Mackey veterinary licensure.

KOVACH/FRANK
Motion carried 5-0-1
Dr. Pappas abstained

VI. ADMINISTRATIVE HEARINGS

- A. **State of Indiana v. Cathy Crighton, D.V.M, License No. 24006444A**
Administrative Cause No. 2006 VB 0006
Re: Final Hearing/Settlement

Parties and Counsel Present:

Respondent was not present and was not represented by counsel
Mark Mader, Deputy Attorney General for the State of Indiana
The Court Reporter was not present.

Participating Board Members:

Dr. Welp (Hearing Officer)
Dr. Frank
Dr. Pappas
Dr. Waltz
Dr. Kovach
Mr. Andrew

Case Summary: The State informed the Board the Respondent has voluntarily surrendered her DEA registration after it was discovered that she was self medicating for a sleep disorder. The State of Illinois has indefinitely suspended the Respondent's license. Mr. Mader submitted to the Board a Notice of Voluntary Summary Suspension until the matter in Illinois is resolved. The Board requested that the State amend their complaint to include the current action Illinois action.

Board Action: A motion was made and seconded to accept the Indefinite Summary Suspension. The Board also requested that the state amend the complaint to include the current action taken by the state of Illinois.

FRANK/KOVACH
Motion carried 6-0-0

VII. SETTLEMENT AGREEMENTS

- A. State of Indiana v. Thomas R. Kanach, D.V.M., License No. 24005221A**
Administrative Cause No. 2006 VB 0005
Re: Settlement Agreement

Parties and Counsel Present:

Respondent was not present and was not represented by counsel
Mark Mader, Deputy Attorney General for the State of Indiana
The Court Reporter was not present

Participating Board Members:

Dr. Welp (Hearing Officer)
Dr. Frank
Dr. Pappas
Dr. Waltz
Dr. Kovach
Mr. Andrew

Case Summary: The State presented the Board with an Order of Dismissal asking the Board to dismiss all pending issues for the reason that the State of Indiana has determined that there is insufficient evidence of probative value that the conduct of Respondent might constitute a violation of Indiana Code § 25-1-9-4(a)(4)(B) or 888 IAC 1.1-1-1.

Board Action: A motion was made and seconded to grant the Order of Dismissal.

FRANK/ANDREW
Motion carried 4-0-2
Dr. Kovach abstained
Dr. Pappas abstained

VIII. NOTICE OF PROPOSED DEFAULT

There were no Notice of Proposed Default's before the Board.

IX. DISCUSSION

- A. National Board of Veterinary Medical Examiners**
National Board Report- August 2007

The Board took notice of the contents of the quarterly newsletter put out by the NBVME.

X. APPLICATION REVIEW

- A. Endorsement**

There were no endorsement applications for the Board to review

B. Examination

1. Suzanne K. Rattie

The Board reviewed the application file for Ms. Rattie who is applying to take the January Veterinary Technician National Examination. Ms. Rattie is a 1991 graduate of Becker and her transcripts state she graduated from a veterinary assistant program. The school became accredited in 1990 as a veterinary technician program. The Board asked Ms. Vaught to write a letter to Becker asking for more information.

C. North American Veterinary Licensing Examination (NAVLE)

There were no NAVLE applications for the Board to review

D. Professional Corporation

There were no professional corporation applications for the Board to review

XI. RENEWALS FOR REVIEW

The Board reviewed three (3) renewal applications which had positive responses.

Board Action: A motion was made and seconded to grant the renewal of all three licenses.

KOVACH/ANDREW
Motion carried 5-0-0
Dr. Welp was not present

XII. PROBATIONARY REPORT

1. James Brester, D.V.M.

Ms. Vaught reported to the Board that Dr. Brester was given terms and conditions in 2005 which required him to obtain ten (10) hours of continuing education in the area of record keeping and labeling. Dr. Brester told the Board he was having difficulty finding courses in those areas and the Board said he could observe at an AAHA hospital. Dr. Brester has not submitted proof that he has done this and did not respond to a letter from the Board. The Board requested that Ms. Vaught schedule him for a personal appearance at the November board meeting.

2. Todd Cooney, D.V.M.

Ms. Vaught reported that Dr. Cooney appeared before the Controlled Substance Advisory Committee at their July 27, 2007 meeting and they denied reinstating his CSR. CSAC had some concerns regarding Dr. Cooney's current practice. Dr. Cooney is currently practicing alone and not under a veterinary supervisor and that he is not in a formal recovery program. They were not satisfied with how some of the terms and conditions in his order were written.

XIII. CONTINUING EDUCATION

- A. Cincinnati Animal Referral and Emergency Center**
1. Slips, Ties and More: A Neurology Video Presentation
September 18, 2007
Cincinnati, OH
Hours Granted: 2
- B. Circle City Veterinary Specialty & Emergency Hospital**
1. Allergan Specific IgE Testing- Immunotherapy
November 14, 2007
Carmel, Indiana
Hours Granted: 2
 2. Update on Managing the Acute and Chronic Pain Patient
September 5, 2007
Carmel, Indiana
Hours Granted: 2
 3. Common Oral Pathology- Recognition, Diagnostics and Treatment
July 25, 2007
Carmel, Indiana
Hours Granted: 2
 4. Morbidity and Mortality
October 24, 2007
Carmel, Indiana
Hours Granted: 2
- C. Indianapolis Veterinary Specialists**
1. Top Ten Pitfalls of Emergency Medicine
October 9, 2007
Fishers, Indiana
Hours Granted: 1
 2. Ocular Emergencies
November 6, 7, & 8, 2007
Indianapolis, Indiana
Hours Granted: 1
- D. Pfizer Animal Health**
1. D. Immitis- A 3 Month Disease Cycle
September 12, 2007
Indianapolis, Indiana
Hours Granted: 2
- E. Schering-Plough Animal Health**
1. Canine Infectious Respiratory Disease Complex
October 14, 2007
Carmel, Indiana
Hours Granted: 2
- F. Sogeval Laboratories, Inc.**
1. Seborrhea, Pyoderma & Ear Disease: New Solutions for Chronic Problems
June 27, 2007
Carmel, Indiana
Hours Granted: 2

XIV. REPORTS

A. Consumer Complaints- Dr. Pappas

Dr. Pappas advised he has reviewed four (4) complaints and recommended all to be closed.

B. Controlled Substances Advisory Committee- Dr. Kovach

Dr. Kovach was unable to attend the CSAC meeting.

C. State Veterinarian's Report- Dr. Marsh

Dr. Marsh was not present.

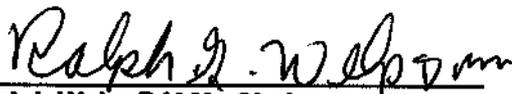
XV. OLD/NEW BUSINESS

1. Ms. Vaught told the Board that 2,230 renewal notices were mailed on August 13, 2007 and so far 1,115 veterinarians have renewed their licenses.

XVI. OTHER ITEMS FOR CONSIDERATION

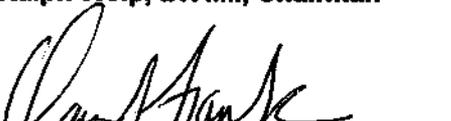
XVII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Board of Veterinary Medical Examiners adjourned at 12:00 p.m.



Ralph Welp, D.V.M., Chairman

11-28-07
Date



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

11-28-07
Date