

INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS

MINUTES

January 20, 2021

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Jerry Rodenbarger called the meeting to order at 8:17 a.m. through virtual video and audio conferencing and could not declare a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Jerry Rodenbarger, D.V.M. – Chair
Steven Sunbury, D.V.M.
John Schnarr, D.V.M.

Board Members Not Present:

Paul Clemente, D.V.M. – Vice Chair
Natalie Goodwin, Consumer Member
Vacant, R.V.T. Member
Vacant, D.V.M Member
Vacant, D.V.M Member

State Officials Present:

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

II. ADOPTION OF AGENDA

The Board noted that the agenda could not be adopted as a quorum could not be established. The present Board members are proceeding as administrative law judges to make recommendations for the items on the agenda.

III. ADOPTION OF MINUTES

There are no minutes for review.

IV. PERSONAL APPEARANCE

Kevin Cawood, D.V.M.

Re: Discussion of Order Accepting Proposed Settlement Agreement

Parties Present:

Respondent was not present and Counsel Myra Shelby not present.
Patricia Gibson, Deputy Attorney General for the State of Indiana

Participating Board Members:

Jerry Rodenbarger, D.V.M., (Hearing Officer)
Steven Sunbury, D.V.M.
John Schnarr, D.V.M.

Dr. Cawood appeared before the Board to discuss the Order Accepting the Proposed Settlement filed July 28, 2020. Dr. Cawood entered into a settlement agreement with the Board. His attorneys were Myra Selby and Sherri Fabina-Abney. The Complaint before the board was an incident that occurred in his office on or about November 30, 2015, regarding improper documentation on a client, that led to an amputation of a dog's leg. A consumer complaint was filed against Dr. Cawood. Dr. Cawood was found to have failed to provide reasonable care and diligence and was then determined to be in violation of 888 IAC 1.1-1-1 and Ind. Code § 25-1-9-4(a)(3). The finalization of Dr. Cawood's complaint was delayed as he obtained a new lawyer and COVID caused some of the Board's meeting to be cancelled. The Proposed Settlement Agreement that was filed on July 28, 2020 and signed by Dr. Cawood stated that he had to complete the following terms:

- That the Board has jurisdiction over Respondent
- The parties execute the Agreement voluntarily
- Both parties waive rights to a public hearing of the complaint.
- Petitioner agrees that the terms of the Agreement resolve any and all pending claims or allegations relating to disciplinary action against the Indiana license.
- Within 6 months of the Final Order, Dr. Cawood must pay a fine of \$250.00 payable to the Indiana Professional Licensing Agency.
- Within 6 months of the Final Order, Dr. Cawood must pay a cost in the amount of \$1,800 dollars to the Office of the Indiana Attorney General.
- Within 90 days of the Final Order, Dr. Cawood must pay \$5.00 Health Records and Personal Identifying Protection Trust Fund.

An amendment was added to the proposed agreement on July 29, 2020 with required that within ninety (90) days of the Final Order Respondent shall complete the ten (10) hours medical records course located at veterinaryrecordkeeping.com. Proof of completion of the course shall be submitted to the Board these ten hours shall be in addition to the forty (40) hours of continuing education required by 888 IAC 1.1-10-1.

Dr. Cawood has completed the continuing education requirement and paid all fines and costs. He thought that this would resolve this issue. Dr. Cawood stated that he was advised that this would not be attached to his veterinary license. He even stated that Ms. Selby said this would not be on his license. What Dr. Cawood is requesting is to have this matter removed from disciplinary action on our website.

Board Action: The Board took no action in this matter.

IV. ADMINISTRATIVE HEARINGS

A. Rebecca McGovern, D.V.M., License No. 24008200A
Administrative Cause No. 2020 VB 0014
Re: Administrative Complaint

The hearing in the matter of Dr. McGovern was continued.

B. James Feutz, D.V.M., License No. 24003397A
Administrative Cause No. 2020 VB 0001
Re: Proposed Settlement Agreement

Parties Present:

Respondent present
Patricia Gibson, Deputy Attorney General for the State of Indiana
Lindley Meyer, Court Reporter, Rutledge Independent Reporting

Participating Board Members:

Jerry Rodenbarger, D.V.M., (Hearing Officer)
Steven Sunbury, D.V.M.
John Schnarr, D.V.M.

Due to not having a quorum Ms. Gibson and Ms. Goldman agreed that they wished to continue this matter until the April 28, 2021 meeting of the Board.

V. PERSONAL APPEARANCES

A. Probation

1. **Christina Beers, R.V.T., Registration No. 25001455A**
Cause No. 2019 VB 0006

Ms. Beers did not appear as requested. The Board requested her to be rescheduled for April 28, 2021

2. **Mary Marcotte, D.V.M., License No. 24006200A**
Cause No. 2019 VB 0016

Dr. Marcotte appeared as requested to discuss her ongoing probation that was initially placed on March 4, 2020. Dr. Marcotte informed the Board that in November of last year she was diagnosed with lymphoma. She has maintained sporadic work due to her medical issues. Since she has not had consistent work, she cannot provide a letter from her employer. She is not currently on any major medications except for the ones addressing her depression and anxiety. She is currently employed at Animal Rescue and Animal Care Alliance. She is scheduled to appear again on July 28, 2021.

3. **Jennifer Scheller, D.V.M., License No. 24006379A**
Cause No. 2017 VB 0005

Dr. Scheller appeared as requested with her attorney, Rori Goldman, to discuss her ongoing probation which was initially placed November 21, 2018. Dr. Scheller reported that she is still working for Stacy Hines, D.V.M. She is working two days per week. She is doing well. Dr. Scheller stated that she wants to move to a warmer climate. Stated that she will be filing a motion to withdraw probation for the April 28, 2021 meeting.

B. Reinstatement

1. **Justin Reynolds, R.V.T., Registration No. 25001579A**

Mr. Reynolds appeared as requested to discuss the reinstatement of his registration that expired on January 1, 2016. Mr. Reynolds submitted a statement and has completed the required continuing education for reinstatement of his registration. Mr. Reynolds state that he worked in Katar at a Equine Hospital for a period of three months. He is currently

employed in construction and would like to rejoin the veterinary medicine field. The continuing education certificates were reviewed and accepted.

Board Recommendation: A recommendation was made that Mr. Reynolds' registration be reinstated pending completion of the jurisprudence examination. This matter will be placed on the Board's April 28, 2021 agenda for a final vote.

C. Application

1. Cathy Scott (DVM)

Dr. Scott appeared as requested to discuss her yes response to question number two "Has disciplinary action ever been taken regarding any health license, certificate, registration or permit that you hold or have held?" Dr. Scott submitted a statement of what occurred, along with supporting documents. She stated that there was a complaint filed against her Florida license in the '90s. She stated herself and two other doctors had diagnosed an animal and performed a surgical procedure. Florida at the time had investigated the case aggressively, and she was disciplined. She did not perform the initial diagnosis, nor was she part of the surgical team. The case was settled, and she was required to pay a fine. The issue has been resolved. She has since been practicing in Kentucky with no issues. Her intention is to do relief work in Indiana.

Board Recommendation: A recommendation was made that Dr. Scott's application be approved pending completion of the jurisprudence examination. This matter will be placed on the Board's April 28, 2021 agenda for a final vote.

D. Examination Retakes – VTNE & NAVLE

1. Alyssa Like (DVM)

Dr. Like appeared as requested to discuss her request for approval to retake the NAVLE examination for the fourth time. Dr. Like informed the Board that she struggles with anxiety and passing the large animal section of the examination. Due to COVID she has had to travel to different testing centers in other states where the examination was being offered.

Board Recommendation: A recommendation was made that Dr. Like's request to retake the NAVLE examination for the fourth time be approved. This matter will be placed on the Board's April 28, 2021 agenda for a final vote.

2. Aubrey Ward (RVT)

Ms. Ward appeared as requested to discuss her request for approval to retake the VTNE examination for the fourth time. Ms. Ward graduated in 2017 from Brown Mackie College and she has been working at Family Pet Health Center for three years. Primarily her specialty is dental care. To overcome her testing anxiety, she has completed additional study programs to help prepare her. She attempted the examination once in 2017 and twice in 2019. She stated that she primarily works with small animals, so she has lost some of her large animal knowledge. She is working with the RVT at her office, going over workbooks, online practice tests, AAVSB study programs, and tutoring services to prepare her for the next examination.

Board Recommendation: A recommendation was made that Ms. Ward's request to retake the VTNE examination for the fourth time Scott's application be approved. This matter will be placed on the Board's April 28, 2021 agenda for a final vote.

VI. DISCUSSION

There were no discussion items.

VII. APPLICATION REVIEW

A. Sarah Elizabeth Deming (RVT)

Ms. Deming's application for registration was reviewed. Based upon the information provided her education does not meet the requirements of the statute and rules. The Board requested that the application pend for a period of 1 year and if not, further action is taken to abandon the application. If the Board voted on the application, they would have to deny.

B. Heather Burton (RVT)

Ms. Burton's application for registration was reviewed. Based upon the information provided her education does not meet requirements of the statute and rules. The Board requested that the application pen for a period of one year and if not, further action is taken to abandon the application. If the Board voted on the application, they would have to deny.

VIII. PROBATION REVIEW

1. **Theresa Cattani, R.V.T., R.V.T., Registration No. 25002437A**
Cause No. 2016 VB 0010

Ms. Cattani's was originally placed on probation on March 28, 2017. Ms. Cattani stated that she has not been able to provide reports from AA or her counselor during the 2020 year due to COVID. She has requested an extension to submit those reports. Currently she is working full time at Merriville Animal Hospital. The Board noted that during 2020 there was zoom counseling available. The Board requested that she appear at the April 28, 2021 meeting to provide further information regarding her probation reporting.

2. **Rachel Clark, D.V.M., License No. 24003461A**
Cause No. 96 VB 0007

Dr. Clark was originally placed on probation March 10, 2015. Dr. Clark submitted a letter to the Board stating that she has been having trouble meeting her probation requirements due to health issues. She is currently waiting a diagnosis for her test results. She stated in her letter to the Board that because of her health issues, she has lost a number of animals to Animal Control during the 2020 year. The Board expressed concern that her animals had to be taken from her.

3. **Daren Miller, D.V.M., License No. 2407328A**
Cause No. 2020 VB 0008

Dr. Miller submitted reports regarding his ongoing probation that was initially placed on March 6, 2020. Dr. Miller stated that due to the COVID pandemic it has impacted his time with Fairbanks. He stated that his 12-step program with Fairbanks was slightly halted due to COVID. He did try to join a program through his church, but he has no

reports from them. He will be released from criminal probation in Wayne County in February 2021. A report will be forthcoming. Dr. Miller has submitted a request for probation withdraw. The hearing will be scheduled for April 28, 2021. The Board expressed concerns on the lack of reports due to COVID but will proceed with his request to address his withdraw of probation.

4. **It was also noted that based upon his records, the appointments were no longer than 10 minutes a piece, with not a lot of detail on the records. Dr. Moore's reports showed that some of the appointments Benny Moore, D.V.M., License No. 24003485A**
Cause No. 2019 VB 0007

Dr. Moore was initially placed on Probation on March 26, 2020. A date of December 9, 2020 was chosen for Dr. Moore to submit patient records. Dr. Moore reported that he saw 10 patients. He does have electronic records and has some handwritten notes that are not in the electronic file but in the margin of the bill. His writing is difficult to read. One record for a dog did not indicate the age or weight. He has 10-minute appointments with most being for vaccinations. Not a lot of detail on some of the cases. It was noted that some of the handwritten records are not up to standard. They showed that some of the appointments required him to perform examinations and vaccinations on multiple puppies. The Board stated that his record keeping still requires improvement. The Board advised that if he is handwriting notes during the appointment, that he obtains an assistant to transcribe the notes for the electronic record. If has a high volume of patients, average examination time should be no less than 20 minutes so you can do an assessment and treatment plan. The Board also expressed concern that he noted that he had sedated 2 animals in 10 minutes. The Board stated that if sedation is being done, you would need to note more than normal or abnormal.

5. **Britney Newcomer, R.V.T., Registration No. 25002653A**
Cause No. 2020VB 0009

Ms. Newcomer was initially placed on Probation on March 12, 2020. She reported to the Board that she has been unable to get her assessment report completed. She stated that when her criminal probation was lifted, she was unable to receive more information on which class she was required to complete and unable to communicate with anyone to find more information. The Board advised that she will either need to complete a new assessment or she can request a modification of her current probation. The Board staff stated that information will be conveyed to her so that her reporting can be completed for the April meeting.

6. **Lindsey Shoup, R.V.T., Registration No. 25001913A**
Cause No. 2018 VB 0006

Ms. Shoup was initially placed on Probation on February 18, 2019 for one year. Ms. Shoup stated that she is currently employed at a stable but has not been in the field since 2017. She has not yet completed all her required controlled substance continuing education for her probation, nor has she renewed her registration which currently shows expired. Ms. Shoup stated that the reason she has not renewed is due to financial difficulties. The CE that Ms. Shoup has submitted are the standard CE for renewal, not specifically for controlled substances. The Board knows that she has struggled with the

stress of being in the field but removing herself from the field does not meet the probation requirements.

IX. CONTINUING EDUCATION

A. Michiana Animal Rehabilitation Services

Canine Rehabilitation
January 24, 2021

The Board reviewed the submitted modules and examples. Determined that submitted examples meet requirements.

Board Recommendation: The Board recommended that Canine Rehabilitation sponsored by Michiana Animal Rehabilitation Services be approved.

B. Charles Craig DeMuth, DVM

Practical Bovine Reproductive Ultrasound
March 16, 2021 and March 17, 2021

The Board reviewed the submitted modules and examples. Determined that submitted examples meet requirements. The Board noted that they do not know who is requesting this specific training, as Dr. DeMuth stated in email correspondence that he was requested to provide this training. The Board of Animal Health is unaware of anyone requesting this training specifically. The Board recommended that the CE program be approved.

Board Recommendation: The Board recommended that Practical Bovine Reproductive Ultrasound provided by Charles Craig DeMuth, DVM approved.

X. REPORTS

A. Attorney General's Report

The Attorney General's office reported to the Board that they have 45 complaints with an average age of 5.4 months. Since the beginning of the year, they have 4 open cases. Current litigation duration average is 6.9 months.

B. State Veterinarian's Report – Dr. Marsh

Dr. Marsh discussed SB53, Veterinarian diagnostics and reporting diseases to the Board placing us on point with the Federal USDA guidance. Dr. Marsh gave an overview of reporting electronically due to quarantine. Currently there are a number of legislative bills being prosed that they are currently watching.

Dr. Marsh reported that pet scams have increased. Adoptions with these scammers require money to be placed down to reserve the animal, and then it is stated that the animal is held at the airport with an additional fee to allow the release of the animal due to COVID. Dr. Marsh stated that people have purchased an animal, sight unseen, under legitimate breeder names. However, those breeders are not actually connected in any way with the scammers.

African Swine fever update. It is traveling to other countries overseas. Keeping an eye on animals who are traveling across borders.

XI. OLD/NEW BUSINESS

Virtual CE

The Board discussed the acceptance of virtual CE. The current understanding is that practitioners can accrue up to 50% of their CE through electronic means through a Board approved sponsor. If a webinar is attended, and the licensee can interact with the presenter and ask question, that webinar is considered a live program. The certificate of completion should note that the licensee attended a live webinar. Lisa Perius of the IVMA spoke about webinars being presented.

XII. ADJOURNMENT

The Board adjourned at 11:27 am.