

**INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS
AMENDED AGENDA**

**Will meet on
Wednesday, October 27, 2021
At 8:00 a.m.**

***TO BE HELD THROUGH VIDEO AND AUDIO CONFERENCING*
IN ORDER TO JOIN THE MEETING PARTIES WILL LOGIN TO:**

**<https://IndianaEnhanced.Webex.com/join/PLAWebex> OR
BY TELEPHONE BY CALLING 1-240-454-0887. MEETING PARTICIPANTS CALLING THE
TELEPHONE NUMBER MUST ENTER THE MEETING ACCESS CODE 610.915.440 TO JOIN
THE MEETING**

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

Dr. Jerry Rodenbarger called the meeting to order at 8:04 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- signed in at 9:00 a.m.
Bret Marsh, D.V.M., State Veterinarian, BOAH

Board Members Not Present:

Natalie Goodwin, Consumer Member- signed in at 9:00 a.m.
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
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/Clemente
Motion carried 4/0/0

III. ADOPTION OF MINUTES

There were no minutes for review.

IV. PERSONAL APPEARANCES 8:00 a.m.

A. Probation

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

Dr. Marcotte appeared as requested to discuss her ongoing probation. She informed the Board that she just completed surgery and is recovering well. She currently has not returned to animal surgery as she has not obtained a supervisor to oversee her surgeries. She is currently self-reporting her work progress. The Board noted that she is required to complete drug screenings, and they do not have a report of her hair test, or her quarterly reports. They informed her to make sure that she maintains that reporting to stay on track. She will be scheduled to appear again before the Board in April.

2. Darin Miller, D.V.M., License No. 24007328A
Cause No. 2020 VB 0008

Dr. Miller appeared as requested to discuss his ongoing probation. He attested that he is still in Terra Haute and working with small animals. He is in charge of a Research Group at the same practice doing contract work. He has remained sober for two years and still attends church. He attends Celebrate Recovery and has a sponsor to maintain his sobriety. He is not currently on any driving restrictions.

3. Kristen Armellino, R.V.T., Registration No. 25001110A
Cause No. 2020 VB 0010

Mx. Armellino appeared as requested to discuss their ongoing probation. Currently they are working at Indy Humane Spade and Neuter. Mx. Armellino submitted a thirty-day drug screen report for the Board which showed negative results. They have reached out to their counselor for a report but have not had a response back. Their current job duties are anesthetic monitoring, but they do not touch or handle the drugs. Therapy is being completed three times a week and is progressing well. Their current supervisor is listed as Kelley Diamond who is the office manager. The probation order signed by the Veterinarian at their new employment was not received within seven days of hire. Mx. Armellino stated that they had trouble getting it signed off in time as they were settling in. The Board reminded them to review their probation order to ensure they stay on track. The Board also asked that for the supervisor reports that more information be contained within a report about how Mx. Armellino is performing. Mx. Armellino will be scheduled at the April Meeting.

4. Cody Breault, R.V.T., Registration No. 25002779A
Cause No. 2021 VB 0006

Mr. Breault did not appear as requested and has not submitted any reports. This was the first scheduled appearance for his probation, and the Board noted concern that no reports have been submitted.

Board Action: A motion was made and seconded to issue an Order to Show Cause.
Clemente/Sunbury
Motion carried 5/0/0

B. Examination Retakes – VTNE & NAVLE

There were no requests for examination retakes.

C. Renewals

1. Rachael Brunner, R.V.T., Registration No. 25002744A

Ms. Brunner appeared as requested to discuss her yes 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. Brunner stated that she was arrested for a DUI in 2019 and that her court hearings to resolve the incident occurred during COVID which caused delays. She has completed her criminal probation and is currently seeing a therapist. The Board expressed concerns as she has had previous DUI’s in the past. Ms. Brunner stated that she has changed her circle of friends and has been sober since October 2020. The Board noted that it appears that she violated her 2019 probation due to positive drug screenings.

Board Action: A motion was made and seconded to place Ms. Brunner on Indefinite Probation for no less than three years with terms.
Clemente/Schnarr
Motion carried 5/0/0

Ms. Brunner agreed to the probation and terms.

2. Terry Durkes, D.V.M., License No. 24003330A

Dr. Durkes appeared as requested to discuss his yes response to the question “Since you last renewed, have you had a malpractice judgment against you or settled any malpractice action?” Dr. Durkes stated that he performed a surgery on a Great Dane. After the surgery, the Dane did not show any signs of distress or concerns; however, the family reported the animal has passed during the night. An autopsy was completed at Purdue where it was found that the ovarian artery had ruptured. He attested that his clinic does a pre-evaluation before releasing an animal after surgery, and the Dane acted normally when he left his care. The Board went over the surgery procedures with Dr. Durkes, and the case has been settled.

Board Action: A motion was made and seconded to approve Dr. Durkes’ license renewal.
Clemente/Sunbury
Motion carried 5/0/0

3. Lyndsay Klemens, D.V.M., License No. 24006490A

Dr. Klemens appeared as requested to discuss her yes 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?” Dr. Klemens attested that they had a DUI in 2020. She stated that she was pulled over with a blood alcohol level of .22 and stated that her drinking that night was a response to COVID stresses. Dr. Klemens provided to the Board that she had been staying at a hotel and was drinking in her car. She stated that this is her one and only DUI.

Board Action: A motion was made and seconded to approved Dr. Klemens’ license renewal.
Rodenbarger/Clemente
Motion carried 5/0/0

4. Gregory Skelton, D.V.M., License No. 24007542A

Dr. Skelton appeared as requested to discuss his yes responses on the questions “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?”, “Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state or U.S. territory?”, and “Since you last renewed, have you been denied staff membership or privileges in any animal hospital or clinic or have staff membership or privileges been revoked, suspended, or subject to any restriction, probation, or other type of discipline or limitations?” Dr. Skelton self-reported the incident to the Board in March of 2020. He informed the Board that he is one of twenty-seven doctors involved in the incident, and as it is still an ongoing investigation, he cannot talk details. Dr. Skelton informed the Board what he could regarding the medications sold and used at Hoosier park. Dr. Skelton is licensed in other States and no discipline has been imposed on any of his licenses until this point. He is currently not barred from the racing commission. The Board expressed concerns regarding what occurred with the medications and the potential record keeping concerns with the incident. Dr. Skelton stated that he is currently in a federal trial due to what occurred and the trial set to occur in late 2022. As this incident will continue into the next renewal cycle, Dr. Skelton will have to report this incident again once everything has been resolved.

Board Action: A motion was made and seconded to renew Dr. Skeltons’ license.
Clemente/Sunbury
Motion carried 5/0/0

5. Timothy Thunell, D.V.M., License No. 24005811A

Dr. Thunell appeared as requested with counsel Rori Goldman to discuss his yes response to the question “Since you last renewed, have you had a malpractice judgment against you or settled a malpractice action?” Ms. Goldman stated that the malpractice incident has been settled. The owner alleged that due to complications after seeing Dr. Thunell, they had to euthanize their pet. Dr. Thunell stated that while he saw some disorientation, he ran additional tests to ensure safety, and all results came back negative. He had recommended to the owner a neurologist if the symptoms continued or worsened. Dr. Thunell attested that the owner did not follow his recommendations.

Board Action: A motion was made and seconded to renew Dr. Thunell’s license.

Goodman/Sunbury
Motion carried 5/0/0

6. C. Douglas Turmail, D.V.M., License No. 24003860A

Dr. Turmail appeared as requested to discuss his request to waive the CE requirements for renewal. Dr. Turmail stated that he sold his practice in 2016 and is not in continuous practice as he has retired. He stated that he still helps on occasion and tries to keep his license current. During COVID he was only asked to help five to ten times during the 2020 year. The Board stated that in order to keep his license current, he must do CE as his case does not fall under any the exception laws.

Board Action: A motion was made and seconded to approve Dr. Turmail’s license pending the receipt of the required CE for renewal.

Schnarr/Clemente
Motion carried 5/0/0

7. Kevin Watkins, D.V.M., License No. 24005820A

Dr. Watkins appeared as requested to discuss the yes response to “Since you last renewed, has there been an occasion where you have not maintained effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels?” Dr. Watkins stated that there had been a theft of controlled substances in his office that had been investigated by the DEA. He had cooperated with the DEA, and they found eight counts of violations. He has worked with the DEA to resolve all of the violations and submitted a copy of the changes to the Board for their review. Dr. Watkins included the letter from the DEA that all violations have been address and are now resolved.

Board Action: A motion was made and seconded to approve Dr. Watkins's license renewal and submit his CSR license renewal to the Board of Pharmacy for review.
Schnarr/Sunbury
Motion carried 5/0/0

8. Sarah Weiss, D.V.M., License No. 24008457A

Dr. Weiss appeared as requested to discuss her yes response to "Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state or U.S. territory?" Dr. Weiss stated that she had recently moved into the State of Indiana when a complaint was filed against her with allegations that she had misdiagnosed her patient. During the investigation of the complaint, it was found that she had record keeping violations and she was required to pay a fine and do 6 hours of CE. Dr. Weiss informed the Board that the complaint held different symptoms than what the client had told her. She attested that the client had done research of what the causes of her pet's issue was and was determined that her animal receive a specific treatment. Dr. Weiss had never used that treatment before and researched it before use.

Board Action: A motion was made and seconded to renew Dr. Weiss' license.
Clemente/Sunbury
Motion carried 5/0/0

9. John Young, D.V.M., License No. 24004946A

Dr. Young appeared as requested to discuss his yes response to the questions "Since you last renewed, has any professional license, certificate, registration, or permit you hold or have held been disciplined or are formal charges pending in any state or U.S. territory?" and "Since you last renewed have you been denied a license, certificate, registration, or permit in any state of U.S. territory?" Dr. Young stated that due to moving, he was not paying attention to the expiration of his license, and he discovered the discrepancy when the DEA interviewed him about the issue. He has maintained the current CE requirements for renewal, and no longer writes controlled substances. If he needs a controlled substance, he has other associates who he references.

Board Action: A motion was made and seconded to accept Dr. Young's license renewal.
Clemente/Schnarr
Motion carried 5/0/0

C. **Reinstatements**

There were no reinstatements for review.

E. Application

1. Katelin Marie Beane (RVT)

Ms. Beane appeared as requested to discuss her yes response to the question “Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, have you ever been arrested; have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; have you ever been convicted of any offense, misdemeanor, or felony in any state; have you ever pled guilty to any offense, misdemeanor, or felony in any state; or have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?” Ms. Beane stated that in April of 2019 she was with her boyfriend, and they had a fight in the car. The fight resulted in them accidentally being involved in a fender bender which they had left the scene. She had left the car after the accident and walked away from her boyfriend due to the argument, and the police picked her up. She was breathalyzed and found to have a blood alcohol level of .07. She was placed on criminal probation and was required to complete community service. She now rarely drinks, and if she does, she uses Uber or Lyft to get home.

Board Action: A motion was made and seconded to approve Ms. Beane’s application pending the completion of the jurisprudence exam.
Schnarr/Clemente
Motion carried 5/0/0

V. PROPOSED SETTLEMENT AGREEMENTS

VI. HEARING ON MOTION TO VACATE FINAL ORDER

A. Kevin Robert Cawood, D.V.M., License No. 24005532A 9:00 a.m.

Administrative Cause No. 2019 VB 0014

Re: Petition to Set Aside the Final Order Approving Proposed Settlement Agreement Entered in this Cause on August 28, 2020

Parties Present:

Respondent was present
Jacob Venderley, counsel for Respondent
Patricia Gibson, Deputy Attorney General for the State of Indiana
Margie Addington, 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

Dr. Rodenbarger stated that is knows Dr. Cawood and he can remain impartial.

Case Summary: On or about August 28, 2020 Dr. Cawood accepted a Settlement Agreement with the Board. The Board counsel stated that we cannot litigate the previous order as that has already been accepted by Dr. Cawood and counsel. Mr. Venderley stated that the Settlement Agreement that Dr. Cawood signed in August had been modified by the Board prior to Dr. Cawood's acceptance. He attested that Dr. Cawood did not agree to those modified terms.

The Attorney General's office stated that they will leave the decision up to the Board's discretion. The Board stated that they would like more information from Dr. Cawood on what his understanding of the Settlement Agreement was. Mr. Venderley stated that at the time of Dr. Cawood's acceptance of the Agreement, he was under impression was that there would be no negative impact on his license. Dr. Cawood stated that he would not have accepted the Agreement if he had known about the impact on his license.

The Board counsel stated the Board does not have jurisdiction to take the Settlement Agreement and matter off Dr. Cawood's license after the matter has been brought as an Administrative Hearing and a Settlement Agreement has been reached.

Board Action: A motion was made and seconded to deny Dr. Cawood's request.
Rodenbarger/Goodwin
Motion carried 5/0/0

VII. ADMINISTRATIVE HEARINGS

A. Amanda Cunningham, D.V.M., License No. 24006656A 9:30 a.m.

Administrative Cause No. 2021 VB 0007

Re: Administrative Complaint

HEARING CONTINUED

B. Rachel Clark, D.V.M., License No. 24003461A 10:00 a.m.

Administrative Cause No. 2021 VB 0008

Re: Administrative Complaint

Parties Present:

Respondent was present

Patricia Gibson, Deputy Attorney General for the State of Indiana

Margie Addington, 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 Witnesses:

Deputy Jared Wilcox

Deputy Patrick Traphagan

Case Summary: On or about September 22, 2021 and Administrative Complaint was filed against Dr. Rachel Clark with allegations that she has become unfit for practice due to not keeping abreast of current practices, that she has become unfit to practice due to a physical or mental disability, and that she is unfit to practice due to an addiction to or abuse of alcohol or other drugs that endanger the public by impairing her ability to practice safely.

The State called Deputy Jared Wilcox as witness. Deputy Wilcox has worked in the Hamilton County Sherriff's Office for two years. Deputy Wilcox stated that he is familiar with Dr. Clark as he has been called to her residence to assist the Fire Department. He was accompanied by Deputy Traphagen. When entering her residence, he was required to wear a hazmat suit including facial covering by the Fire Department. Dr. Clark had been on the floor, injured when he arrived. He observed a small shelter built in the yard with built up food, and he could smell feces and ammonia with the door closed. As he entered the residence, he saw what appeared to be spoiled dog food, and piles of trash piled like a maze. He stated that he saw the bathroom, which did not appear to be functional as it was full of feces and black mold. He stated that when he entered the kitchen, he found a dead cat in feces and a bird in a cage covered in feces. There were cats roaming around the residence. He did not see any Veterinarian supplies, and he saw bottles of alcohol in the trash. He saw a number of flies and bugs flying around the house. It appeared that the feces he could observe was a mix of old and new. Based upon his observations the house was declared unfit for human habitation.

The State called Deputy Patick Traphagen as witness. Deputy Traphagen has worked in the Hamilton County Sherriff's office for seven years. He stated that he arrived with Deputy Wilcox to assist the Fire Department as they were called to Dr. Clark's residence. The Fire Department informed them that they could not enter the domicile due to ongoing issues and it was deemed unsafe. He was given a hazmat suit with face covering. His first entrance into the residence was to assist Dr. Clark who was injured and needed medical care. He entered a second time with Deputy Wilcox to get Dr. Clark's house keys and medications for her trip to the hospital. He stated that he could smell urine, ammonia, and a musky/moldy odor even through the face covering, and the smell was so overpowering his eyes would water and burn. Deputy Traphagen stated that animal control had located dogs in the back of the house. He observed several cats in the house, and when he was in the kitchen, he saw a dead cat in a cage. He stated that after this visit, Dr. Clark had been charged criminally for cruelty to animals, and he had testified at her trial. He stated that the case was dismissed. Dr. Clark asked Deputy Traphagen if he considered her of sound mind the day of his arrival. Deputy Traphagen stated that at times she was, and at other times it did not appear to be present. He did state that Dr. Clark did appear to mentally understand what was going on with his presence at her home. He stated that her house was determined to be unfit for human habitation.

The State called Dr. Rachel Clark as witness. Dr. Clark did confirm that her house had been declared unfit for human habitation, and that after the police came, she was hospitalized for a week due to medical issues. Dr. Clark provided information on her medical condition and restrictions. Dr. Clark stated that she kept her medical supplies in a separate room, not in the kitchen. She attested that she last drank one (1) year ago. She affirmed that the animals she kept were not provided deworming. She stated that she was aware of the mold in the house, but it was not toxic mold. She informed the Board that the mold did not make her sick. She stated that illness can come from other factors such as fleas. Dr. Clark stated she was not able to evaluate the ammonia levels in her house as

she was addressing the flea infestation. The State asked Dr. Clark questions regarding how infection in animals can occur. Dr. Clark stated that she had four (4) dogs, four (4) kittens, and around thirteen (13) cats.

Dr. Clark stated that animals can get sick for a number of reasons, and that in the May of last year she fell and could not get up. She was taken to the hospital and as she could not leave, she was unable to tend to her animals. She had contacted a friend to help her while she was recovering. Dr. Clark explained that the cat that had died was twelve (12) years old and was ill. At the time Dr. Clark had been treating it for flea burn. Dr. Clark stated that the medication she was prescribed as part of her recovery affected her mentally. She stated that due to her medical condition she was unable to walk without assistance, which lead to her unable to clean her house and address issues. She stated that the condition of her house was not as bad as the Deputies attested. She stated that the empty vodka bottles were used in planting her rose bushes, and she obtained them from a friend. Dr. Clark stated that she hired Russell Ackley to assist her. She stated that she only performed Veterinary medical procedures on her own animals, and not on client owned animals. She stated that her intention was to eventually transfer ownership of the dogs to Mr. Ackley. She stated she did not have funds to hire someone to help with cleaning of her house. She stated in order to keep herself financially stable she needs her license in order to practice. She affirmed to the Board that she would not do anything to embarrass the profession.

The State concluded that Dr. Clark has violated the laws of Indiana and is not fit to practice. They stated that she has not kept up to date with current knowledge in the field, not shown she can practice to the standard of care required, her house has been deemed inhabitable for humans, and her animals have been removed by animal control. They stated that her statements have been unfocused, and her responses have been directed by Mr. Russell Ackley who is not sworn in. Dr. Clark closed by asking the Board questions and stating that she was in better shape than one (1) year ago. Dr. Clark stated that she is not hurting her own animals and she needs her license in order to pay her bills.

Board Action: A motion was made and seconded to revoke Dr. Rachel Clark's license.
Schnarr/Clemente
5-0-0

VIII. APPLICATION REVIEW

There were no applications for review.

IX. CONTINUING EDUCATION

There was no continuing education to review.

X. DISCUSSION

A. 2022 Board Meeting Dates

The Board reviewed the scheduled 2022 dates. The Board members requested reschedule of the April date, which was arranged.

B. Electronic Meeting Policy

The Board reviewed the new Electronic Meeting policy.

Board Action: A motion was made and seconded to adopt the policy.
Goodman/Sunbury
5-0-0

C. Nathalie Lapierre, D.V.M.

Dr. Lapierre submitted a written request to the Board to extend time to complete their CE. They stated that the Purdue conference they were scheduled to attend was missed. The Board noted that there is nothing in the law that allows them to extend the CE completion timeframe.

XI. 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. The Board noted that it looks like Dr. Moore spent ten (10) minutes with each patient. They ask Ms. Goldman if another Doctor had been present. Ms. Goldman stated she was not sure, and the way the records are kept Dr. Moore cannot differentiate the records out if that was the case. Dr. Clemente stated that he would like the record notes be more detailed, and provide specifics on the examination as it appears to be generalized notes. The Board stated they would like to review another set of Dr. Moore's records at the next Board meeting.

XII. REPORTS

A. Attorney General's Report

The Attorney General's office reported to the Board that they have 57 complaints with an average age of 4.8 months. Since the beginning of the year, they have 46 open cases and closed 52. There are currently 4 litigation cases open with a duration average of 6.8 months. There have been 6 opened since the beginning of the year, and 6 cases have closed.

B. State Veterinarian's Report – Dr. Marsh

Dr. Marsh reported that the Board of Animal Health has just finished their meeting where they discussed the African Swine Flu. It is currently reported in Haiti and the USDA is assisting with the protection zone to keep it out of the United States and their territories.

The National Agricultural Statistic Service had their meeting today where they discussed the African Swine Flu, and SARs testing in animals. They are currently communicating and working with the CDC and are keeping an eye on animals, including zoo animals.

There is an open position for the Animal Welfare Director if anyone is interested.

The Board of Animal Health has received an increase in calls regarding high demand of service for practioners. Telemedicine has been another topic of discussion as a lot of practioners are unsure of what they can and cannot do under telemedicine. The Board of Animal Health is researching potential changes for telemedicine for Veterinarians to provide legislators.

XIII. OLD/NEW BUSINESS

There was no old/new business to discuss.

XIV. ADJOURNMENT

The Board adjourned at 3:42 pm.

Next Scheduled Meeting
January 26, 2022