

STATE OF NEVADA



BOARD OF VETERINARY MEDICAL EXAMINERS

**Board Meeting at:
Stay Sure by Best Western
1981 Terminal Way
Reno, Nevada 89502**

MINUTES

**Thursday, July 19, 2018 &
Friday, July 20, 2018**

Board Members Present

Scott Bradley, DVM, President
Ronald Sandoval, DVM, DABVP, Vice President
Davyd Pelsue, DVM, DACVS
James Hengels, RN, BSN
Stephen Damonte, DVM
Melissa Schalles, LVT
Betsy Phillips, DVM
Sharon Gorman, DVM

Board Staff Present

Jennifer Pedigo, Executive Director
Christina Johnson, LVT, Hospital Inspector
Patricia Handal, DVM, Board Investigator
Laura Leautier, DVM, Board Investigator
Louis Ling, Esq., Board Counsel

Dr. Bradley called the meeting to order at 8:58 a.m. on July 19, 2018. He took roll of the Board members. The meeting was reopened on July 20, 2018 at 8:00 a.m. to complete quarterly Board meeting and conduct Disciplinary Hearings for Sarah Whennan, LVT and Samantha Fiaccato, LVT. All Board members were present.

Public Comment

July 19, 2018: None

July 20, 2018: None

REGULAR AGENDA

1. Approval of Board Minutes for Possible Action

A. April 19, 2018 Board meeting minutes

Discussion: None

Motion: Dr. Pelsue

Second: Dr. Sandoval

Passed: Unanimous

2. Review & Determination of Complaints for Possible Action:

A, B, C. Consent Agenda: 02-2018DVM16; 04-2018DVM-22; 05-2018DVM-24

Discussion: None

Motion: Dr. Pelsue

Second: Ms. Schalles

Passed: Unanimous; Dr. Bradley abstained from 2A; Dr. Sandoval abstained from 2B; Dr. Phillips abstained from 2C.

No public comment given.

3. Review & Determination of Complaints/Disciplinary Action & Disciplinary Hearings for Possible Action:

The Board may convene in closed session to consider the character, alleged misconduct, professional competence or physical or mental health of a person. (NRS 241.030)

A. 06-2018LVT-38; Samantha Fiaccato, LVT; License# LVT960: Disciplinary Hearing or Settlement Agreement and Order July 20, 2018

Dr. Sandoval called the hearing to order on July 20, 2018 at 8:20 a.m. The following individuals were present:

1) Louis Ling, Esq. (Counsel for the Nevada State Board of Veterinary Medical Examiners (NSBVME))

2) Josh Woodbury, Deputy Attorney General

3) All Board Members

Ms. Fiaccato was not present.

The following witnesses were sworn in and testified before the Board:

1) Jennifer Pedigo, NSBVME Executive Director

2) Cade Lavengco, DVM, VIC, Town Center Animal Hospital (via phone)

After testimony was give, the Board took the matter under advisement and began deliberating on the following:

Discrepancies were found in the logs during the routine end of month count of the controlled substances on June 1, 2018. It was found that Ms. Fiacatto had logged out 7 bottles of 5ml Hydromorphone (CII) from the safe in which the controlled substances were stored, but were never logged into the safe where controlled substances are kept for daily use by hospital staff. When surveillance cameras were reviewed, it was confirmed that Ms. Fiacatto logged controlled substances out, but did not long them in to the safe for hospital use.

Furthermore on May 31, 2018, Dr. Cade Lavencgo logged out a bottle of Hydromorphone from the storage safe to Ms. Fiacatto and during the course of the investigation in July found that another bottle had been logged out to Ms. Fiacatto the same day by a different veterinarian in the practice. One vial generally lasts 5-7 days in this practice, so it would not have been for use in the facility.

Mr. Ling summarized the facts of the case and outlined possible disciplinary options for the Board to consider in their decision. A recommendation of summary suspension was made (NRS638.147-d) with the following conditions if the licensee wished to reinstate her license. If the licensee wished to reinstate her license, she would need complete the following terms:

1) Must contact or be enrolled in PRN; 2) Pay fees and costs; 3) Appear before the Board for further conditions.

After the deliberations, the Board voted.

Discussion: Dr. Pelsue moved to accept the recommendation of summary suspension with all the terms listed by Mr. Ling for future reinstatement.

Motion: Dr. Pelsue

Second: Dr. Bradley

Passed: Unanimous; Dr. Sandoval abstained

Louis Ling closed the hearing.

B . 06-2018LVT-52; Sarah Whennen, LVT; License #LVT986: Disciplinary Hearing or Settlement Agreement and Order

Dr. Sandoval called the hearing to order on July 20, 2018.

The following individuals were present:

- 1) Louis Ling (Counsel for the Nevada State Board of Veterinary Medical Examiners (NSBVME))
- 2) Josh Woodbury (Deputy Attorney General)
- 3) All Board members

Ms. Whennen was not present.

The following witnesses were sworn in and testified before the Board:

- 4) Jennifer Pedigo, NSBVME Executive Director
- 5) Johnathan Snead, DVM, Medical Director, Las Vegas Animal Emergency Hospital (via phone)

After testimony was given, the Board took the matter under advisement and began deliberating on the following:

Ms. Whennen acted as the Veterinary Technician-in-charge at Las Vegas Animal Emergency Hospital. Ms. Whennen was observed behaving erratically during her previous overnight shift and was seen placing Tramadol tablets into her pocket by a colleague the morning before her termination. Security camera footage was reviewed by Dr. Snead, the veterinarian in charge, after he was notified of Ms. Whennen's behavior. He confirmed the theft of the Tramadol. An audit of the controlled substance log was performed in which the medical notes were compared to the controlled substance logs and a discrepancy of approximately 650 tablets was found. During the audit of the logs, it became clear that Ms. Whennen would dispense more Tramadol than was ordered and divert the excess for her personal use; additionally, there were prescriptions that were prepared and dispensed despite those patients not having been prescribed Tramadol. The audit revealed the discrepancies occurring over approximately 6 months. Dr. Snead contact the police, and subsequently placed Ms. Whennen under arrest for theft. Ms. Whennen confessed to the theft to Las Vegas Metro Police 3 tablets of Tramadol were found in her possession at the time of her arrest.

Mr. Ling summarized the facts of the case and outlined possible disciplinary options for the Board to consider in their decision. A recommendation of summary suspension was made (NRS638.147-d) with the following conditions if the licensee wished the reinstate her license.

1) Must contact or be enrolled in PRN; 2) Pay fees and costs; 3) Appear before the Board for further conditions.

After deliberations, the Board voted.

Discussion: Dr. Pelsue moved accept the recommendation of summary suspension with all the terms listed by Mr. Ling for future reinstatement.

Motion: Dr. Pelsue

Second: Dr. Bradley

Passed: Unanimous; Dr. Sandoval abstained

Louis Ling closed the hearing.

C. 11-2017DVM-63; 11-2017DVM-67; Maninder Herr, DVM, License # 1401: Consent Decree and Order

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Consent Decree and Order.

Motion: Mr. Hengels moved to accept the Consent Decree.

Second: Ms. Schalles.

Passed: Unanimous; Dr. Bradley abstained.

D. 12-2017DVM-77; Anne Dayton, License #0612: Letter of Reprimand or Board decision for administrative hearing

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Letter of Reprimand.

Motion: Dr. Pelsue moved to accept the Letter of Reprimand.

Second: Ms. Schalles

Passed: Unanimous; Dr. Gorman abstained. Dr. Sandoval recused himself.

E. 07-2017DVM-34; Sircy Moore, License #2174: Letter of Reprimand or Board decision for administrative hearing

Item not presented.

F. 04-2017DVM-15; Benjamin Davidson, License #1631: Letter of Reprimand or Board decision for administrative hearing

Discussion: Mr. Ling reviewed the case and provided the Board with an overview of the proposed Letter of Reprimand.

Motion: Dr. Damonte moved to accept the Letter of Reprimand.

Second: Dr. Gorman

Passed: Unanimous; Dr. Bradley abstained. Dr. Sandoval and Dr. Pelsue recused themselves.

No public comment given.

G. 11-2017DVM-58; 05-2017FAC-23

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the licensee and dismissed the complaint with a Letter of Concern against the facility

Motion: Dr. Gorman moved to dismiss the complaint against the licensee and dismiss the complaint with a Letter of Concern against the facility

Second: Dr. Phillips

Passed: Unanimous; Dr. Pelsue abstained.

No public comment given.

H. 11-2017DVM-62

Discussion After discussion of the complaint assessment with the review panel, the Board had dismissed the complaint due to the fact there was not sufficient evidence to believe that the licensee committed an act which constitutes a cause for disciplinary action.

Motion: Dr. Gorman moved to dismiss the complaint.

Second: Dr. Sandoval
Passed: Unanimous; Dr. Pelsue abstained.

No public comment given.

I. 12-2017DVM-69; 12-2017FAC-70

Item not presented.

J. 12-2017DVM-75; 12-2017DVM-76

Discussion: After discussion of the complaint assessment with the review panel, the Board had dismissed the complaint due to the fact there was not sufficient evidence to believe that the licensee committed an act which constitutes a cause for disciplinary action.

Motion: Dr. Damonte moved to dismiss complaint against all licensees named.

Second: Mr. Hengels

Passed: Unanimous; Dr. Pelsue abstained.

No public comment given.

K. 01-2018FAC-03

Discussion: After discussion of the complaint assessment with the review panel, the Board had dismissed the complaint due to the fact there was not sufficient evidence to believe that the licensee committed an act which constitutes a cause for disciplinary action.

Motion: Dr. Sandoval moved to dismiss the complaint.

Second: Dr. Pelsue

Passed: Unanimous; Dr. Gorman abstained.

Public comment made by the public.

L. 02-2018DVM-10; 06-2018DVM-47; 06-2018FAC-48; 06-2018LVT-49

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board elected disciplinary action be initiated against the licensee **(06-2018DVM-47)** and dismiss the complaint against the facility and licensees **(06-2018FAC-48)**, **(02-2018DVM-10)** and **(06-2018LVT-49)** with a Letter of Concern.

(06-2018DVM-47)

Motion: Dr. Gorman moved to have staff and Mr. Ling initiate action against the licensee due to there being sufficient evidence to move forward with disciplinary action.

Second: Dr. Phillips

Passed: Unanimous; Dr. Sandoval abstained.

(06-2018LVT-49)

Discussion: After discussion of the complaint assessment with the review panel, the Board

dismissed the complaint against the licensees with a Letter of Concern.

Motion: Ms. Schalles moved to dismiss the complaint with a Letter of Concern.

Second: Mr. Hengels

Passed: Unanimous; Dr. Sandoval abstained.

(02-2018DVM-10)

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the licensees with a Letter of Concern.

Motion: Ms. Schalles moved to dismiss the complaint with a Letter of Concern.

Second: Mr. Hengels

Passed: Unanimous; Dr. Sandoval abstained.

(06-2018FAC-48),

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the licensees with a Letter of Concern.

Motion: Dr. Pelsue moved to dismiss the complaint with a Letter of Concern.

Second: Ms. Schalles

Passed: Unanimous; Dr. Sandoval abstained.

No public comment given.

M. 05-2017DVM-25; 01-2018DVM-12; 01-2018DVM-13; 01-2018DVM-14; 01-2018FAC-15

Discussion: After presentation and discussion of the complaint assessment with the review panel, the Board elected disciplinary action be initiated against the licensees **(05-2017DVM-25), (01-2018DVM-12), (01-2018DVM-13)** and dismiss the complaint against the facility and licensee **(01-2018DVM-14)** and **(01-2018FAC-15)** with a Letter of Concern.

05-2017DVM-25; 01-2018DVM-12

Motion: Dr. Gorman moved to have staff and Mr. Ling initiate action against the licensee due to there being sufficient evidence to move forward with disciplinary action.

Second: Dr. Sandoval

Passed: Unanimous; Dr. Bradley abstained. Dr. Pelsue recused himself.

01-2018DVM-13

Motion: Dr. Gorman moved to have staff and Mr. Ling initiate action against the licensee due to there being sufficient evidence to move forward with disciplinary action.

Second: Dr. Phillips

Passed: Unanimous; Dr. Bradley abstained. Dr. Pelsue recused himself.

01-2018DVM-14; 01-2018FAC-15

Motion: Ms. Schalles moved to dismiss the complaint with a Letter of Concern.

Second: Dr. Damonte

Passed: Unanimous; Dr. Bradley abstained. Dr. Pelsue recused himself.

Public comment given.

N. 02-2018DVM-17

Discussion: After discussion of the complaint assessment with the review panel, the Board recommended that disciplinary action be initiated against the licensee.

Motion: Dr. Pelsue moved to have staff and Mr. Ling initiate action against the licensee due to there being sufficient evidence to move forward with disciplinary action.

Second: Dr. Gorman

Passed: Unanimous; Dr. Bradley abstained.

No public comment given.

O. 02-2018DVM-18

Discussion: After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the licensees with a Letter of Concern.

Motion: Dr. Gorman moved to dismiss the complaint with a Letter of Concern

Second: Dr. Pelsue

Passed: Unanimous; Dr. Sandoval abstained.

No public comment given.

P. 04-2018DVM-19

Discussion: After presentation to the Board this item was tabled pending further investigation, and is tentatively scheduled to be presented at the October 18, 2018 Board meeting.

Motion: Dr. Pelsue moved to table the complaint and open and investigation into LVT2.

Second: Dr. Sandoval

Passed: Unanimous; Dr. Phillips abstained.

No public comment given.

Q. 04-2018DVM-20

Discussion: After discussion of the complaint assessment with the review panel, the Board had dismissed the complaint due to the fact there was not sufficient evidence to believe that the licensee committed an act which constitutes a cause for disciplinary action.

Motion: Dr. Pelsue moved to dismiss the complaint.

Second: Dr. Gorman

Passed: Unanimous; Dr. Phillips abstained.

No public comment given.

R. 04-2018DVM-21

Discussion: After discussion of the complaint assessment with the review panel, the Board recommended that disciplinary action be initiated against the licensee and to open a Board complaint against the facility.

Motion: Dr. Gorman moved to have staff and Mr. Ling initiate action against the licensee due to there being sufficient evidence to move forward with disciplinary action.

Second: Dr. Sandoval

Passed: Unanimous; Dr. Damonte abstained.

Motion: Dr. Sandoval moved to have staff open a Board Complaint against the facility and conduct further investigation.

Second: Ms. Schalles

Passed: Unanimous; Dr. Damonte abstained.

No public comment was given.

S. 06-2018DVM-46

Discussion: After discussion of the complaint assessment with the review panel, the Board recommended that disciplinary action be initiated against the licensee.

Motion: Dr. Gorman moved to have staff and Mr. Ling initiate action against the licensee due to there being sufficient evidence to move forward with disciplinary action.

Second: Dr. Pelsue

Passed: Unanimous; Dr. Bradley abstained.

Public comment was given.

4. Requests for License/Reinstatement/Review of Past or Present Disciplinary Action for Possible Action

A. Heather Scott, approval of education for VTIT/LVT application.

Discussion: The Board reviewed all documentation presented. Ms. Scott was present.

Motion: Dr. Sandoval moved to accept Ms. Scott's education.

Second: Gorman

Passed: Unanimous; Dr. Pelsue recused himself.

B. Raquel Pass, approval of extension request for Veterinary Technician-in-Training application

Discussion: The Board reviewed all documentation presented. Ms. Pass was present.

Motion: Ms. Schalles moved to accept Ms. Pass' extension request.

Second: Mr. Hengels

Passed: Unanimous; Dr. Pelsue recused himself.

C. Gabrielle Acosta, approval of education for Veterinary Technician-in-Training/ LVT application

Discussion: The Board reviewed all documentation presented. Ms. Acosta was present.

Motion: Dr. Pelsue moved to accept Ms. Acosta's education.

Second: Dr. Damonte.

Passed: Unanimous.

5. Discussion and Determination for Possible Action

A. Executive Branch Audit Committee

Discussion: Ms. Pedigo presented the recommendation made by the Executive Branch Audit Committee.

Motion: Dr. Pelsue moved to accept the Executive Branch Audit Committee's recommendations.

Second: Dr. Sandoval

Passed: Unanimous

B. Annual Review and consideration for salary increase for Executive Director

Discussion: Dr Sandoval presented the results of the review questionnaires completed by Board and staff members.

Motion: Dr. Bradley moved for a 5% annual salary increase.

Second: Dr. Sandoval

Passed: Unanimous

6. Staff Reports for Possible Action

A. Financial Report

Ms. Pedigo presented the financial report which consists of the Board's current quarterly financial revenues and expenses compared to the fiscal year's budget.

Motion: Dr. Pelsue moved to approve the administrative report as presented.

Second: Ms. Schalles

Passed: Unanimous

B. Administrative Report

Ms. Johnson gave the administrative report to the Board.

C. Hospital Inspection Report

Ms. Johnson gave the hospital inspection report to the Board.

D. Legislative Update

Ms. Pedigo presented the legislative update to the Board.

E. Legal Report

Mr. Ling gave the legal update to the Board.

7. Agenda items for next meeting

1. Equine Dentistry
2. Define Intern
3. Telemedicine

8. Public Comment:

July 19, 2018: none

July 20, 2018: none

9. Adjournment for Possible Action

Motion: Mr. Hengels moved to adjourn the meeting on July 19, 2018 at 4:36 p.m.

Second: Ms. Schalles

Passed: Unanimous

Motion: Ms. Schalles moved to adjourn the meeting on July 20, 2018 at. 10:25 a.m.

Second: Mr. Hengels

Passed: Unanimous