

# STATE OF NEVADA



## BOARD OF VETERINARY MEDICAL EXAMINERS

**Board Meeting at:**

**Stay Sure by Best Western, Second Floor  
1981 Terminal Way  
Reno, NV 89502**

**MINUTES**

**Thursday, January 16, 2020 at 8:30 AM**

### **Board Members Present**

Steve Damonte, DVM, President  
Ronald Sandoval, DVM, Vice President  
Davyd Pelsue, DVM, DACVS  
James Hengels, RN, BSN  
James O'Dea, DVM  
Betsy Phillips, DVM  
Sharon Gorman, DVM  
Melissa Schalles, LVT

### **Board Staff Present**

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

Dr. Damonte called the meeting to order at 8:35 a.m. He took roll call of Board members and staff; all members were present. Dr. Pelsue was absent, for the remainder of the meeting, after 4:24pm.

**Public Comment:**

Public comment was given by Zack Rhodes.

**CONSENT AGENDA**

**1. Approval of Consent Agenda for Possible Action**

**A. 07-2019DVM-55**

**B. 08-2019DVM-63**

**D. 10-2019FAC-83**

**E. 09-2019FAC-84; 09-2019DVM-85**

**F. 10-2019DVM-87**

**G. 10-2019DVM-91**

**H. 11-2019DVM-99**

**Discussion:** Items A, B, D-F reviewed and discussed as a single vote.

**Motion:** Dr. Pelsue moved to accept the review panels recommendations for dismissal **items A, B, D-H.**

**Second:** Dr. O’Dea

**Passed:** Unanimous; Dr. O’Dea abstained from item A, G; Dr. Damonte abstained from item B, E, F; Dr. Gorman abstained from item D; Dr. Pelsue recused himself from Item A; Dr. Phillips abstained from Item H.

No public comment was given.

**C. 09-2019DVM-74**

**Discussion:** After discussion of the complaint assessment with the review panel, the Board moved to dismiss the complaint against the licensee because there was not sufficient evidence to believe that the licensees committed an act which constitutes a cause for disciplinary action.

**Motion:** Dr. Pelsue moved to dismiss the complaint against the licensee.

**Second:** Dr. Damonte

**Passed:** Unanimous; Ms. Schalles abstained.

Public comment was given.

**2. Approval of Board Minutes for Possible Action**

**A. October 17, 2020 Board Meeting minutes**

**Discussion:** Change item 3J. from Ms. Pelsue to Dr. Pelsue, item 3E. from Ms. Phillips to Dr. and remove “DACVIM” from Dr. Sandoval on Board member list.

**Motion:** Dr. Pelsue made a motion to approve the draft minutes with stated changes.

**Second:** Dr. Phillips

**Passed:** Unanimous.

## REGULAR AGENDA

### 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. (NRS241.030)

#### A. 11-2018DVM-76: Maninder Herr, DVM (1401): Consent Order 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:** Dr. Gorman

**Passed:** Unanimous; Dr. Sandoval abstained.

#### B.01-2019DVM-05: Hany Botros, DVM (1305): Settlement Agreement 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. O’Dea moved to accept the Letter of Reprimand.

**Second:** Dr. Phillips

**Passed:** Unanimous; Dr. Pelsue abstained.

#### C.03-2019DVM-20: Brian Hewitt, DVM (0787): Settlement Agreement or Board decision for Administrating 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:** Dr. Gorman

**Passed:** Unanimous; Dr. Phillips abstained.

#### D. 06-2019DVM-47: Logan Curtis, DVM (2191): Settlement Agreement or Board decision for Administrating Hearing.

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

**Motion:** Dr. Gorman moved to accept the Letter of Reprimand.

**Second:** Dr. Sandoval

**Passed:** Unanimous; Dr. Phillips abstained.

#### E.07-2019DVM-61: Daniel VanderMay, DVM (1752): Settlement Agreement or Board decision for Administrating Hearing.

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

**Motion:** Dr. Gorman moved to accept the Letter of Reprimand.

**Second:** Dr. Pelsue

**Passed:** Unanimous; Dr. O’Dea abstained.

**F. 06-2019LVT-44: Julie Wheeler, LVT (LVT792): Settlement Agreement or Board decision for Administrative Hearing.**

**Discussion:** Ms. Pedigo reviewed the case and provided the Board with an overview of the proposed discipline with no response from licensee and need to move to disciplinary hearing.

**Motion:** Dr. Pelsue moved to proceed to hearing for both Items F & G in a single vote.

**Second:** Dr. O’Dea

**Passed:** Unanimous; Ms. Schalles abstained.

**G. 06-2016LVT-46 Rachele, Turner, LVT (LVT1061): Settlement Agreement or Board decision for Administrative Hearing**

**Discussion:** Ms. Pedigo reviewed the case and provided the Board with an overview of the proposed discipline with no response from licensee and need to move to disciplinary hearing.

**Motion:** Dr. Pelsue moved to proceed to hearing for both Items F & G in a single vote.

**Second:** Dr. O’Dea

**Passed:** Unanimous; Ms. Schalles abstained.

**H. 05-2019DVM-37; 05-2019FAC-38**

**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. Sandoval moved to dismiss the complaint against licensee with a Letter of Concern.

**Second:** Dr. O’Dea

**Passed:** Unanimous; Dr. Pelsue abstained.

No public comment was given.

**I. 06-2019FAC-51; 11-2019DVM-93**

**Discussion:** After presentation and discussion of the complaint assessment with the review panel, the Board elected disciplinary action be initiated against the licensee **(11-2019DVM-93)** and dismiss the complaint the facility **(06-2019FAC-51)** due to insufficient evidence.

**Motion:** Dr. Pelsue moved to have staff and Mr. Ling initiate disciplinary action against the licensee **(11-2019DVM-93)** and to dismiss the complaint against the licensee **(06-2019FAC-51)**.

**Second:** Dr. O’Dea

**Passed:** Unanimous; Dr. Sandoval abstained.

No public comment given.

**J. 06-2019DVM-52**

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

moved to table the complaint for further investigation and open a complaint against the facility involved in the case.

**Motion:** Dr. Pelsue moved to table the complaint for further investigation and open a complaint against the facility.

**Second:** Dr. Sandoval

**Passed:** Unanimous; Dr. Phillips abstained. Dr. Gorman recused herself due to prior knowledge.

No public comment was given.

**K. 07-2019DVM-53; 07-2019DVM-54; 11-2019LVT-94; 11-2019FAC-95; 11-2019FAC-96; 12-2019DVM-101**

**Discussion:** After presentation and discussion of the complaint assessment with the review panel, the Board elected disciplinary action be initiated against the following **(07-2019DVM-54; 11-2019FAC-96; 12-2019DVM-101)** and dismiss the complaint the licensees with a Letter of Concern **(07-2019DVM-53 and 11-2019FAC-95)** and dismiss the complaints **(11-2019LVT-94)** due to insufficient evidence.

**Motion:** Ms. Schalles moved to dismiss the compliant **(07-2019DVM-53)** with Letter of Concern.

**Second:** Dr. Pelsue

**Passed:** Unanimous; Dr. Phillips abstained.

**Motion:** Ms. Schalles moved to have staff and Mr. Ling initiate disciplinary action against the licensee **(07-2019DVM-54)**.

**Second:** Dr. Gorman

**Passed:** Unanimous; Dr. Phillips abstained.

**Motion:** Ms. Schalles to have staff and Mr. Ling initiate disciplinary action against the licensee **(11-2019LVT-94)**.

**Second:** Dr. Pelsue

**Motion Failed;** Aye- 0; Nay- 7; Dr. Phillips abstained.

**New Motion:** Ms. Schalles moved to dismiss the compliant **(11-2019LVT-94)** due to insufficient evidence.

**Second:** Dr. Pelsue

**Passed:** Unanimous; Dr. Phillips abstained.

**Motion:** Dr. Pelsue moved to dismiss the compliant **(11-2019FAC-95)** with Letter of Concern.

**Second:** Dr. Sandoval

**Passed:** Unanimous; Dr. Phillips abstained.

**Motion:** Dr. Pelsue moved to have staff and Mr. Ling initiate disciplinary action against the licensee **(11-2019FAC-96)**.

**Second:** Dr. Gorman

**Passed:** 6- aye; 1- nay (Dr. Sandoval); Dr. Phillips abstained.

**Motion:** Dr. O'Dea moved to have staff and Mr. Ling initiate disciplinary action against the licensee **(12-2019DVM-101)**.

**Second:** Dr. Pelsue

**Passed:** Unanimous; Dr. Phillips abstained.

No public comment was given.

**L. 08-2019FAC-64; 08-2019DVM-65**

**Discussion:** After discussion of the complaint assessment with the review panel, the Board had dismissed the complaints against the licensee and facility **(08-2019FAC-64; 08-2019DVM-65)** because there was not sufficient evidence to believe that the licensees committed an act which constitutes a cause for disciplinary action.

**Motion:** Dr. Sandoval moved to dismiss the complaints against the licensee **(08-2019DVM-65)** due to insufficient evidence.

**Second:** Dr. O’Dea

**Passed:** Unanimous; Dr. Pelsue abstained.

**Motion:** Dr. Sandoval moved to dismiss the complaints against the facility **(08-2019FAC-64)** to insufficient evidence.

**Second:** Dr. Gorman

**Passed:** Unanimous; Dr. Pelsue abstained.

Public comment given by the

complainant.

**M. 08-2019DVM-66; 08-2019DVM-67; 08-2019DVM-68**

**Discussion:** After presentation and discussion of the complaint assessment with the review panel, the Board elected disciplinary action be initiated against the licensees **(08-2019DVM-66)** and dismiss the complaint the licensees **(08-2019DVM-67 & 08-2019DVM-68)**. due to insufficient evidence.

**Motion:** Dr. Gorman moved to have staff and Mr. Ling initiate disciplinary action against the licensee **(08-2019DVM-66)** and to dismiss the complaint against the licensees **(08-2019DVM-67 & 08-2019DVM-68)**.

**Second:** Dr. Pelsue

**Passed:** Unanimous; Dr. Sandoval

abstained. No public comment given.

**N. 08-2019FAC-69; 08-2019DVM-70; 08-2019DVM-71**

**Discussion:** After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the facilities and Dr. B **(08-2019FAC-69 & 08-2019DVM-71)** due to insufficient evidence and dismissed the complaint against Dr. B **(08-2019DVM-70)** with a Letter of Concern.

**Motion:** Dr. O’Dea moved to dismiss the complaint against the facility and Dr. A **(08-2019FAC-69 & 08-2019DVM-71)** and dismiss the complaint against Dr. B **(08-2019DVM-70)** with a Letter of Concern.

**Second:** Ms. Schalles

**Passed:** 6- aye; 1- nay, Dr. Pelsue; Dr. Sandoval

abstained. No public comment was given.

**O. 08-2019DVM-72**

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

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

**Second:** Dr. Gorman

**Passed:** Unanimous; Dr. O'Dea

abstained. No public comment was given.

**P. 09-2019FAC-73**

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

**Motion:** Dr. Sandoval moved to dismiss the complaint against the licensee.

**Second:** Dr. Pelsue

**Passed:** Unanimous; Dr. Phillips

abstained. No public comment was given.

**Q. 09-2019DVM-75; 09-2019FAC-76; 09-2019DVM-77; 09-2019FAC-78**

**Discussion:** After discussion of the complaint assessment with the review panel, the Board dismissed the complaint against the licensee (**09-2019DVM-75**) with a Letter of Concern.

**Motion:** Dr. Sandoval moved to dismiss the complaint against the licensee (**09-2019DVM-75**) with a Letter of Concern and dismiss complaints (**09-2019FAC-76; 09-2019DVM-77; 09-2019FAC-78**) due to insufficient evidence.

**Second:** Dr. Gorman

**Passed:** Unanimous; Dr. Phillips

abstained. No public comment was given.

**R. 09-2019DVM-79**

**Discussion:** After presentation and discussion of the complaint assessment with the review panel, the Board elected disciplinary action be initiated against the licensee.

**Motion:** Dr. O'Dea moved to have staff and Mr. Ling initiate disciplinary action against the licensee.

**Second:** Dr. Pelsue

**Passed:** Unanimous; Dr. Sandoval

abstained. No public comment given.

**S. 09-2019FAC-81**

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

**Motion:** Dr. O’Dea moved to dismiss the complaint against the licensee with a Letter of Concern.

**Second:** Ms. Schalles

**Passed:** Unanimous; Dr. Sandoval abstained.

No public comment was given.

**T. 09-2019FAC-82; 09-2019DVM-90**

**Discussion:** After presentation and discussion of the complaint assessment with the review panel, the Board elected disciplinary action be initiated against the licensee **(09-2019DVM-90)** and dismiss the complaint the facility **(09-2019FAC-82)** due to insufficient evidence.

**Motion:** Ms. Schalles moved to have staff and Mr. Ling initiate disciplinary action against the licensee **(09-2019DVM-90)**.

**Second:** Dr. Gorman

**Passed:** Unanimous; Mr. Hengels abstained.

**Motion:** Dr. Gorman moved to dismiss the complaint against the facility **(09-2019FAC-82)** with a Letter of Concern.

**Second:** Dr. O’Dea

**Passed:** Unanimous; Mr. Hengels abstained.

No public comment given.

**U. 10-2019DVM-86**

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

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

**Second:** Dr. O’Dea

**Passed:** Unanimous; Dr. Pelsue abstained.

No public comment was given.



**V. 10-2019DVM-88**

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

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

**Second:** Dr. Pelsue

**Passed:** Unanimous; Dr. Sandoval abstained.

No public comment was given.

**W. 10-2019DVM-92**

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

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

**Second:** Dr. Damonte

**Passed:** Unanimous; Dr. Pelsue abstained.

No public comment was given.

**X. 11-2019DVM-98**

**Discussion:** After presentation and discussion of the complaint assessment with the review panel, the Board elected disciplinary action be initiated against the licensee.

**Motion:** Dr. O’Dea moved to have staff and Mr. Ling initiate disciplinary action against the licensee.

**Second:** Dr. Sandoval

**Passed:** Unanimous; Dr. Pelsue abstained.

No public comment given.

**4. Public Hearing for the Summary Suspension of Melissa Tyson, DVM(2626)**

Mr. Ling gave a brief overview of the actions that Dr. Tyson has agreed to regarding summary suspension of Nevada veterinary license while she appeals the decision in California.

**5. Requests for License/Extensions/Education Approval/Reinstatement for Possible Action**

**A. Megan Biggs-VTIT/LVT Education Approval**

**Discussion:** The Board reviewed all documentation presented. Ms. Biggs was not present.

**Motion:** Ms. Schalles moved to grant Ms. Biggs request for approval.

**Second:** Dr. O’Dea

**Passed:** Unanimous

**B. Debra Siegel-Application for Licensure as LVT**

**Discussion:** The Board reviewed all documentation presented. Ms. Siegel was not present.

**Motion:** Ms. Schalles moved to grant Ms. Siegel's request for approval.

**Second:** Dr. Gorman

**Passed:** Unanimous

**C. Maureen Adams, DVM- Request for reinstatement of consent order and/or licensure as veterinarian.**

This item was not presented or discussed due to incomplete application submission.

**6. Workshop- Thursday, January 16, 2020**

**A. Proposed adoption of language to NAC 638:** The proposed language will change the definitions of intern/extern to more accurately reflect their use and scope of practice as well as add language to allow for temporary licensure for veterinarians in the State of Nevada.

**Intern/Extern/Veterinary Graduate Awaiting Licensure & Temporary Licensure**

Dr. Pelsue- gave brief overview of current proposed language for VGAL (Veterinary Graduate Awaiting Licensure) and temporary licensure.

Dr. Gorman- Do we also need to include a definition of Veterinary Intern?

Louis Ling- Yes, we will also have a definition of Intern, Extern, and a VGAL.

Dr. Sandoval- With Temporary licensure can the 2 10-day periods be consecutive?

Pelsue- Yes, a maximum of 20 days in a 12-month period.

**Veterinary Nursing Initiative**

Ling- The reg has been rejected by LCB due to language in the Nursing Board regs. Statute in Nursing regs that states you may only use the term "nurse" if you are licensed by the nursing Board.

Pedigo- the most effective way may if NAVTA runs their own bill and open a dialogue with the Nursing Association to see if a compromise can be reached.

Ms. Schalles- Think a dialogue needs to be opened between NAVTA and Nursing Association to help with understanding of the roles of Veterinary Nurse and the reasoning behind the change.

**B. Proposed adoption of language to NAC 638:** The proposed language will establish the use and requirements of telemedicine in the State of Nevada as well as amend language for the requirements veterinary applicants to sit for the Species-Specific Examinations.

**Telemedicine**

Pelsue- Cleaning up previous language, removing the term Teletriage and including it under Telehealth.

Gorman- Section 6A- The language states that this can only be initiated through an internet program or an 'app'. There are phone services available, if a veterinarian is licensed in NV, why would these services not be acceptable?

Pedigo- They would be licensed in Nevada, especially if they can access records.

Pelsue- Section 5.3, supervising veterinarian. Separate from supervisory status, telemedicine may not be used to replace indirect, direct, or immediate supervision.

Ling- May not be used for out-of-state veterinarian to "supervise" LVT's in the field. Language will be cleaned up to clarify.

Gorman- There is a fee to the hospital for the telemedicine service, subscription, but not a service to the client directly. Think it needs to be clarified to prevent problems in the future.

### **Species Specific Exam**

Ling- eliminating the exam for applicants that had not taken the NAVLE in the past 5 years, except for any individuals with discipline in other states.

## **7. Public Hearing to Adopt Regulations- Thursday, January 16, 2020 at 2:00pm**

**A. Amendment to NAC 638:** The proposed amendment will eliminate the requirement for Equine Dental Providers (EDP) to obtain liability insurance to be registered in the State of Nevada as EDPs.

Item rescheduled for public hearing on February 19, 2020.

## **8. Discussion and Determination for Possible Action**

### **A. 2021 Board Meeting Dates**

Dates presented and accepted. No vote required.

### **B. FY19 Annual Audit for Review**

Ms. Pedigo presented the annual review for approval.

**Motion:** Ms. Schalles moved to accept the 2019 audit.

**Second:** Dr. Gorman

**Passed:** Unanimous

## **C. Discussion of potential statutory changes for the 2021 Legislative Session**

Ms. Pedigo reviewed the following items for potential statutory changes:

- SB57, the proposed changes to current statutory language, eliminating/amending current language.
- SB 224, CBD, being reworked with the language for veterinary medicine.
- Change current language for zoonotic vaccines to include LVT's and exclude "or a person under the immediate supervision of a veterinarian".
- Change "visiting" specialty/diplomate language for better protection and assign responsibility of care. Consider eliminating/convert language and requiring temporary license.

- Alter notification requirements and remove notary requirements for licenses.
- Notification of BOP, Vet Board, DEA, required when ET ceases to work for a law enforcement agency within 15 days.
- May not renew any license if outstanding fees in a disciplinary case are due to the Board.
- Hospital must disclose if they have any financial interest in another hospital the client is being referred to.
- Strike/Eliminate ability for a PE to be performed in the Vet Board office for investigative purposes.
- Remove summary suspension language in NRS that conflicts with summary suspension language in Nevada Administrative Act.
- Add new type of discipline, '*Letter of Correction*', for certain administrative actions, ie. CE, repeat violations on Hospital Inspections... temporarily posted for a certain period, once corrected, allow to be removed from the website.
- Alter presentation of complaints not requiring the full Board to review complaints and move to a "panel" for complaints presenting final finding to the Board for vote, LOR/Consent Decree..., allowing for fair hearing process. No Open Meeting requirement with 'panel' configuration, closed door.

#### **D. Consideration and approval of payment of legal fees for confidential matter involving a Board member**

Mr. Ling and Ms. Pedigo presented request for repayment of legal fees in confidential matter for the Boards consideration.

**Motion:** Dr. Gorman made a motion to repay legal fees in the confidential matter.

**Second:** Mr. Hengels

**Passed:** 6- aye; Dr. Damonte abstained; Dr. Pelsue absent during the vote.

#### **E. AB319 Policy and Discussion**

Mr. Ling gave an overview of the of bill that was passed in last session regarding individuals with a criminal conviction, potentially applying for a license, and their eligibility for licensure.

#### **F. CE Course Approval; Cardiology Case Studies: 2 hours**

Ms. Schalles recommended to accept the program for the requested two hours, based on review of the program.

**Motion:** Dr. Gorman moved to accept the CE program based on Ms. Schalles recommendation.

**Second:** Dr. O'Dea

**Passed:** Unanimous

### **9. Staff Reports for Possible Action**

#### **A. Financial Report- Jennifer Pedigo**

Ms. Pedigo presented the quarterly financial report for approval.

**Motion:** Ms. Schalles moved to accept the financial report.

**Second:** Dr. Gorman

**Passed:** Unanimous

**B. Administrative Report- Christina Johnson, LVT**

Ms. Johnson present the administrative report for Board review. The wrong report was submitted for the Board packet, actual report was emailed to the Board after the meeting.

**C. Hospital Inspection Report-Christina Johnson, LVT**

Ms. Johnson presented the quarterly inspection report.

**D. Legal Report, Louis Ling, Esq**

No report given.

**E. Legislative Update- Neena Laxalt**

Ms. Laxalt gave the Board a legislative update, which serves to update the Board regarding pending or future regulation changes that may affect the Board.

**10. Agenda items for next meeting**

1. Hospital Inspections- possible cite and fine for continued repeat offenses.

**11. Public Comment: No vote may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item which action will be taken. (NRS241.020)**

No public comment made.

**12. Adjournment for Possible Action**

**Motion:** Ms. Schalles motioned to adjourn the meeting at 7:05pm.

**Second:** Dr. O’Dea

**Passed:** Unanimous