

**INDIANA BOARD OF VETERINARY MEDICAL EXAMINERS
MINUTES**

MAY 4, 2022

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Jerry Rodenbarger called the meeting to order at 9:06 a.m. in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, 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
Bret Marsh, D.V.M., State Veterinarian, BOAH

Board Members Not Present:

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
Jody Edens, Board Director, Professional Licensing Agency
Dana Brooks, Assistant Board Director, Professional Licensing Agency
Erin Sutton, 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 approve the agenda as amended.

Sunbury/Clemente
Motion carried 5/0/0

III. ADOPTION OF MINUTES

A motion was made and accepted to approve the minutes of August 18, 2021, as amended.

Sunbury/Clemente
Motion carried 5/0/0

IV. PERSONAL APPEARANCES

A. Probation

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

Mx. Armellino did not appear as requested. An email was submitted to the Board on May 3, 2022, which stated that Mx. Armellino did not intend on continuing with this process and will not be appearing today. Being a recovered addict in this field has turned out detrimental to Mx. Armellino's mental health and recovery and as such she is looking for jobs completely outside of the field and has taken the credentials from the resume. Mx. Armellino has not submitted any reports as required per her probationary order. An email was sent on October 28, 2021, and resent on April 28, 2022, requesting all missing reports.

Board Action: A motion was made and seconded to issue an Order to Show Cause in the matter of Mx. Armellino for noncompliance of the probation terms.

Clemente/Sunbury
Motion carried 5/0/0

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

Dr. Marcotte appeared as requested to discuss her ongoing probation. Dr. Marcotte has not worked since April of 2020 due to her health conditions. She is currently running a baby animal rescue from her home. She informed the Board that she has been referred to another physician and is waiting on a referral to the Mayo Clinic. She has submitted copies of her drug screens, treatment provider reports and self-reports as required by the probationary order. Dr. Marcotte is required to appear twice a year.

3. **Daren Miller, D.V.M., License No. 24007328A**
Cause No. 2020 VB 0008

Dr. Miller appeared as requested to discuss his ongoing probation. Dr. Miller stated that he has just returned from vacation. The business is doing well. He is currently working with Dr. Boyd Lee. The intention is for him to eventually take over the practice. He has two and half years of sobriety and attends meetings at his church twice a week and sees his sponsor once a week. Dr. Miller stated that he is doing well maintaining the boundaries of work and home. The Board noted that if he has met all his probation terms, he may file a petition to lift his probation.

B. Renewals

1. Britney Newcomer, R.V.T., Registration No. 25002653A

Ms. Newcomer appeared again as requested to discuss her renewal 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. Newcomer appeared at the March 2, 2022, meeting to discuss her pending renewal and positive response that she was currently on probation. She was placed on probation 2020 for a DUI and was required to submit a report or other documentation

showing the results of the alcohol assessment she completed as part of her criminal plea. As of the March 2, 2022, this has not been completed. The Board stated at that time she was required to appear at the May 4, 2022, meeting with the report from the court or to complete a new report. An alcohol assessment was 1. She previously appeared before the Board in March where the Board requested additional information to be submitted. Ms. Newcomer stated that as she could not obtain a copy of her first assessment, she completed a new one for the Board from Howard Hohem, MA, MFT. She provided a copy of that assessment to the Board for their review.

Board Action: A motion was made and seconded to renew Ms. Newcomer's registration.

Goodwin/Sunbury
Motion carried 5/0/0

C. Examination Retakes – VTNE & NAVLE

There were no examination retake requests.

D. Reinstatements

1. Elizabeth Feighner, D. V.M, License No. 24007170A

Dr. Feighner was requested to appear to discuss the reinstatement of her license that expired on October 15, 2013. Dr. Feighner emailed the Board that she would be unable to personally appear. She submitted copies of her continuing education certificates and a written statement of her practice since the expiration of her license. She currently has a small animal practice in Denver, Colorado and will be relocating to Fort Wayne soon.

Board Action: A motion was made and seconded to approve Dr. Feighner's reinstatement application pending the completion of the jurisprudence examination.

Clemente/Schnarr
Motion carried 5/0/0

2. Marcelle Hon, D.V.M., License No. 24007981A

Dr. Hon was requested to appear to discuss the reinstatement of her license that expired on October 15, 2019. Dr. Hon emailed the Board that she would be unable to appear. She submitted copies of her continuing education certificates and a written statement of her practice since the expiration of her license. She moved to Hawaii in 2019 and is currently a Board-Certified Emergency and Critical Care veterinarian. The Board noted that one of her documents stated that she was Board Certified, but it was unclear on where that certification took place. All other documentation was complete.

Board Action: A motion was made and seconded to approve Dr. Hon's reinstatement application pending the completion of the jurisprudence exam.

Clemente/Schnarr
Motion carried 5/0/0

E. Application

1. Genna Douthitt (DVM)

Dr. Douthitt appeared as requested to discuss her yes response to "Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, (1) have you ever been arrested; (2) have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; (3) have you ever been convicted of any offense, misdemeanor, or felony in any state; (4) have you ever pled guilty to any offense, misdemeanor, or felony in any state; or (5) have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?" Dr. Douthitt provided a statement and supporting documents regarding her DUI in July of 2021. She is currently on criminal probation until July of 2022. The Board inquired if she was aware of her alcohol content. Ms. Douthitt stated that she believed her test indicated .16. She stated that the court required her to complete an alcohol assessment and random screenings. She stated that she has not had issues drinking in the past. She currently has employment at Michigan Road Animal Hospital.

Board Action: A motion was made and seconded to approve Dr. Douthitt's application pending the completion of the jurisprudence examination.

Rodenbarger/Goodwin
Motion carried 5/0/0

V. PROPOSED SETTLEMENT AGREEMENTS

VI. NOTICE OF PROPOSED DEFAULT

A. Cody Breault, R.V.T., Registration No. 25002779A

Administrative Cause No. 2021 VB 0006

Re: Notice of Proposed Default

Parties Present:

Respondent not present
Kiely Keissler, Deputy Attorney General for the State of Indiana
Catherine Dagget, Intern 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

Witness for State:

Cindy Vaught, Board Director for the Professional Licensing Agency

Case summary: On or about March 3, 2022, the Board issued an Notice of Proposed Default regarding Mr. Breault's lack of response to their requests to appear per the terms of his Probation. The Board has reached out to Mr. Breault at two different mailing addresses that he has provided as his contact information. He has not provided a change of address to either the Office of Attorney General, or the Professional Licensing Agency. Mr. Breault has failed to respond to the notices to appear before the Board.

Board Action: A motion was made and seconded to issue a Default in the matter of Mr. Breault.

Clemente/Schnarr
Motion carried 5/0/0

The State requested that since Mr. Breault has failed to follow the terms of his probation, and the Board finds him in Default, that his license be suspended. The State called Ms. Vaught as witness. Ms. Vaught is the keeper of records for this matter. She confirmed that per the terms of Mr. Breault's Probation order he was required to appear before the Board on a quarterly basis, submit evidence of enrollment in a substance abuse assistance program, submit employer reports of his status, submit a copy of his probation order signed by his employer, and submit reports from his sponsor. At this time Ms. Vaught has not received any reports from Mr. Breault, and he has not communicated with the Board regarding his status. Copies of his order was sent via email and certified mail.

The State concluded that due to his lack of response to comply with his probation order, and known addiction status, that Mr. Breault is a danger to the public. They request the Board to suspend Mr. Breault's license.

Board Action: A motion was made and seconded to indefinitely suspend Mr. Breault's registration for no less than a period of one year. Should he wish to petition to have the suspension lifted he must provide the following:

1. Respondent is also required to take and submit an addictionology assessment to the Board.
2. Respondent is required to follow all the prior terms and conditions laid out in his probation order.

Schnarr/Clemente
Motion carried 5/0/0

VII. APPLICATION REVIEW

A. Michael Childress (DVM)

Dr. Childress' application for veterinary licensure was submitted for review. Dr. Childress' held an Indiana license that expired on October 15, 2013. He answered yes to the question

“Except for minor violations of traffic laws resulting in fines, and arrests or convictions that have been expunged by a court, (1) have you ever been arrested; (2) have you ever entered into a prosecutorial diversion or deferment agreement regarding any offense, misdemeanor, or felony in any state; (3) have you ever been convicted of any offense, misdemeanor, or felony in any state; (4) have you ever pled guilty to any offense, misdemeanor, or felony in any state; or (5) have you ever pled nolo contendere to any offense, misdemeanor, or felony in any state?” Dr. Childress was arrested and convicted for reckless driving in Virginia in 2001. Since that time, he has completed all requirements of the conviction. Dr. Childress has been a faculty member at Purdue University since 2009. The Board reviewed his application, letters of recommendation, statement, and supporting documents.

Board Action: A motion was made and seconded to approve Dr. Childress’ veterinary application pending the completion of the jurisprudence examination.

Clemente/Sunbury
Motion carried 5/0/0

VIII. CONTINUING EDUCATION

A. Missionary Veterinary Partners

“Controlled Drugs Training”

Online

Hours: 6

The Board reviewed the continuing education application for the Missionary Veterinary Partners. It was noted that the program primarily covers controlled substances but does cover some practice management.

Board Action: A motion was made and seconded to approve the Missionary Veterinary Partners CE program.

Sunbury/Rodenbarger
Motion carried 5/0/0

IX. DISCUSSION

Ms. Cindy Vaught and her staff have been reassigned, and the new Board Director of the Indiana Veterinary Medical Examiners Board will now be under Ms. Jody Edens, and the Assistant Director will be Ms. Erin Sutton. Ms. Edens has been with the State for forty years (40) and her previous role has been Assistant Director for the Board of Pharmacy. Ms. Sutton has been with the agency for over 5 years and her previous role was with the Operations Division.

X. PROBATION REVIEW

There was no probation for review.

XI. REPORTS

A. Attorney General’s Report

The Attorney General’s office reported to the Board that they have 61 complaints with an average age of 7.1 months. Since the beginning of the year, they have 63 open cases and closed 22. There are currently 7 litigation cases open with a duration average of

9.9 months. There have been 8 opened since the beginning of the year, and 1 case has closed.

The Attorney General's office stated that they have averaged 40% standard of care complaints, and 10% are unprofessional conduct. The remaining percentages is a mix of drug diversion, discipline from other States, failure to supervise, and unlicensed practice.

B. State Veterinarian's Report – Dr. Marsh

Dr. Marsh stated that the legislative changes that will affect the Board are still in process as the Indiana Board of Veterinary Medical Examiners is transitioning to the Board of Animal Health per SB 1145. The effective date is July 1, 2023, due to need for financial budgeting for the move.

Animal Influenza is still in the news, and there has been a confirmed diagnosis in Dubois and Elkhart counties. The Board of Animal health is working to monitor and quarantine areas to slow the spread. There have been concerns of wild flocks of birds intermingling with farm birds that the Board is aware of. There are a number of tests being conducted to ensure a negative result. Some tests are being completed twice as some birds were negative, and then reported positive due to delayed symptoms. The Board is also running tests on flocks that are coming in through the airport to ensure that influenza is not being introduced to flocks. Dr. Marsh reported on procedures they have put in place regarding the safe destruction of the animals that have died from the influenza so that it does not impact our food safety. Indiana is reported to be the number one producer of ducks in the United States, so the Board is taking this disease very seriously.

XII. OLD/NEW BUSINESS

IPLA provided more information for the Board regarding the current Purdue graduates. Currently only thirty-three (33) graduates have applied for licensure in Indiana. Most applicants have their files complete; however, a few are missing their national scores and background checks.

XIII. ADJOURNMENT

The Board adjourned at 12:13 pm.

Jerry Rodenbarger, D.V.M., Chair