

ARKANSAS LIVESTOCK AND POULTRY COMMISSION SPECIAL CALLED MEETING

Minutes

March 22, 2024

3:00 p.m.

Chair Tyler Davis called the Special Called meeting to order.

Members present via Zoom: Marcus Creasy, Chad Chester, Tyler Davis, Dr. William Hewat, Bruce Maloch, Dr. Mike Pallone, Danny Wright

Members Absent: Dr. Sara Throne, Tommy Wren

Patrick Fisk, Director, Livestock and Poultry Division, and other staff were in attendance.

1. Opening comments and introductions

Chair Davis welcomed all in attendance.

2. Approval of Corporate practices

Fisk presented the Commission with three veterinary corporate clinics for approval to conduct business. The Arkansas Livestock and Poultry Commission (ALPC) Veterinary Medical Examining Committee (VMEC) recommends these applicants be approved.

Vet Mobile – Dr. Sarah Kline

Apex Care Enterprise, LLC – Dr. Emanuel Torres Sawi

H & K Veterinary Services, LLC – Drs. Amy Hawley and Kendra Kafuman

Moved by Dr. Hewat, seconded by Dr. Pallone to approve the Committee's recommendations as presented.

Motion carried.

3. Review of case files for action

Committee Chair Dr. Hewat presented case files for action. **Attachment 1**

The ALPC VMEC recommends these cases be dismissed:

- Docket # 2022-09
- Docket # 2023-05

- Docket # 2023-03
- Docket # 2023-02
- Docket # 2023-01
- Docket # 2023-04
- Docket # 2022-10
- Docket # 2022-11
- Docket # 2022-12
- Docket # 2021-10
- Docket # 2022-23

Moved by Maloch, seconded by Wright to approve the Committee's recommendation as presented.

Motion carried.

Committee Chair Dr. Hewat presented case files for action. **Attachment 1**

- Docket # 2022-14. Allegation: Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.

The recommendation of the Committee is to offer a consent agreement to Respondent that includes four (4) hours of continuing education in record keeping. These four (4) hours of continuing education will be in addition to the twenty (20) hours of continuing education required for license renewal.

Respondent will also be required to submit three (3) medical records per month for six month that are surgical, including anesthetic protocol, monitoring, and discharge instructions to be reviewed by the Committee.

Moved by Wright, seconded by Chester to approve the Committee's recommendation as presented.

Motion carried.

- Docket #2022-02. Allegation: Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.

The recommendation of the Committee is to offer a consent agreement to Respondent that includes six (6) hours of continuing education in record keeping. These six (6) hours of continuing education will be in addition to the twenty (20) hours of continuing education required for license renewal.

Respondent will also be required to submit three (3) medical records per month for six (6) month that are surgical, including anesthetic protocol, monitoring, and discharge instructions to be reviewed by the Committee.

Moved by Chester, seconded by Dr. Pallone to approve the Committee's recommendation as presented.

Motion carried.

- Docket 2022-04. Allegation: Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.

The recommendation is to offer a consent agreement to Respondent that includes six (6) hours of continuing education in from the American Heartworm Society in regard to treatment guidelines. These six (6) hours of continuing education will be in addition to the twenty (20) hours of continuing education required for license renewal.

Moved by Wright, seconded by Maloch to approve the Committee's recommendation as presented.

Motion carried.

- Docket # 2022-05. Allegation: Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.

The recommendation is to offer a consent agreement to Respondent that includes civil penalties of \$5000 each totaling \$15,000 dollars for the three violations, one for each violation found above.

Moved by Maloch, seconded by Wright to approve the Committee's recommendation as presented.

Motion carried.

Approval of new licensures

Fisk stated the ALPC VMEC recommends approval of six Veterinarian licensures as follows:

Bailey Carter, DVM
Abel Gonzalez, DVM
Gretchen Syburg, DVM
Jessica Heuer, DVM

Audra O'Keefe, DVM
Carrie Ullmer, DVM

Fisk stated the ALPC VMEC recommends approval of three Veterinary Technician licensures as follows:

Katlyn Brown, CVT UT Martain (Bachelor's)
Maria Ramirez Alfaro, CVT ASU Beebe
Bayley Webster, CVT ASU Beebe

Moved by Dr. Hewat, seconded by Dr. Pallone to approve the Committee's recommendations as presented.

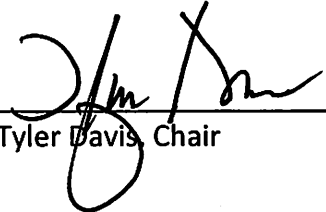
Motion carried.

5. New business

No new business was conducted.

6. Adjourn

Meeting adjourned.



Tyler Davis, Chair

Attachment 1

Complaint Reviewal

Docket # 2022-09

Allegation:

Ark. Code Ann. § 17-101-305 (7) Fraud or dishonesty in the application or reporting of any test for disease in animals;

Summary:

Complaint filed after Complainant had taken her dog to Respondent for a surgical procedure and subsequently the dog became blind. The complaint was filed after Complainant had a follow-up visit with another veterinarian and some blood work was forwarded that had omitted information but was subsequently resent with all the values.

Recommendation:

A motion was made, seconded, and passed to recommend to the Arkansas Livestock and Poultry Commission that the complaint be dismissed due to no violations of the Veterinary Medical Practice Act or rules. Dr. Pallone was not present for the vote.

Docket No. 2023-05

Allegation:

Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine.

Summary:

Complaint filed after Complainant purchased a horse from an auction that the Respondent had performed a brief examination prior to sale of the horse as requested by the seller. The complaint was filed after taking to regular veterinarian 46 days after taking ownership of the horse.

Recommendation:

A motion was made, seconded, and passed to recommend to the Arkansas Livestock and Poultry Commission that the complaint be dismissed due to no violations of the Veterinary Medical Practice Act or rules.

Docket No. 2023-03

Allegation:

Ark. Code Ann. § 17-101-305 (15) Overtreating patients or charging for services which did not occur unless the services were contracted for in advance or for services which were not rendered or documented in the patient's records or charging for services which were not consented to by the owner of the patient or the owner's agent;

Ark. Code Ann. § 17-101-305 (16) (A) Failing to furnish details of a patient's medical records to another treating veterinarian, hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner or owner's agent or failing to comply with any other law relating to medical records. (B) However, X-rays prepared by the licensed veterinarian shall remain the property of the veterinarian and shall be returned upon request or as otherwise agreed between the veterinarian and client;

Ark. Code Ann. § 17-101-308 (11) Conduct unbecoming a person registered as a veterinary technician or detrimental to the best interests of the public.

Summary:

Complaint filed after Complainant took his 2-year-old dog to the Respondent for heartworm prevention shot, post heartworm treatment follow up and a rabies vaccine. Complaint was filed after clinic reached out for payment of services.

Recommendation:

A motion was made, seconded, and passed to recommend to the Arkansas Livestock and Poultry Commission that the complaint be dismissed due to no violations of the Veterinary Medical Practice Act or rules.

Docket # 2023-02

Allegation:

Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

Summary:

Complaint filed after Complainant had taken their dog to Respondent for multiple appointments in regards to a mass that was removed by the Respondent. The complaint was filed after Complainant had multiple follow up appointments with respondent and then a follow up with another veterinarian for a second opinion.

Recommendation:

A motion was made, seconded, and passed to recommend to the Arkansas Livestock and Poultry Commission that the complaint be dismissed due to no violations of the Veterinary Medical Practice Act or rules.

Docket # 2023-01

Allegation:

Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

Ark. Code Ann. § 17-101-305 (11) Unprofessional conduct by violation of a rule promulgated by the board under this chapter;

Summary:

Complaint filed after Complainant had taken their cat to Respondent for treatment due to illness. Complaint filed after Complainant discussed with other veterinarians and was fired as a client.

Recommendation:

A motion was made, seconded, and passed to recommend to the Arkansas Livestock and Poultry Commission that the complaint be dismissed due to no violations of the Veterinary Medical Practice Act or rules.

Docket # 2023-04

Allegation:

Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

Summary:

Complaint filed after Complainant had taken their cat to Respondent for treatment due to illness, recommended hospitalization, sent home with medications. Complaint filed after Complainant had follow-up visit with another veterinarian.

Recommendation:

A motion was made, seconded, and passed to recommend to the Arkansas Livestock and Poultry Commission that the complaint be dismissed due to no violations of the Veterinary Medical Practice Act or rules.

Docket # 2022-10

Allegation:

Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

Ark. Code Ann. § 17-101-305 (10) Cruelty to animals;

Ark. Code Ann. § 17-101-305 (11) Unprofessional conduct by violation of a rule promulgated by the board under this chapter;

(O) Conduct reflecting unfavorably upon the profession of veterinary medicine

Ark. Code Ann. § 17-101-305 (16)

(A) Failing to furnish details of a patient's medical records to another treating veterinarian, hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner or owner's agent or failing to comply with any other law relating to medical records.

(B) However, X-rays prepared by the licensed veterinarian shall remain the property of the veterinarian and shall be returned upon request or as otherwise agreed between the veterinarian and client;

Summary:

Complaint filed after Complainant had taken their dog to Respondent's place of business for a nail trim, this resulted in dislocation of hip, and resulted in treatment. Complaint filed after Complainant followed up with another veterinarian for a second opinion.

Recommendation:

A motion was made, seconded, and passed to recommend to the Arkansas Livestock and Poultry Commission that the complaint be dismissed due to no violations of the Veterinary Medical Practice Act or rules.

Docket # 2022-11

Allegation:

Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

Ark. Code Ann. § 17-101-305 (10) Cruelty to animals;

Ark. Code Ann. § 17-101-305 (11) Unprofessional conduct by violation of a rule promulgated by the board under this chapter;

(O) Conduct reflecting unfavorably upon the profession of veterinary medicine

Ark. Code Ann. § 17-101-305 (16)

(A) Failing to furnish details of a patient's medical records to another treating veterinarian, hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner or owner's agent or failing to comply with any other law relating to medical records.

(B) However, X-rays prepared by the licensed veterinarian shall remain the property of the veterinarian and shall be returned upon request or as otherwise agreed between the veterinarian and client;

Summary:

Complaint filed after Complainant had taken their dog to Respondent's place of business for a nail trim, this resulted in dislocation of hip, and resulted in treatment. Complaint filed after Complainant followed up with another veterinarian for a second opinion.

Recommendation:

A motion was made, seconded, and passed to recommend to the Arkansas Livestock and Poultry Commission that the complaint be dismissed due to no violations of the Veterinary Medical Practice Act or rules.

Docket # 2022-12

Allegation:

Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

Ark. Code Ann. § 17-101-305 (10) Cruelty to animals;

Ark. Code Ann. § 17-101-305 (11) Unprofessional conduct by violation of a rule promulgated by the board under this chapter;

(O) Conduct reflecting unfavorably upon the profession of veterinary medicine

Ark. Code Ann. § 17-101-305 (16)

(A) Failing to furnish details of a patient's medical records to another treating veterinarian, hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner or owner's agent or failing to comply with any other law relating to medical records.

(B) However, X-rays prepared by the licensed veterinarian shall remain the property of the veterinarian and shall be returned upon request or as otherwise agreed between the veterinarian and client;

Summary:

Complaint filed after Complainant had taken their dog to Respondent's place of business for a nail trim, this resulted in dislocation of hip, and resulted in treatment. Complaint filed after Complainant followed up with another veterinarian for a second opinion.

Recommendation:

A motion was made, seconded, and passed to recommend to the Arkansas Livestock and Poultry Commission that the complaint be dismissed due to no jurisdiction therefore no violations of the Veterinary Medical Practice Act or rules.

Docket # 2022-14

Allegation:

Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

Summary:

Complaint filed after Complainant had taken her 5-month-old dog to Respondent for OHE procedure. Complaint filed after Complainant found her dog dead in the kennel a few hours after discharge, and had a necropsy performed at another veterinary clinic.

Recommendation:

A motion was made, seconded, and passed to present the complaint to the Arkansas Livestock and Poultry Commission for the following violations:

Ark. Code Ann. 17-101-305 (a) (11) Unprofessional conduct by violation of a rule promulgated by the commission under this chapter;

9. E. Patient records shall include, but are not limited to the following information:

(6) Physical examination findings to include temperature, weight, body condition, respiration, pulse, eyes, ears, nose and throat, oral cavity, respiratory system including auscultation of the thorax, palpation of the abdomen, lymph nodes, and evaluation of musculoskeletal, neurological, genito/urinary systems;

(7) Assessment/diagnosis, treatments and intended treatment plan, medications

(8) Surgical procedures shall include a description of the procedure, name of the surgeon, type of sedative/anesthetic agent(s) used, dosage, strength, and route of administration;

(12) All consent statements, surgical, or treatment consent forms should be included in the medical record;

(13) If there are any discharge instructions, they should be noted on the medical record;

The recommendation is to offer a consent agreement to Respondent that includes four (4) hours of continuing education in record keeping. These four (4) hours of continuing education will be in addition to the twenty (20) hours of continuing education required for license renewal. Respondent will also be required to submit three (3) medical records per month for six (6) month that are surgical, including anesthetic protocol, monitoring, and discharge instructions to be reviewed by the committee.

Docket # 2021-10

Allegation:

Ark. Code Ann. § 17-101-305 (11) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

(N) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

Summary:

Complaint filed after Complainant had taken her Kitten to Respondent for treatment on emergency basis, and did not want to keep the Kitten. Complaint filed after paying all charges and fees presented by Respondent and allowing Respondent to re- home the Kitten.

Recommendation:

A motion was made, seconded, and passed to recommend to the Arkansas Livestock and Poultry Commission that the complaint be dismissed due to no violations of the Veterinary Medical Practice Act or rules.

Docket # 2022-02

Allegation:

Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

Summary:

Complaint filed after Complainant had taken their dog to Respondent for emergency treatment for a dystocia resulting in a cesarean section to be performed. Complaint filed after Complainant had follow-up visit with another veterinarian, that resulted in further surgical treatment.

Recommendation:

A motion was made, seconded, and passed to present the complaint to the Arkansas Livestock and Poultry Commission for the following violations:

Ark. Code Ann. 17-101-305 (a) (11) Unprofessional conduct by violation of a rule promulgated by the commission under this chapter;

9. E. Patient records shall include, but are not limited to the following information:

(7) Assessment/diagnosis, treatments and intended treatment plan, medications

(8) Surgical procedures shall include a description of the procedure, name of the surgeon, type of sedative/anesthetic agent(s) used, dosage, strength, and route of administration;

(12) All consent statements, surgical, or treatment consent forms should be included in the medical record;

(13) If there are any discharge instructions, they should be noted on the medical record;

Ark. Code Ann. 17-101-305 (a) (11) Unprofessional conduct by violation of a rule promulgated by the commission under this chapter;

19. F. For a veterinarian to undertake the care of an animal and thereafter fail to render the care as generally accepted by the veterinary profession.

The recommendation is to offer a consent agreement to Respondent that includes six (6) hours of continuing education in record keeping. These six (6) hours of continuing education will be in addition to the twenty (20) hours of continuing education required for license renewal.

Respondent will also be required to submit three (3) medical records per month for six (6) month that are surgical, including anesthetic protocol, monitoring, and discharge instructions to be reviewed by the committee.

Docket # 2022-04

Allegation:

Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

Summary:

Complaint filed after Complainant had taken their 2 dogs to Respondent for treatment. Complaint filed after multiple visits to respondent and follow up with another veterinarian for further care.

Recommendation:

A motion was made, seconded, and passed to present the complaint to the Arkansas Livestock and Poultry Commission for the following violations:

Rules 092.00.1-9. ADVERTISING

15. B. Use, or participate in the use of, any form of advertising or solicitation which contains a false, deceptive or misleading statement or claim.

A false, deceptive or misleading statement or claim includes, without limitation, a statement or claim which:

- (1) contains a guarantee that a cure will result from the performance of professional services;
- (2) contains a false, deceptive or misleading testimonial or endorsement by a veterinarian;

Ark. Code Ann. 17-101-305 (a) (11) Unprofessional conduct by violation of a rule promulgated by the commission under this chapter;

19. F. For a veterinarian to undertake the care of an animal and thereafter fail to render the care as generally accepted by the veterinary profession.

Ark. Code Ann. 17-101-305 (a) (16)

(A) Failing to furnish details of a patient's medical records to another treating veterinarian, hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner or owner's agent or failing to comply with any other law relating to medical records.

(B) However, X-rays prepared by the licensed veterinarian shall remain the property of the veterinarian and shall be returned upon request or as otherwise agreed between the veterinarian and client;

The recommendation is to offer a consent agreement to Respondent that includes six (6) hours of continuing education in from the American Heartworm Society in regards to treatment

guidelines. These six (6) hours of continuing education will be in addition to the twenty (20) hours of continuing education required for license renewal.

Docket # 2022-05

Allegation:

Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

Summary:

Complaint filed after Complainant had taken their dog to Respondent on an emergency call for suspected bloat. Complaint filed after death of the Complainant's dog.

Recommendation:

A motion was made, seconded, and passed to present the complaint to the Arkansas Livestock and Poultry Commission for the following violations:

Ark. Code Ann. 17-101-305 (a) (11) Unprofessional conduct by violation of a rule promulgated by the commission under this chapter;

19. F. For a veterinarian to undertake the care of an animal and thereafter fail to render the care as generally accepted by the veterinary profession.

19. O. Conduct reflecting unfavorably upon the profession of veterinary medicine.

Ark. Code Ann. 17-101-305 (a) (16)

(A) Failing to furnish details of a patient's medical records to another treating veterinarian, hospital, clinic, owner, or owner's agent upon proper request or waiver by the owner or owner's agent or failing to comply with any other law relating to medical records.

(B) However, X-rays prepared by the licensed veterinarian shall remain the property of the veterinarian and shall be returned upon request or as otherwise agreed between the veterinarian and client;

The recommendation is to offer a consent agreement to Respondent that includes civil penalties of \$5000 each totaling \$15,000 dollars for the three violations, one for each violation found above.

Docket # 2022-23

Allegation:

Ark. Code Ann. § 17-101-305 (5) Incompetence, gross negligence, or other malpractice in the practice of veterinary medicine;

Summary:

Complaint filed after Complainant had taken their pets to Respondent for multiple visits with various animals and on many occasions. Complaint filed after.

Recommendation:

A motion was made, seconded, and passed to recommend to the Arkansas Livestock and Poultry Commission that the complaint be dismissed due to no violations of the Veterinary Medical Practice Act or rules.