



Janet T. Mills
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Anne L. Head, Esq.
Commissioner

Geraldine L. Betts
Administrator

Maine Board of Veterinary Medicine
Draft Minutes of April 11, 2022, Board Meeting

CALL TO ORDER

Chair Hoenig called the meeting to order at 9:00 a.m.

MEMBERS PRESENT

Donald Hoenig, DVM, Chair
Douglas Andrews, DVM, Vice Chair
Nicholas Pesut, VMD, Complaint Officer
Matthew Townsend, DVM
Peter Davis, DVM

STAFF PRESENT

Geraldine L. Betts, Administrator
Jessica Gowell, Professional Licensing Supervisor
Dominic Cotone, Office Specialist II, Application Presentations
Samantha Morgan, Assistant Attorney General, Board Counsel

9:00 A.M. COMMISSIONER ANNE L. HEAD, ESQ

Implementation of LD 149 (c. 167)

Foreign Trained applicant and licensure by endorsement.

Commissioner Head had a conflict and will address the board at its next meeting.

PRESENTER

9:20 a.m. Medical Professionals Health Program (MPHP) Guy Cousins, Director; Heidi LaMonica, Operations Manager; Heidi Wright, Clinical Coordinator; Jennifer Bailey, Clinical Coordinator; Chelsea Pherigo, Clinical Coordinator

Guy Cousins introduced the MPHP staff and gave the Board an overview of the program regarding referral sources and monitoring agreements. The Board thanked MPHP for their time.

STATE SERVICE CONTRACT AGREEMENT WITH THE MEDICAL PROFESSIONALS HEALTH PROGRAM (MPHP) – SAMANTHA MORGAN, ASSISTANT ATTORNEY GENERAL.

Pesut moved that the Board go into executive session at 9:40 a.m. pursuant to 1 M.R.S. § 405(6)(E) to consult with its attorney concerning the legal rights and duties of the Board under

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www.maine.gov/professionallicensing

Geraldine.L.Betts@maine.gov
Direct Line: (207)624-8625
Fax: (207)624-8666

OFFICE LOCATION: GARDINER ANNEX
76 NORTHERN AVENUE, GARDINER, MAINE

the contract with the Maine Medical Association, which sponsors the Medical Professionals Health Program, seconded by Townsend. Unanimously voted.

The Board ended executive session at 9:58 a.m.

Assistant Attorney General, Samantha Morgan informed the public in attendance that the Board received legal advice under their current contract with MPHP.

MINUTES REVIEW AND APPROVAL

September 15, 2021

Andrews moved to accept the minutes of September 15, 2021 as presented, seconded by Townsend. Unanimously voted.

COMPLAINT PRESENTATION(S) AND BOARD ACTIONS

2017-VET-13078

Dr. Christiana Yule was present via the zoom platform and addressed the Board as required by the conditions of her consent agreement.

2021-VET-17456

Davis moved to schedule 2021-VET-17456 for an adjudicatory hearing and to authorize the Assistant Attorney General to negotiate a consent agreement with the Licensee on behalf of the Board. The proposed terms of the consent agreement are: 1) Admission to 10 M.R.S. § 8003(5-A)(A)(2), (5) and (10) and Board Rules Chapter 5 Section 2; 2) Warning; 3) \$1,500.00 fine; and 4) Probation for a period of two (2) years, during which the licensee must submit three (3) medical records on a quarterly basis and completion of six (6) hours of continuing professional education on ophthalmology, seconded by Townsend. Unanimously voted. Complaint officer abstained.

2021-VET-17584

Davis moved to dismiss 2021-VET-17584 with no evidence of a violation of the Board's Laws and Rules, seconded by Andrews. Unanimously voted. Complaint Officer abstained.

2021-VET-17590

Davis moved to dismiss 2021-VET-17590 with no evidence of a violation of the Board's Laws and Rules, seconded by Andrews. Unanimously voted. Complaint Officer abstained.

2021-VET-17613

Andrews moved to dismiss 2021-VET-17613 with a Letter of Guidance regarding prescription labeling. The Letter of Guidance is to remain on file for a period of five (5) years, seconded by Townsend. Unanimously voted. Complaint Officer abstained.

2021-VET-17735

Davis moved to dismiss 2021-VET-17735 with a Letter of Guidance regarding not withholding records because of an unpaid balance on a client's account. The Letter of Guidance is to remain on file for a period of five (5) years, seconded by Townsend. Unanimously voted. Complaint Officer abstained.

2021-VET-17736

Townsend moved to dismiss 2021-VET-17736 with no evidence of a violation of the Board's Laws and Rules, seconded by Andrews. Unanimously voted. Complaint Officer abstained.

2021-VET-17790

Andrews moved to dismiss 2021-VET-17790 with no evidence of a violation of the Board's Laws and Rules, seconded by Davis. Unanimously voted. Complaint Officer abstained.

2021-VET-17804

Davis moved to dismiss 2021-VET-17804 with a Letter of Guidance regarding that practice policies designed to establish and maintain valid veterinarian-client-patient relationships are applied correctly. The Letter of Guidance is to remain on file for a period of five (5) years, seconded by Townsend. Unanimously voted. Complaint Officer abstained.

2021-VET-17839

Davis moved to dismiss 2021-VET-17839 with no evidence of a violation of the Board's Laws and Rules, seconded by Townsend. Unanimously voted. Complaint Officer abstained.

2021-VET-17907

Townsend moved to dismiss 2021-VET-17907 with no evidence of a violation of the Board's Laws and Rules, seconded by Davis. Unanimously voted. Complaint Officer abstained.

2021-VET-17924

Davis moved to dismiss 2021-VET-17924 with no evidence of a violation of the Board's Laws and Rules, seconded by Townsend. Unanimously voted. Complaint Officer abstained.

2021-VET-17939

Townsend moved to dismiss 2021-VET-17939 with a Letter of Guidance regarding emergency care and to carefully consider each case to initiate treatment of a patient as soon as possible. The Letter of Guidance is to remain on file for a period of ten (10) years, seconded by Andrews. Unanimously voted. Complaint Officer abstained.

2021-VET-17972

Davis moved to dismiss 2021-VET-17972 with no evidence of a violation of the Board's Laws and Rules, seconded by Andrews. Unanimously voted. Complaint Officer abstained.

2021-VET-17976

Davis moved to dismiss 2021-VET-17976 with no evidence of a violation of the Board's Laws and Rules, seconded by Andrews. Unanimously voted. Complaint Officer abstained; Townsend recused.

2021-VET-17977

Davis moved to dismiss 2021-VET-17977 with no evidence of a violation of the Board's Laws and Rules, seconded by Andrews. Unanimously voted. Complaint Officer abstained; Townsend recused.

2022-VET-18045

Davis moved to dismiss 2022-VET-18045 with no evidence of a violation of the Board's Laws and Rules, seconded by Andrews. Unanimously voted. Complaint Officer abstained.

2022-VET-18057

Davis moved to dismiss 2022-VET-18057 with a Letter of Guidance regarding COVID-19 protocols. The Letter of Guidance is to remain on file for a period of five (5) years, seconded by Andrews. Unanimously voted. Complaint Officer abstained.

2022-VET-18110

Davis moved to schedule 2022-VET-18110 for an adjudicatory hearing and to authorize the Assistant Attorney General to negotiate a consent agreement with the Licensee on behalf of the Board. The proposed terms of the consent agreement are: 1) Admission to 32 M.R.S. § 4864(11) for unprofessional conduct by violating Section 22 of the Code of Ethics adopted at Chapter 7 of the Board's rules; 2) Reprimand; and 3) \$3,000.00 fine, seconded by Andrews. Unanimously voted. Complaint officer abstained.

REVIEW OF DISCIPLINARY ACTION

Sandra Brown, VT1405

The Board took no action.

APPLICATION REVIEW AND BOARD ACTION

Arthur Shawn Smith, VTS1078 (Renewal)

Davis moved to accept staff's recommendation and issue the license with a Letter of Guidance regarding 10 M.R.S. § 8003-G(2). The Letter of Guidance is to remain on file for a period of five (5) years, seconded by Andrews. Unanimously voted.

Mackenzie Arsenault, TC10011113 (Initial)

Davis moved to accept staff's recommendation and grant licensure to Mackenzie Arsenault, TC10011113, seconded by Andrews. Unanimously voted.

VETERINARY TECHNICIAN NATIONAL EXAM (VTNE)

Jessica Dumais, retake attempt.

Davis moved to approve Jessica Dumais to take the VTNE examination for a 6th attempt, seconded by Andrews. Unanimously voted.

Bennett Wilson, VT1746

Pesut moved that the Board go into executive session at 2:28 p.m. pursuant to 1 M.R.S. § 405(6)(E) to consult with its attorney concerning the legal rights and duties of the Board, seconded by Davis. Unanimously voted.

The Board ended executive session at 2:29 p.m.

Davis moved to request staff to contact the licensee and convey that he may apply and take the VTNE examination and request that he then contacts the Board, seconded by Townsend. Unanimously voted.

CORRESPONDENCE

Letter from the Maine Board of Pharmacy concerning Brion W. Reagor, DVM, regarding veterinarians compounding medications for patients.

Davis moved to refer Brion Reagor to the Board of Pharmacy Laws and Rules on compounding and dispensing medications and to review the Veterinary Medicine Practice Act regarding the scope of practice.

ELECTION OF OFFICERS FOR 2022

Hoening moved to nominate and elect himself as Chair, Douglas Andrews as Complaint Officer, and Peter Davis as Vice Chair, seconded by Davis. Unanimously voted.

PUBLIC OPPORTUNITY TO COMMENT

No comment.

ADJOURN

There being no further business Davis moved to adjourn at 3:04 p.m., seconded by Townsend. Unanimously voted.

Prepared By: Jessica Gowell, Professional Licensing Supervisor

Board approved: September 21, 2022