

**MINUTES
BOARD OF VETERINARY MEDICINE**

**TELEPHONE CONFERENCE CALL
Toll Free 888.670.3525; Conference Code 3086756820**

**Rules Workshop
February 1, 2013 @ 11:00 a.m.**

CALL TO ORDER

Dr. O'Neil called the meeting to order at 11:08 a.m.

MEMBERS PRESENT

Dr. Robert O'Neil, Chair
Dr. Nanette Parratto Wagner
Dr. Raul Figarola
Dr. Joann Helm
Ms. Cynthia Lewis
Ms. Connie Johnson

MEMBERS ABSENT

Dr. Guy Maxwell (excused)

OTHERS PRESENT

Juanita Chastain, Executive Director
Clark Jennings, Board Counsel
Elizabeth Henderson, Prosecuting Attorney
Linda Tinsley, Government Analyst
Donna Oxford
G.W. Harrell, Division Director Professions
Court Reporter, For the Record, Jeff Babcock
Edwin Bayo
Dr. Ross Hendry
Glenn Kirkland
Dr. John Bass
Phil Hinkle
Dr. Stephen Shores
Dr. Bob Hase

John Martellini
Dr. Kelly Erickson
Craig Neiber, Paws Plus

Dr. O'Neil advised the board that Dr. Maxwell was excused from the meeting due to military service.

Mr. Jennings advised the board that the meeting was a rule development workshop and he gave some opening remarks.

Mr. Jennings advised the board that there had been some question as to whether or not the rules related to the maintenance of veterinary medical records is also applicable to limited service clinics. He stated that the rule pertains to all service providers. He stated all limited service providers must comply with all veterinary retention record rules.

Dr. O'Neil advised the board that Dr. Hendry would be the first speaker and he had fifteen (15) minutes to speak.

Dr. Hendry addressed the board and stated that if limited service clinics were required to conduct the clinics inside he would be out of business. He stated that he could live with the other changes proposed but he would be out of business if he had to move indoors.

Mr. Jennings asked Dr. Hendry if he had a problem if the rule was changed to intestinal parasitic control and they could not treat heartworm.

Dr. Hendry stated that was not acceptable to him.

Mr. Glenn Kirkland addressed the board and stated that he was there to answer any questions the board had about Paws Plus.

Mr. Craig Neiber, CEO from Paws Plus addressed the board and stated that parasitic control was not a profitability question it is in the best interest of the pet and to segregate that component out it gives a less comprehensive offering to the customer and the welfare of the pet.

Dr. Kelly Erickson, Medical Director from Paws Plus, stated the American Animal Hospital Association (AAHA) and the American Veterinary Medical Association (AVMA) recommend not only intestinal parasites but also flea, tick and heartworm prevention.

Mr. Jennings stated the board received a letter from Mr. Caputo who is an attorney and he did not identify his client. Mr. Jennings stated that the letter contained the same concerns as Dr. Hendry.

Dr. Stephen Shores advised the board that the Florida Veterinary Medical Association (FVMA) is not opposed to Limited Service clinics and they are not trying to eliminate them. He stated that the board has always been concerned about public health. He stated they are trying to protect the public and not to put Limited Service out of business.

Dr. John Martellini advised the board that it seems the focus of Limited Service clinics is expanding to include services that are not directly related to public health issues. He stated the same regulations should apply to Limited Service clinics as a private practice. He felt the playing field should be leveled.

Dr. Shores stated that if the board decided to go from four (4) to eight (8) hours of operation they support the additional regulations required for the eight (8) hours. He stated that the Florida Veterinary Medical Association (FVMA) supports requiring all Limited Service be held indoors.

**61G18-15.007, FLORIDA ADMINISTRATIVE CODE
MINIMUM STANDARDS FOR LIMITED SERVICE
VETERINARY MEDICAL PRACTICES**

Mr. Jennings advised the board that the rule changes before them were color coded. He reviewed the color code with the board. He asked the chair to review each item one by one.

Dr. O'Neil advised the board that all comments had been heard and now the board would review and discuss the language in Rule 61G18-15.007 (1), F.A.C. Dr. O'Neil advised the board that the added language for a limited time was a housekeeping issue. He asked the board if they had any problems with the language. The board had no problem with the language.

Dr. O'Neil advised the board that the language in sub section (1), "where the veterinarian may also perform preventative procedures for intestinal parasitic control" the word intestinal was added to the language.

After discussion by the board the following motion was made.

Dr. O'Neil asked Ms. Chastain to call the roll and ask the question whether to leave the word intestinal in the language.

All board members answered no, the word intestinal would not be inserted into Rule 61G18-15.007 (1), F.A.C.

Dr. O'Neil advised the board the next item was Rule 61G18-15.007 (4) (a), F.A.C., "legible sign to identify permit holder and a legible sign to identify the veterinarian(s) on site by name and license number."

After discussion by the board the following motion was made.

Dr. O'Neil asked Ms. Chastain to call the roll and advised the board to approve or not approve the language for the sign.

All board members answered yes, and the following language was approved:
Rule 61G18-15.007 (4) (a), F.A.C., “legible sign to identify permit holder and a legible sign to identify the veterinarian(s) on site by name and license number.

Dr. O'Neil advised the board the next item was Rule 61G18-15.007 (4) (b), F.A.C., Each limited service clinic must be held inside a building that meets all local zoning and code requirements for the practice of veterinary medicine. Limited Service clinics may not be held outdoors in parking lots, on sidewalks, under tents or other such venues.

After discussion by the board the following motion was made.

Dr. O'Neil asked Ms. Chastain to call the roll and he advised the board no to keep the language as it is or to vote yes to move all Limited Service clinics indoors.

The vote ended in a tie and the motion failed. The language for Rule 61G18-15.007 (4) (b), F.A.C will stay as is.

Dr. O'Neil advised the board the next item was Rule 61G18-15.007 (4) (b), F.A.C., “ A sink with fresh , clean running water , disposable towels, and soap for cleaning and first aid: must be provided within ten (10) feet of examination area. Sinks located in restrooms may not be used to satisfy this requirement. “

After discussion by the board the following motion was made.

Dr. O'Neil asked Ms. Chastain to call the roll and he advised the board to answer yes to approve the sinks.

All board members answered yes and the language would be added to Rule 61G18-15.007 (4) (b), F.A.C.

Dr. O'Neil advised the board the next item was Rule 61G18-15.007 (4) (k), F.A.C., “All pharmaceuticals and biologics shall be maintained at the temperature recommended by the manufacturer in a refrigeration device that is powered by a stable energy source and is capable of maintaining a constant temperature. A thermometer shall be included where the pharmaceuticals are being stored.

After discussion by the board the following motion was made.

Dr. O'Neil asked Ms. Chastain to call the roll and to answer yes to approve the refrigeration device.

All board members answered yes and the language would be added to Rule 61G18-15.007 (4) (k), F.A.C.

Dr. O'Neil advised the board the next item was Rule 61G18-15.007 (5), F.A.C. “With regard to operation of a limited-service veterinary medical practice, the term “limited time, “shall mean no more often than once every two (2) weeks and no more than four (4) hours in any day for any single location where a vaccination clinic is held unless the following additional conditions are met in which case the available hours shall be expanded from four (4) to eight (8) in any one day within a two (2) week period.

(a) The limited service clinic is held inside a climate controlled building, which meet all local building and life safety ordinances;

(b) The limited service clinic provider has been operating in such capacity in this State for no less than five (5) years;

(c) The limited service clinic provider has not had their license either suspended or revoked in this or any other State;

(d) The limited service clinic provider possesses professional liability coverage in the amount of \$1,000,000 for each occurrence and \$2,000,000 in the aggregate as well as an umbrella policy of \$3,000,000 for each occurrence and \$3,000,000 in the aggregate.”

After discussion by the board the following motion was made.

Dr. O'Neil asked Ms. Chastain to call the roll and advised the board to answer yes to extend the time from four (4) to eight (8) hours if the provider meets the criteria.

All board members answered yes and the language would be added to Rule 61G18-15.007 (5) (k), F.A.C.

Mr. Jennings advised the board in Rule 61G18-15.0071 (1), F.A.C. he wanted to add at the end of the last sentence “after the date of last entry.”

Dr. O'Neil asked Ms. Chastain to call the roll and advised the board to answer yes to add the language to Rule 61G18-15.0071 (1), F.A.C.

All board members answered yes and the language would be added to Rule 61G18-15.0071 (1), F.A.C.

Dr. O'Neil advised the board the next item was Rule 61G18-15.0071 (5), F.A.C. “Providers of limited service clinics with hours of operation in excess of four (4)

hours in one day must make all information required in this section available in electronic format within 24 hours of treatment.

After discussion by the board the following motion was made.

Dr. O'Neil asked Ms. Chastain to call the roll and advised the board to answer yes to approve the language in Rule 61G18-15.0071 (5), F.A.C.

All members answered yes and the language would be added to Rule 61G18-15.0071 (5), F.A.C.

Dr. O'Neil advised the board the next item was Rule 61G18 – 15.0072 (e), F.A.C. “The name and telephone number of the veterinarian(s) who provided the medical services at the clinic.”

After discussion by the board the following motion was made.

Dr. O'Neil asked Ms. Chastain to call the roll and advised the board to answer yes to approve the language to Rule 61G18 – 15.0072 (e), F.A.C.

All members answered yes and the language would be added to Rule 61G18 – 15.0072 (e), F.A.C.

Dr. O'Neil advised the board the next item was Rule 61G18 – 15.0072 (3),(a), (b), (c), F.A.C. “(3) Providers of limited service clinics with hours of operation in excess of four (4) hours in one day must have the following information conspicuously posted on, or adjacent to, the entrance of the building where the clinic was held for forty eight (48) hours after the conclusion of the clinic:

- (a) The telephone number where emergency veterinary care can be obtained;
- (b) The name and address of where a client can secure a copy of the patient's records;
- (c) A phone number for consultation or referral for follow up care and treatment in case of adverse reaction or failure of the regimen of therapy.”

After discussion by the board the following motion was made.

Dr. O'Neil asked Ms. Chastain to call the roll and advised the board to answer yes to approve the language to Rule 61G18 – 15.0072 (3), (a), (b), (c), F.A.C.

All members answered yes and the language would be added to Rule 61G18 – 15.0072 (3), (a), (b), (c), F.A.C.

MOTION: Dr. Helm made a motion to direct board counsel to notice Rule 61G18-15.007, 61G18-15.0071 and 61G18-15.0072 for rule making.

SECOND: Ms. Lewis seconded the motion.

Dr. O'Neil asked Ms. Chastain to call the roll.

The motion passed unanimously.

Mr. Jennings asked the board if the rule changes for Rule 61G18 – 15.007, F.A.C. would have an adverse effect on small business.

Mr. Jennings asked the board if the proposed rule amendment is likely to directly or indirectly increase regulatory costs to any entity, in excess of two hundred thousand dollars (\$200,000.00) in the aggregate within one (1) year of implementation.

Ms. Chastain called the roll and the board answered no to an increase in regulatory costs.

Mr. Jennings asked the board if the rule changes for Rule 61G18 – 15.0071, F.A.C. would have an adverse effect on small business.

Mr. Jennings asked the board if the proposed rule amendment is likely to directly or indirectly increase regulatory costs to any entity, in excess of two hundred thousand dollars (\$200,000.00) in the aggregate within one (1) year of implementation.

Ms. Chastain called the roll and the board answered no to an increase in regulatory costs.

Mr. Jennings asked the board if the rule changes for Rule 61G18 – 15.0072, F.A.C. would have an adverse effect on small business.

Mr. Jennings asked the board if the proposed rule amendment is likely to directly or indirectly increase regulatory costs to any entity, in excess of two hundred thousand dollars (\$200,000.00) in the aggregate within one (1) year of implementation.

Ms. Chastain called the roll and the board answered no to an increase in regulatory costs.

After discussion with the board Mr. Jennings stated that the rule changes would have an impact on small business.

MOTION: Ms. Lewis made a motion to adjourn.

SECOND: Ms. Johnson seconded the motion.

The meeting adjourned at 2:20 p.m.