

1 **MINUTES**

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3 **Board of Veterinary Medicine**
4 **General Business Meeting**

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6 **Friday, June 21, 2024, at 9 A.M.**
7 **The Shores Resort and Spa**
8 **2637 South Atlantic Avenue**
9 **Daytona Beach Shores, FL 32118**

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12 **CALL TO ORDER**

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14 Dr. Leonard, Chair called the meeting to order at 9:06 a.m.

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16 **MEMBERS PRESENT**

17 Dr. Robert B. Leonard, Jr., Chair
18 Dr. Rudd Nelson, Vice Chair
19 Ms. Connie Johnson
20 Dr. Christopher Smith
21 Dr. Sharon Powell
22 Dr. Mario Cabrera

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24 **MEMBERS ABSENT**

25 None

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27 **OTHERS PRESENT**

28 Ruthanne Christie, Executive Director
29 Ed Tellechea, Board Counsel
30 Elizabeth Henderson, Prosecuting Attorney
31 Dina Oliveto, Government Analyst I
32 Mollie Peck, Government Analyst II
33 Esquire Deposition Solutions – 800-211-3376

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35 **PROBATION ROLL CALL**

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37 Dr. Leonard asked Ms. Peck to call the roll.

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39 The following probationers were present:

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41 Charles Craton, DVM
42 Mohammed Hassan, DVM
43 Alfredo Licho, DVM

Greg Ford, DVM

The following probationers were absent:

Amy Bosecker, DVM

Michael Elpert, DVM

APPROVAL OF DECEMBER 15, 2023 MEETING MINUTES

MOTION: Dr. Nelson made a motion to approve the minutes with corrections.

SECOND: Dr. Cabrera.

Motion passed unanimously.

APPLICATIONS FOR REVIEW

None

REQUEST FOR NAVLE RETAKE APPROVAL

After discussion by the board the following motion was made.

MOTION: Dr. Smith made a motion to delegate ICVA form to the board office.

SECOND: Dr. Cabrera.

DISCIPLINARY HEARINGS

Settlement Stipulations

Lisa Laviola-Dowd, DVM

Case number 2022-029209

PC: Dr. K Jones and Dr. S. Powell

Dr. Laviola-Dowd was present with Attorney David Bibb. Dr. Laviola-Dowd was sworn in by the court reporter.

Dr. Laviola-Dowd was charged with violation of 474.214(1)(r), Being guilty of incompetence or negligence by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent veterinarian as being acceptable under similar conditions and circumstances, and 474.214(1)(ee) Failing to keep contemporaneously written medical records as required by rule of the board.

After discussion by the board the following motions were made:

MOTION: Ms. Johnson made a motion to reject the settlement stipulation.

SECOND: Dr. Smith

Motion passed unanimously (Dr. Powell was recused).

MOTION: Ms. Johnson made a motion to offer a counter stipulation imposing a fine of \$4000 (\$2000 for each count), \$266.06 in costs to be paid within 30 days of the filing of the final order, 2 hours CE and 1 year of probation with appearances at the first and last board meeting. This meeting counts as first appearance.

SECOND: Dr. Smith

Motion passed unanimously (Dr. Powell was recused).

Ruth Eisele, DVM

Case No. 2023-048716

PC: None, waived

Dr. Eisele was not present.

After discussion by the board the following motion was made:

MOTION: Dr. Smith made a motion to accept the voluntary relinquishment and impose costs of \$155.68.

SECOND: Dr. Cabrera.

Motion passed unanimously.

Joshua Nelson Harvey, DVM

Case No. 2022-048372

PC: Dr. K. Jones and Dr. S. Powell

Dr. Harvey was present and sworn in by the court reporter.

Dr. Harvey was charged with violation of 474.214(1)(b) Having a license or the authority to practice veterinary medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including any agency or subdivision thereof. The licensing authority's acceptance of a veterinarian's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the veterinarian's license or authority to practice, shall be construed as action against the veterinarian's license or authority to practice, and of 474.214(1)(jj) Failing to report to the board within 30 days, in writing, any action set forth in paragraph (b) that has been taken against the practitioner's license to practice veterinary medicine by any jurisdiction, including any agency or subdivision thereof.

After discussion by the board the following motion was made:

MOTION: Dr. Cabrera made a motion to accept the settlement stipulation as presented imposing costs of \$213.50, fines of \$6500, and no probation.

SECOND: Dr. Smith.

Motion passed unanimously (Dr. Powell was recused).

Heather Wharton, DVM
Case No. 2023-019173
PC: Dr. K. Jones and Dr. S. Powell

Dr. Wharton was present with Attorney David Bibb. Dr. Wharton sworn in by the court reporter.

Dr. Wharton was charged with violation of 474.214(1)(b) Having a license or the authority to practice veterinary medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including any agency or subdivision thereof. The licensing authority's acceptance of a veterinarian's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the veterinarian's license or authority to practice, shall be construed as action against the veterinarian's license or authority to practice.

After discussion by the board the following motion was made.

MOTION: Dr. Cabrera made a motion to accept the settlement stipulation as presented imposing costs of \$295.83, fines of \$2500, and no probation.

SECOND: Dr. Nelson.

Motion passed unanimously.

Hearings Without Issues of Disputed Material Fact

Willaim Foxwell, DVM

Case No. 2022-011551

PC: Dr. K. Jones and Dr. S. Powell

Dr. Foxwell was not present but was represented by Attorney Ed Bayo.

Dr. Foxwell was charged with violation 474.214(1)(r) Being guilty of incompetence or negligence by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent veterinarian as being acceptable under similar conditions and circumstances.

After discussion by the board the following motion was made:

MOTION: Dr. Leonard made a motion to dismiss the case.

SECOND: Dr. Cabrera.

Dr. Smith objected. Motion passed.

Adem Jasarevic, DVM

Case No. 2023-026501

PC: Dr. K. Jones and Dr. S. Powell

Dr. Jasarevic was not present. Dr. Polles from PRN was present and sworn in.

Dr. Jasarevic was charged with violation 474.214(1)(u) Fraud or dishonesty in applying, treating or reporting on tuberculin, diagnostic, or other biological tests.

After discussion by the board the following motions were made:

MOTION: Dr. Smith made a motion to adopt findings of fact.

SECOND: Dr. Cabrera.

Motion passed unanimously (Dr. Powell was recused).

MOTION: Dr. Smith made a motion to adopt Conclusions of Law.

SECOND: Dr. Cabrera.

Motion passed unanimously (Dr. Powell was recused).

MOTION: Dr. Leonard made a motion to suspend license until cleared by PRN, pay costs of \$95.52 within 30 days of returning to practice, and no probation.

SECOND: Dr. Nelson.

Motion passed unanimously (Dr. Powell was recused).

Melissa Anne Page, DVM

Case No. 2023-032173

PC: Dr. K. Jones and Dr. S. Powell

Dr. Page was not present. Attorney Henderson read an email from Dr. Page.

Dr. Page was charged with violation 474.214(1)(z) Providing, prescribing, ordering or making available for human use medicinal drugs or drugs as defined in chapter 465, controlled substances as defined in chapter 893, or any material, chemical, or substance used exclusively for animal treatment.

After discussion by the board the following motions were made:

MOTION: Dr. Nelson made a motion to adopt findings of fact.

SECOND: Ms. Johnson.

Motion passed unanimously (Dr. Powell was recused).

MOTION: Dr. Smith made a motion to adopt Conclusions of Law.

SECOND: Dr. Cabrera.

Motion passed unanimously (Dr. Powell was recused).

MOTION: Dr. Leonard made a motion to suspend license until cleared by PRN, pay costs of \$395.50 within 30 days of returning to practice, and no probation.

SECOND: Dr. Nelson.

Motion passed unanimously (Dr. Powell was recused).

Motion For Waiver of Rights

Donald Denoff, DVM

Case No. 2023-018715

PC: Dr. K. Jones and Dr. S. Powell

Dr. Denhoff was not present, but was represented by Attorney Ed Bayo.

Dr. Denhoff was charged with violation 474.214(1)(f) Violating any provision of this chapter or chapter 455, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing, or failing to comply with a lawfully issued subpoena of the department.

After discussion by the board, the following motion was made:

MOTION: Dr. Nelson made a motion to accept the voluntary relinquishment and impose costs of \$172.54.

SECOND: Dr. Smith

PROBATION

Amy Bosecker, DVM

2022-056910

Dr. Bosecker was absent.

After discussion by the board, the following motion was made:

MOTION: Dr. Leonard made a motion to open a new case for failure to comply with final order by not appearing today and to open a second case if issue with medical records.

SECOND: Dr. Nelson

Charles Craton, DVM

2021-036374

Dr. Craton was present and sworn in by the court reporter.

After discussion by the board, the following motion was made:

MOTION: Dr. Powell made a motion to accept the final appearance.

SECOND: Dr. Cabrera.

Motion passed unanimously.

Michael Elpert, DVM

2021-028301

Dr. Elpert was absent.

After discussion by the board, the following motions were made:

MOTION: Ms. Johnson made a motion to open a case for failure to comply with his final order.

SECOND: Dr. Cabrera.

MOTION: Dr. Nelson made a motion that Dr. Elpert's failure to appear resulted in him being out of compliance with probation requirements.

SECOND: Dr. Smith.

Motion passed unanimously.

Mohammad Hassan, DVM

2019-057847

Dr. Hassan was present and sworn in by the court reporter.

After discussion by the board, the following motion was made:

MOTION: Dr. Cabrera made a motion to accept the appearance.

SECOND: Dr. Smith.

Motion passed unanimously.

Alfredo Lichoa, DVM

App# 139512

Dr. Lichoa was present and sworn in by the court reporter.

After discussion by the board, the following motions were made:

MOTION: Dr. Leonard made a motion that Dr. Lichoa no longer requires record reviews.

SECOND: Dr. Cabrera.

MOTION: Dr. Cabrera made a motion to accept the appearance.

SECOND: Dr. Nelson.

Motion passed unanimously.

Greg Ford, DVM

App# 121745

Dr. Ford was present and sworn in by the court reporter.

After discussion by the board, the following motion was made:

MOTION: Dr. Nelson made a motion to accept the appearance.

SECOND: Dr. Powell.

Motion passed unanimously.

RULES

Rules Report

None.

- **Open For Development 61G18-18.002 Maintenance of Medical Records related to HB 849**
- **Open for Development 61G18-19.003 Definitions related to HB 849**
- **Open for Development 61G18-30.001 Disciplinary Guidelines related to HB 849**
- **Open 61G18-17.005 and 17.006 for HB 303**

After discussion by the board, the following motion was made:

MOTION: Ms. Johnson made a motion to open the rules for development.

SECOND: Dr. Smith.

Motion passed unanimously.

Annual Regulatory Plan

After discussion by the board, the following motion was made:

MOTION: Dr. Nelson made a motion to delegate authority to the Board Chairman to regulate the annual rules report.

SECOND: Dr. Cabrera.

Motion passed unanimously.

REPORTS

Executive Director – Ruthanne Christie

Executive Director Christie updated the board on future meeting dates and locations, noting that September will be a 2 day meeting.

Board Counsel Report- Ed Tellechea

Attorney Tellechea had nothing to report.

431 **Prosecuting Attorney – Elizabeth Henderson**

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433 Attorney Henderson handed out the Public Case Report.

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435 **MOTION:** Dr. Powell made a motion to continue prosecution of year old cases.

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437 **SECOND:** Dr. Smith.

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439 Motion passed unanimously.

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442 **Ratification of Applications**

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444 **Licenses**

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446 **MOTION:** Dr. Cabrera made a motion to approve the licenses.

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448 **SECOND:** Ms. Johnson.

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450 Motion passed unanimously. (Dr. Smith recused).

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453 **Continuing Education**

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455 **MOTION:** Dr. Powell made a motion to approve the courses.

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457 **SECOND:** Dr. Nelson.

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459 Motion passed unanimously.

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462 **OLD BUSINESS**

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464 None

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467 **NEW BUSINESS**

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469 None

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472 **PUBLIC COMMENT**

474 Florida Veterinary Technicians provided a report of their recent activities.

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477 **PROBATION ROLL CALL**

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479 Ms. Peck called the probation roll.

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481 The following probationers were present:

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483 Charles Craton, DVM

484 Mohammed Hassan, DVM

485 Alfredo Lichoa, DVM

486 Gregory Ford, DVM

487 Lisa Laviola-Dowd, DVM

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489 The following probationers were absent:

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491 Amy Bosecker, DVM

492 Michael Elpert, DVM

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495 **NEXT MEETING**

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497 September 20, 2024

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499 **ADJOURN**

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501 The meeting adjourned at 12:23 P.M.

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