

MINUTES

**Board of Veterinary Medicine
General Business Meeting
Casa Monica Hotel
95 Cordova Street
St. Augustine, FL 32084**

September 11, 2012

CALL TO ORDER

Dr. O'Neil called the Rules Workshop to order at 8:04 a.m.

MEMBERS PRESENT

Dr. Robert O'Neil, Chair
Dr. Joann Helm, Vice Chair
Dr. Raul Figarola
Dr. Guy Maxwell
Ms. Cynthia Lewis

MEMBERS ABSENT

None

OTHERS PRESENT

Juanita Chastain, Executive Director
Clark Jennings, Board Counsel
Elizabeth Henderson, Prosecuting Attorney
Linda Tinsley, Government Analyst
Mary Graybosch, Court Reporter, Volusia Reporting Company, 386.255.2150
Phil Hinkle, FVMA
Ted Oroski, DVM
Donald Denoff, DVM
R. Lamance Joyce, DVM
Larry A. Britt, DVM
Philip Aleong, DVM
Riadh Atmani, DVM
Philip Stine, DVM
Betty Marion, Esq.
Nanette Parratto-Wagner, DVM

Sandra J. L'Amie, DVM
John V. Doyle, DVM
James A. Culotta, DVM
Kelly Erickson, DVM
Craig Niebur
Mary Cleary, DVM
Connie Johnson

Dr. O'Neil asked Ms. Tinsley to call the probation roll. All were present.

Dr. O'Neil introduced Mr. Tim Vaccaro, Deputy Secretary and Mr. G.W. Harrell, Division Director of Professions from the Department of Business and Professional Regulation. Dr. O'Neil stated that two (2) newly appointed board members were in attendance at the meeting but were not able to vote in the proceedings. He introduced Dr. Nanette Parratto-Wagner, board member and Connie Mae Johnson, consumer member. Dr. O'Neil welcomed them to the board.

Mr. Jennings stated that this was a rules hearing on Rule 61G18-18.002, Florida Administrative Code – Maintenance of Medical Records. Mr. Jennings advised the board that the rules hearing was requested by the Florida Veterinary Medical Association.

Dr. Stephen Shores asked the board if the word written in Rule 61G18-18.002 (3), Florida Administrative Code, covers the situation where the veterinarian dictates the record and the records are not written in the record within twenty four (24) hours.

After discussion by the board the following motion was made.

MOTION: Dr. Maxwell made a motion to change the word written in Rule 61G18-18.002 (3), Florida Administrative Code, to created.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

Dr. Shores stated that in number (3), Physical examination to include, but not limited to patient weight, temperature, pulse and respiration, in veterinary medicine there are exceptions where it is impossible or dangerous to take weight, temperature, pulse and respiration.

Dr. Maxwell stated that the board may want to add noted exceptions at the end of respiration.

MOTION: Ms. Lewis made a motion to add noted exceptions after the word respiration in Rule 61G18-18.002 (3), Florida Administrative Code, Physical examination to include, but not limited to patient weight, temperature, pulse and respiration,

SECOND: Dr. Helm seconded the motion and the motion passed unanimously.

Dr. Shores stated in number (4), Drugs prescribed, administered or dispensed along with the route, strength, and dosage of the drug and time said drug was administered and he asked if he could get a specific definition of what strength and dosage is.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to add if not otherwise discernible from the record at the end of rule 61G18 – 18.002 (4), Florida Administrative Code, Drugs prescribed, administered or dispensed along with the route, strength, and dosage of the drug and time said drug was administered.

SECOND: Dr. Maxwell seconded the motion and the motion passed unanimously.

Mr. Jennings advised the board that he would like to add to the collection of said information after the word exceptions to Rule 61G18 – 18.002 (3), Florida Administrative Code, Physical examination to include, but not limited to patient weight, temperature, pulse and respiration, noted exceptions.

After discussion by the board the following motion was made.

MOTION: Dr. Maxwell made a motion to accept Mr. Jennings suggestion to add to the collection of said information after the word exceptions to Rule 61G18 – 18.002 (3), Florida Administrative Code, Physical examination to include, but not limited to patient weight, temperature, pulse and respiration, noted exceptions.

SECOND: Dr. Helm seconded the motion and the motion passed unanimously.

MOTION: Dr. Maxwell made a motion to adjourn the rules workshop.

SECOND: Dr. Helm seconded the motion and the motion passed unanimously.

The rules workshop adjourned at 8:47 a.m.

CALL TO ORDER

Dr. O'Neil called the meeting to order at 9:04 a.m.

MEMBERS PRESENT

Dr. Robert O'Neil, Chair
Dr. Joann Helm, Vice Chair
Dr. Raul Figarola
Dr. Guy Maxwell
Ms. Cynthia Lewis

MEMBERS ABSENT

None

OTHERS PRESENT

Juanita Chastain, Executive Director
Clark Jennings, Board Counsel
Elizabeth Henderson, Prosecuting Attorney
Linda Tinsley, Government Analyst
Mary Graybosch, Court Reporter, Volusia Reporting Company, 386.255.2150
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Philip Stine, DVM
Betty Marion, Esq.
Nanette Parratto-Wagner, DVM
Sandra J. L'Amie, DVM
John V. Doyle, DVM
James A. Culotta, DVM
Kelly Erickson, DVM
Craig Neimer
Mary Cleary, DVM
Connie Johnson

Dr. O'Neil asked Ms. Tinsley to call the probation roll. All were present.

APPROVAL OF MEETING MINUTES

May 30, 2012 – Meeting Minutes

MOTION: Dr. Helm made a motion to approve the minutes as presented.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

June 13, 2012 – PCP Reconsiderations

MOTION: Ms. Lewis made a motion to approve the minutes as presented.

SECOND: Dr. Maxwell seconded the motion and the motion passed unanimously.

July 25, 2012 – PCP Reconsiderations

MOTION: Dr. Figarola made a motion to approve the minutes as presented.

SECOND: Dr. Helm seconded the motion and the motion passed unanimously.

DISCIPLINARY HEARINGS

Roy L. Joyce, DVM: Case number 2010-050423

Dr. Joyce was present at the meeting and was not represented by counsel. He was sworn in by the court reporter.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as an Informal Hearing. Ms. Henderson advised the board that the administrative complaint alleges the respondent was disciplined by the State of Virginia board and failed to report it to the Florida board. Ms. Henderson advised the board that the penalty recommendation was a one thousand dollar (\$1,000.00) fine, two hundred thirty three dollars and seventy four cents (\$233.74) in costs and non-reporting probation to run concurrent with the State of Virginia.

MOTION: Dr. Helm made a motion to accept the findings of fact as the findings of fact of the board.

SECOND: Dr. Maxwell seconded the motion and the motion passed unanimously.

MOTION: Dr. Maxwell made a motion to accept the conclusions of law as the board's conclusions of law.

SECOND: Dr. Helm seconded the motion and the motion passed unanimously.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to impose a one thousand dollar (\$1,000.00) fine, two hundred thirty three dollars and seventy four cents (\$233.74) in costs and non-reporting probation to run concurrent with the State of Virginia.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

The board advised Dr. Joyce that he had ninety (90) days to pay the fine and costs.

Pet Caravan: Case numbers 2010-014899, 2010-015446, 2010-013677, 2012-020117, 2012-020133

Elizabeth A. Tabor – Case number 2010-024085

Jacqueline Smith aka Judy Tabor – Case number 2012-03405

Ms. Judy and Ms. Elizabeth Tabor were not present at the meeting They were represented by Bryan Reynolds.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson advised the board that the department had received additional information regarding the case and did not want to go forward with the voluntary relinquishment.

MOTION: Dr. Figarola made a motion to remove the Pet Caravan cases from the agenda.

SECOND: Dr. Maxwell seconded the motion and the motion passed unanimously.

Jerry C. Lawrence, DVM: Case number 2009-061183

Dr. Lawrence was present at the meeting and was represented by counsel, Bryan Reynolds. Dr. Lawrence was sworn in by the court reporter.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges the Respondent improperly signed two (2) OCVI forms and failed to maintain accurate medical records. Ms. Henderson advised the board that the department recommended dismissal of paragraphs 8, 9,11,13,14, and 15 and count 1 of the Amended Administrative Complaint, and a two hundred and fifty dollar (\$250.00) fine.

After discussion by the board the following motion was made.

MOTION: Dr. Maxwell made a motion to accept the settlement stipulation as presented.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

Sami Hanes, DVM: Case number 2010-031847

Dr. Hanes was not present at the meeting; she was represented by counsel, Tracy Henry.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges the Respondent failed to practice veterinary medicine with that level of care, skill and treatment which is recognized by a reasonably prudent veterinarian, failed to maintain accurate and complete medical records and failed to keep an accurate controlled substance log. Ms. Henderson advised the board that the department recommended a one thousand five hundred and eighty one dollar (\$1,581.00) fine, nine hundred and eighteen dollars and forty cents (\$918.40) in costs and eighteen (18) months probation. Ms. Henderson asked the board to waive Dr. Hanes appearance due to her medical condition.

After discussion by the board the following motion was made.

MOTION: Dr. Maxwell made a motion to reject the settlement stipulation.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to offer a counter settlement of no appearance, voluntary inactivation of the license, a one thousand five hundred and eighty one dollar (\$1,581.00) fine, nine hundred

and eighteen dollars and forty cents (\$918.40) in costs, eighteen (18) months probation and fine and costs due the end of probation.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

The board advised Ms. Henry she had two (2) weeks to accept or reject the counter settlement.

Neil Wolff, DVM: Case number 2011-020043

Dr. Wolff was not present at the meeting. He was represented by counsel, Tracy Henry.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges the Respondent was disciplined by the State of Connecticut and failed to report the discipline to the Florida Board of Veterinary Medicine. Ms. Henderson advised the board that the department recommended a one thousand dollar (\$1,000.00) fine and two hundred and six dollars and eighty one cents (\$206.81) in costs.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to reject the settlement stipulation.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

After discussion by the board the following motion was made.

MOTION: Dr. Maxwell made a motion to offer a counter settlement of one thousand dollar (\$1,000.00) fine and two hundred and six dollars, eighty one cents (\$206.81) in costs and proof of compliance with the consent order issued by the Connecticut Board of Veterinary Medicine.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

Ms. Henry accepted the counter settlement and the board advised her that Dr. Wolff had ninety (90) days to pay the fine and cost.

Sandra L'Amie, DVM: Case number 2011-009412

Dr. L'Amie was present at the meeting and was represented by counsel, Betty Marion. Dr. L'Amie was sworn in by the court reporter.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board the administrative complaint alleges that the Respondent failed to practice veterinary medicine with that level of care, skill and treatment which is recognized by a reasonably prudent veterinarian and failed to maintain accurate and complete medical records. Ms. Henderson advised the board that the department recommended a one thousand dollar (\$1,000.00) fine and six hundred and thirteen dollars and twenty two cents (\$613.22) in costs.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to reject the settlement stipulation.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to offer a counter settlement of a two thousand dollar (\$2,000.00) fine, six hundred and thirteen dollars and twenty two cents (\$613.22) in costs, one (1) year probation with two (2) board appearances and five (5) hours of continuing education in feline internal medicine and four (4) hours of continuing education in radiology. Continuing education to be approved by Dr. Helm.

SECOND: Dr. Maxwell seconded the motion and the motion passed unanimously.

Dr. L'Amie accepted the counter settlement.

Phillip Stine, DVM: Case number 2010-061

Dr. Stine was present at the meeting and was represented by counsel, Ed Bayo. Dr. Stine was sworn in by the court reporter.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges the Respondent failed to treat with an acceptable standard of care and failed to maintain complete and accurate medical records. Ms. Henderson advised the board that the department recommended a fifteen hundred dollar (\$1,500) fine, one thousand five hundred and ninety six dollars and ten cents (\$1,596.10) in costs and one (1) year probation with one board appearance.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to accept the settlement stipulation as presented.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

MOTION TO RECONSIDER

Georgette Servito, DVM

Dr. Servito was not present at the meeting and was not represented by counsel.

Dr. O'Neil advised the board that Dr. Servito was asking the board to reconsider case # 2007-012891 and that the matter be reopened and the Final Order be vacated.

After discussion by the board the following motion was made.

MOTION: Dr. O'Neil made a motion to deny the request to reconsider.

SECOND: Ms. Lewis seconded the motion and the motion passed unanimously.

DISCUSSION

Limited Service Rule Making

Craig Neimer, President of Paws Plus and Dr. Kelly Erickson, Medical Director of Paws Plus were sworn in by the court reporter.

Mr. Neimer advised the board that they had a very productive meeting with representatives from the Florida Veterinary Medical Association (FVMA). He stated that they found common ground in some areas.

Mr. Hinkle from the Florida Veterinary Medical Association (FVMA) advised the board that they met with Paws Plus and they had a very productive discussion. Mr. Hinkle advised the board that when the board amends the rule for Limited Service clinics they are changing the rule for all Limited Service clinics not just Paws Plus. Mr. Hinkle stated that the board should look at the whole rule to make changes not just extending the hours from four (4) hours to eight (8) hours.

Mr. Jennings stated that sooner or later the board would have to discuss the whole rule. He asked the Chair if the board would like to start the rule discussion today.

Phil Hinkle and Dr. Shores, from the Florida Veterinary Medical Association (FVMA) were sworn in by the court reporter.

Dr. Shores advised the board that a little more time should be taken to discuss the rule. He stated that Paws Plus conducts their clinics indoors and they want to go from four (4) hours to eight (8) hours and that allows every clinic that is outdoors to conduct their clinic for eight (8) hours. Dr. Shores stated that eight (8) hours on the sidewalk is not in the best interest of the public or the pets.

Mr. Hinkle stated that the Florida Veterinary Medical Association (FVMA) believes that veterinary medicine should not be conducted outdoors.

Mr. Jennings suggested to the board that the rule discussion be continued. He stated that the FVMA send proposed changes to the rule to him and he would draft the proposed changes and send them to the board members and any interested parties to review.

Dr. O'Neil advised the board that the intent of the Limited Service rule was to provide rabies vaccines to poor counties that could not afford veterinary services. He stated that Limited Service is the law and would require a statute change not just a rule tweeking. Dr. O'Neil stated that Limited Service is out of control and has gone way beyond what the original intent was.

Dr. O'Neil advised the board that Dr. Helm had to leave the meeting early and her presence was necessary for the probation hearings. He stated the Limited Service rule discussion would be continued after the probation appearances.

REVIEW/APPROVAL OF VETERINARY SUPERVISOR'S QUARTERLY REPORT

Philip Aleong, DVM

Dr. O'Neil recused himself from the hearing.

Dr. Helm, Vice Chair, presided over the hearing.

Dr. Aleong was present at the meeting and was not represented by counsel. He was sworn in by the court reporter.

Dr. Helm advised Dr. Aleong to try to improve his handwriting.

MOTION: Dr. Figarola made a motion to accept the quarterly report presented by Dr. Jobert.

SECOND: Dr. Maxwell seconded the motion and the motion passed unanimously.

PROBATION APPEARANCES

Philip Aleong, DVM

Dr. O'Neil recused himself from the hearing.

Dr. Helm, Vice Chair, presided over the hearing.

Dr. Aleong was present at the meeting and was not represented by counsel. He was sworn in by the court reporter.

MOTION: Dr. Figarola made a motion to accept Dr. Aleong's probation appearance.

SECOND: Dr. Maxwell seconded the motion and the motion passed unanimously.

Riadh Atmani, DVM

Dr. Atmani was present at the meeting and was not represented by counsel. He was sworn in by the court reporter.

MOTION: Dr. Figarola made a motion to accept Dr. Atmani's probation appearance.

SECOND: Ms. Lewis seconded the motion and the motion passed unanimously.

Larry A. Britt, DVM

Dr. Britt was present at the meeting and was not represented by counsel. He was sworn in by the court reporter.

MOTION: Ms. Lewis made a motion to accept Dr. Britt's probation appearance.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

James A. Culotta, DVM

Dr. Culotta was present at the meeting and was sworn in by the court reporter. Dr. Judy Rivenbark from Professional Resource network (PRN) advised the board that Dr. Culotta went under an evaluation with PRN and was offered a PRN contract and that he would discuss the contract with his attorney. She stated that they should have an answer within ten (10) days.

MOTION: Dr. Maxwell made a motion to extend the probationary period for fourteen (14) days and if he has not entered into contract with PRN Ms. Henderson would file a complaint for failure to comply with the Final Order.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

Donald Denoff, DVM

Dr. Denoff was present at the meeting and was sworn in by the court reporter.

Dr. Denoff asked the board for an extension to pay the fine, costs and take the laws and rules exam.

MOTION: Dr. Figarola made a motion to grant Dr. Denoff six (6) months to pay his fine and costs.

SECOND: Dr. Maxwell seconded the motion and the motion passed unanimously.

MOTION: Dr. Maxwell made a motion to grant Dr. Denoff ninety (90) days to take the laws and rules exam.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

MOTION: Dr. Figarola made a motion to accept Dr. Denoff's probation appearance.

SECOND: Dr. Maxwell seconded the motion and the motion passed unanimously.

Ted Joseph Oroski, DVM

Dr. Oroski was present at the meeting and was sworn in by the court reporter.

Dr. Oroski asked the board for more time to pay his fine.

MOTION: Dr. Figarola made a motion to grant an extension until December 31, 2012 to pay the imposed fine.

SECOND: Dr. Maxwell seconded the motion and the motion passed unanimously.

MOTION: Dr. Figarola made a motion to extend Dr. Oroski's probation to December 31, 2012.

SECOND: Dr. Maxwell seconded the motion and the motion passed unanimously.

MOTION: Dr. Figarola made a motion if the fine is paid before December 31, 2012 the probation is terminated.

SECOND: Ms. Lewis seconded the motion and the motion passed unanimously.

MOTION: Dr. Figarola made a motion to accept Dr. Oroski's appearance.

SECOND: Dr. Maxwell seconded the motion and the motion passed unanimously.

RATIFICATION OF APPLICATIONS

Licenses

MOTION: Dr. Figarola made a motion to accept the licenses.

SECOND: Dr. Maxwell seconded the motion and the motion passed unanimously.

Continuing Education

MOTION: Dr. Maxwell made a motion to ratify the continuing education list.

SECOND: Dr. Figarola seconded the motion and the motion passed unanimously.

Dr. O' Neil advised the board that they would continue the discussion on Limited Service.

Dr. Shores advised the board that he recommended that they accept Mr. Jennings recommendation to send suggestions for rule changes to Mr. Jennings and discuss at the December 2012 board meeting.

Paws Plus advised the board that they would participate.

REPORTS

Executive Director – Juanita Chastain

Ms. Chastain reviewed the financial report with the board and advised the board that they were fiscally sound. Ms. Chastain advised the board that the exam stats for the laws and rules examination were in their folder. She reviewed the report with the board.

Board Counsel- Clark Jennings

Mr. Jennings advised the board that Rules 61G18-11.002, 15.0022, and 15.0025, Florida Administrative Code will be adopted September 27, 2012. He advised the board that he would file a notice of change for rule 61G18-18.002, Florida Administrative Code.

Prosecuting Attorney – Elizabeth Henderson

Ms. Henderson advised the board that she is caught up and had several cases for probable cause.

OLD BUSINESS

No old business.

NEW BUSINESS

No new business

Dr. O'Neil asked Ms. Tinsley to call the probation roll. All were present.

The meeting adjourned at 12:30 p.m.