

MINUTES

Board of Veterinary Medicine General Business Meeting Teleconference September 11, 2020

CALL TO ORDER

Dr. Leonard, Chair called the meeting to order at 9:00 a.m.

MEMBERS PRESENT

Dr. Robert B. Leonard, Jr., Chair
Ms. Connie Johnson- Vice Chair
Dr. Christopher Smith
Dr. Mario Cabrera
Dr. Sharon Powell
Dr. Rudd Nelson
Ms. Suzanne Inzina

MEMBERS ABSENT

None

OTHERS PRESENT

Ruthanne Christie, Executive Director
Ed Tellechea, Board Counsel
Elizabeth Henderson, Prosecuting Attorney
Amanda Senn, Government Analyst
Dr. Jacons, PRN
Dr. Smart, FVMA
For The Record Reporting- 850-222-5491

PROBATION ROLL CALL

Dr. Leonard asked Ms. Senn to call the roll.

The following probationers were present;

Declan Huber, DVM
Hector Diaz, DVM
Robert Maynard, DVM

Dr. Leonard extended condolences to FVMA on the loss of Director Phil Hinkle.

Approval of June 19, 2020 Meeting Minutes

MOTION: Dr. Powell made a motion to approve the minutes.

SECOND: Dr. Leonard.

Motion passed unanimously.

Approval of July 17, 2020 Meeting Minutes

MOTION: Ms. Johnson made a motion to approve meeting minutes with corrections addressed on record.

SECOND: Dr. Powell.

Motion passed unanimously.

DISCIPLINARY HEARINGS

Michael Elpert

Case number(s) 2018-040702 and 2019-009511

Pulled from agenda by Attorney Henderson.

Neil Shaw, DVM

Case number 2019-024646

VM 6297

Dr. Shaw and Attorney Ed Bayo were present and sworn in by the court reporter.

Dr. Powell was recused from this case due to her participation on the Probable Cause Panel.

Dr. Shaw was charged with violation of 474.214(1)(b), F.S. "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 474.214 (1)(jj), F.S. "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 motions were made.

MOTION: Dr. Leonard made a motion to reject the settlement stipulation as presented.

SECOND: Ms. Johnson.

The board chairman called a vote.

Dr. Leonard- yes, Dr. Nelson- yes, Dr. Smith-yes, Dr. Cabrera- yes, Ms. Inzina-yes, Ms. Johnson- yes

Motion passed unanimously.

MOTION: Dr. Leonard made a motion for \$2000.00 in fines and \$174.75 in costs to be paid within 30 days of the filing of the final order. No probation.

SECOND: Dr. Cabrera.

The board chairman called a vote.

Dr. Leonard- yes, Dr. Nelson- yes, Dr. Smith-yes, Dr. Cabrera- yes, Ms. Inzina-yes, Ms. Johnson- yes

The motion passed unanimously.

The counter stipulation will be sent to Dr. Shaw's counsel for review.

Paula Bemis, DVM
Case number 2019-024646
VM 10348

Dr. Bemis was present with Attorney Kevin Griffith and they were sworn in by the court reporter.

Dr. Bemis was charged with violation of 474.214(1)(b), F.S "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 474.214 (1)(jj), F.S. "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 motions were made.

MOTION: Dr. Nelson made a motion that the respondent was properly served.

SECOND: Dr. Cabrera.

The board chairman called a vote.

Dr. Leonard- yes, Dr. Nelson- yes, Dr. Smith-yes, Dr. Cabrera- yes, Ms. Inzina-yes, Ms. Johnson- yes

MOTION: Dr. Leonard made a motion that equitable tolling applies in this case.

SECOND: Dr. Cabrera.

The board chairman called a vote.

Dr. Leonard- yes, Dr. Nelson- yes, Dr. Smith-yes, Dr. Cabrera- yes, Ms. Inzina-yes, Ms. Johnson- yes

MOTION: Dr. Leonard made a motion to proceed with an Informal Hearing.

SECOND: Ms. Inzina.

The board chairman called a vote.

Dr. Leonard- yes, Dr. Nelson- yes, Dr. Smith-yes, Dr. Cabrera- yes, Ms. Inzina-yes, Ms. Johnson- yes

MOTION: Dr. Leonard made a motion to accept the allegations of facts as presented in the administrative complaint.

SECOND: Dr. Nelson.

Motion passed unanimously.

MOTION: Dr. Leonard made a motion to accept the conclusions of law as stated in the administrative complaint as those of the board.

SECOND: Dr. Nelson.

The board chairman called a vote.

Dr. Leonard- yes, Dr. Nelson- yes, Dr. Smith-yes, Dr. Cabrera- yes, Ms. Inzina-yes, Ms. Johnson- yes

MOTION: Dr. Leonard made a motion for \$2000.00 in fines and \$283.61 in costs to be paid within 30 days of the filing of the final order. Also, the respondent's license shall be suspended until such time as their license in all other jurisdictions is unencumbered.

SECOND: Dr. Cabrera.

The board chairman called a vote.

Dr. Leonard- yes, Dr. Nelson- yes, Dr. Smith-yes, Dr. Cabrera- yes, Ms. Inzina-yes, Ms. Johnson- yes

Motion passed unanimously.

Review/Approval of Applications

Animal Coalition of Tampa

A representative for Animal Coalition was not present.

After discussion by the board the following motions were made.

MOTION: Dr. Leonard made the motion to approve the application contingent upon the clinic passing an initial inspection. Once the premise permit is issued, the clinic will be inspected every 6 months for the first 2 years.

SECOND: Dr. Powell.

The board chairman called a vote.

Dr. Leonard- yes, Dr. Nelson- yes, Dr. Smith-yes, Dr. Cabrera- yes, Dr. Powell- yes, Ms. Inzina-yes, Ms. Johnson- yes

Motion passed unanimously.

Thyagaraja R. Pethandhalli, DVM, - Licensure by Endorsement

Dr. Pethandhalli 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 to approve this application.

SECOND: Dr. Powell.

Motion passed unanimously.

Special Agenda Items

Petition for Declaratory Statement-Nicole Ferguson-Morrison

Nicole Ferguson-Morrison was not present.

After discussion by the board the following motions were made.

MOTION: Dr. Leonard made a motion that the board does not have the authority to issue a declaratory statement in this matter.

SECOND: Dr. Nelson.

Motion passed unanimously.

PROBATION

Declan Huber, DVM

2017-055555

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

MOTION: Dr. Powell made a motion to accept this probation appearance.

SECOND: Dr. Nelson.

Motion passed unanimously.

Hector Diaz, DVM

2017-011126

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

MOTION: Dr. Nelson made a motion to accept this probation appearance.

SECOND: Dr. Cabrera.

Motion passed unanimously.

Robert Maynard, DVM

2019-018081

Attorney Wes Reynolds was present along with Dr. Maynard and they were sworn in by the court reporter.

MOTION: Dr. Leonard made a motion to approve Dr. Maynard's request for a 1 year payment plan for fines and costs.

SECOND: Ms. Nelson.

Motion passed unanimously.

MOTION: Ms. Inzina made a motion to accept this probation appearance.

SECOND: Dr. Nelson.

Motion passed unanimously.

REPORTS

Executive Director – Ruthanne Christie

Executive Director Christie gave a verbal report on potential meeting dates and locations and provided an update on the BET VET Exam Report.

Board Counsel Report-

- **61G18-30.001(2)(b)**

(2) Having a license 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.

1 (b) The usual action of the board for a first offense shall be the imposition of discipline
2 concurrent with that of the other jurisdiction to suspension or denial of the license until the
3 license is unencumbered in the jurisdiction in which disciplinary action was originally taken,
4 and an administrative fine ranging from \$1,000.00 to \$2,500.00.

5
6 (b) The usual action of the board for a second offense shall be the imposition of discipline
7 concurrent with that of the other jurisdiction to revocation or denial of the license, and an
8 administrative fine ranging from \$2,500.00 to \$5,000.00.

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10 After discussion by the board the following motions were made.

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12 **MOTION:** Dr. Leonard made a motion to approve with language provided.

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14 **SECOND:** Dr. Powell.

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16 Motion passed unanimously.

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18 **MOTION:** The board made a motion that there was no adverse financial impact in
19 excess of \$200,000 in one year or \$500,000 over five years and no Statement of
20 Estimated Regulatory Costs was required.

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22 **MOTION:** The board made the motion that this would not be considered a minor
23 violation.

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25 Motion passed unanimously.

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27 The board determined that this rule should not have a sunset provision.

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29 **MOTION:** Dr. Nelson made a motion to ratify the Annual Regulatory Plan.

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31 **SECOND:** Dr. Smith.

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33 Motion passed unanimously.

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35 **Annual Regulatory Plan**

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37 **MOTION:** Dr. Nelson made a motion to approve the annual regulatory plan.

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39 **SECOND:** Dr. Smith.

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41 Motion passed unanimously.

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43 **Prosecuting Attorney – Elizabeth Henderson**

45 Ms. Henderson reviewed her report with the board.

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47 **MOTION:** Dr. Cabrera made a motion to continue prosecution of year old cases.

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49 **SECOND:** Dr. Smith.

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51 Motion passed unanimously.

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53 **Ratification of Applications**

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55 **Licenses**

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57 Dr. Smith is recused from voting on license applications.

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59 **MOTION:** Dr. Powell made a motion to approve the list of applications.

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61 **SECOND:** Ms. Johnson.

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63 Motion passed unanimously.

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65 **Continuing Education**

66 This item will be included on the December agenda for review.

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68 **OLD BUSINESS**

69 **None**

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71 **PUBLIC COMMENT**

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

73

74 **NEW BUSINESS**

75 **None**

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77 **PROBATION ROLL CALL**

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79 Ms. Senn called the probation roll and all were present.

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81 Hector Diaz, DVM

82 Declan Huber, DVM

83 Robert Maynard, DVM

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85 **Next Meeting- December 2020**

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87 **ADJOURN**

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89 The meeting adjourned at 12:05 P.M.

DRAFT