

MINUTES

**Board of Veterinary Medicine
General Business Meeting
Residence Inn
2301 Sadler Road
Fernandina Beach, FL 32034**

December 6, 2011

CALL TO ORDER

Dr. O'Neil called the meeting to order at 8:00 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
Linda Tinsley, Government Analyst
Eric Hurst, Prosecuting Attorney
Clark Jennings, Board Counsel
Statewide Reporting Service, Loretta D. McDonald, 904.353.7706
Phil Hinkle, FVMA
Dr. Stephan Shores, FVMA
Philip Aleong, DVM
Larry A. Britt, DVM
James Wilson, DVM
Casey Jones, DVM
Geoffrey Gardner, DVM
Ted Oroski, DVM
Michelle Jobert, DVM
James E. Hughes, DVM
Jeffrey Woods, DVM
Paul Schaffer, DVM

Tina Parker, DVM
Michael Parker, DVM
Otfried Guhrt, DVM
Amy Gentsch, DVM
Elizabeth Thurman, DVM
Richard Sutliff, DVM
J.A. Kanzler, DVM
Ben Schachter, DVM

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

APPROVAL OF MEETING MINUTES

September 1, 2011 – Meeting Minutes

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

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

August 3, 2012 – PCP Reconsiderations

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

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

September 14, 2011 - PCP Reconsiderations

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

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

November 2, 2011 - PCP Reconsiderations

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

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

DISCIPLINARY HEARINGS

Stephan Eastman, DVM: Case number 2010-057652

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

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

Mr. Hurst presented the case as a motion for waiver of rights. Mr. Hurst advised the board that the administrative complaint alleges that the Respondent operated a clinic without a premises permit. Mr. Hurst advised the board that during consultation with board staff before the meeting the Respondent had properly complied with the final order of the board in a previous case and had paid the fine and cost and applied for a premises permit. Mr. Hurst stated that the department recommended that the chair entertain a motion to dismiss the complaint.

After discussion by the board the following motions were made.

MOTION: Dr. Helm made a motion to accept the legitimacy of the service.

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.

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

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

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

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

James Hughes, DVM: Case number 2010-046083

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

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

Mr. Hurst presented the case as an informal hearing. Mr. Hurst advised the board that the administrative complaint alleges that the Respondent removed the wrong organ during a spaying procedure on a rat. Mr. Hurst advised the board that the recommended penalty was a two thousand dollar (\$2,000.00) fine, one hundred and eighty dollars and fifteen cents (\$180.15) in costs and one (1) year probation.

After discussion by the board the following motions were made.

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

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.

MOTION: Dr. Maxwell made a motion to impose a one thousand dollar (\$1,000.00) fine, one hundred and eighty dollars and fifteen cents (\$180.15) in costs.

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

Dr. O'Neil asked Ms. Tinsley to call the probation roll for Dr. Thurman and Dr. Hicks. Dr. Thurman was present and Dr. Hicks was absent.

Jeffrey Woods, DVM: Case number 2009-023188

Dr. Woods was present at the meeting and was represented by counsel, Kenneth Glaspey. Dr. Woods was sworn in by the court reporter.

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

Mr. Hurst presented the case as a settlement stipulation. Mr. Hurst advised the board that the administrative complaint alleges that the Respondent failed to update medical records. Mr. Hurst advised the board that the department recommended a fifteen hundred dollar (\$1,500.00) fine, one thousand two hundred and twenty three dollars and thirty one cents (\$1,223.31) in costs and six (6) hours of continuing education in medical records.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. Maxwell made a motion to impose a twenty five hundred dollar (\$2,500.00) fine and one thousand two hundred and twenty three dollars and thirty one cents (\$1,223.31) in costs, one (1) year probation with one board appearance and six (6) hours of continuing education in medical records and six (6) hours in internal medicine or dentistry. Continuing education to be pre-approved by Dr. Maxwell.

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

Dr. Woods accepted the counter settlement.

The board advised Dr. Woods he had one year to pay the fine and costs.

Daniel Otero, DVM: Case number 2010-034934

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

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

Mr. Hurst presented the case as a settlement stipulation. Mr. Hurst advised the board that the administrative complaint alleges that the Respondent practiced below the standard of care, failed to keep contemporaneously written medical records and failed to keep records on controlled substances. Mr. Hurst advised the board the department recommended a four thousand dollar (\$4,000.00) fine, nine hundred and seventy nine dollars and forty nine cents (\$979.49) in costs and two (2) years probation.

After discussion by the board the following motion was made.

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

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

The board imposed six (6) hours of continuing education in internal medicine approved by Dr. Helm and a one (1) board appearance a year for each year of the two (2) years of probation.

Dr. Otero accepted the terms of probation.

REQUEST TO EXTEND TIME TO PAY FINE AND COSTS

Geoffrey Gardner, DVM: Case No's 2009-36716 & 2009-037599

Dr. Gardner was present at the meeting and was represented by counsel, Edward Guerrette. Dr. Gardner was sworn in by the court reporter.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to grant Dr. Gardner's request for more time to pay the fine and costs for two (2) years.

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

APPLICATION TO REINSTATE A NULL & VOID LICENSE

Kevin Oppenheimer, DVM

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

Mr. Jennings presented Dr. Oppenheimer's secondary addendum to Hardship/Illness and CE Situation as an Informal Hearing. Mr. Jennings advised the board that Dr. Oppenheimer had submitted an application to reinstate a null & void license in July that the board had considered at the September 1, 2011 board meeting. He stated that at that time the applicant withdrew his application. Mr. Jennings advised the board that Dr. Oppenheimer submitted a second application to reinstate his null & void license.

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

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

MOTION: Dr. Helm made a motion to deny Dr. Oppenheimer's request to reinstate his null & void license.

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

Gregory Murray, DVM: Case number 2006-010454, 2008-014900, 2008-048349, 2008-068428, 2009-001427, 2010-042936

Dr. Murray was present at the meeting and was represented by counsel, Wilson Jerry Foster. Dr. Murray was sworn in by the court reporter.

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

Mr. Hurst presented the case as a settlement stipulation. Mr. Hurst advised the board that the various complaints allege that the Respondent practiced below the standard of care. Mr. Hurst advised the board that the department recommended his license be suspended indefinitely until he successfully completes a rehabilitation program with Professional Resource Network (PRN).

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.

PROBATION APPEARANCES

Motion for Termination of Probation Michael and Tina Parker, DVM

Dr. Michael Parker and Dr. Tina Parker were present at the meeting and were represented by counsel, Edwin Bayo. Drs. Michael and Tina Parker were sworn in by the court reporter.

Mr. Bayo advised the board that Drs. Michael and Tina Parker had served five (5) of their ten (10) year probation and they were asking the board to terminate their probation. He stated that the board's intent to protect the public had been achieved.

After discussion by the board the following motion was made.

MOTION: Dr. Maxwell made a motion to accept the motion to terminate Drs. Michael and Tina Parker's probation.

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

James Wilson, DVM

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

MOTION: Dr. Helm made a motion to accept Dr. Wilson's probation appearance.

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

Casey Jones, DVM

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

MOTION: Ms. Lewis made a motion to accept Dr. Jones probation appearance.

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

Elizabeth Thurman, DVM

Dr. Thurman was present and was not represented by counsel. She was sworn in by the court reporter.

Dr. Rivenbark, from PRN, advised the board that Dr. Thurman was in compliance with her PRN contract.

MOTION: Dr. Helm made a motion to accept Dr. Thurman's probation appearance.

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

Tina Parker, DVM

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

MOTION: Dr. Maxwell made a motion to accept Dr. Parker's probation appearance.

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

Michael Parker, DVM

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

MOTION: Dr. Figarola made a motion to accept Dr. Parker'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.

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

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

MOTION: Dr. Figarola made a motion to extend Dr. Oroski's time to pay his fine to March 6, 2012.

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

James E. Hicks, DVM

Dr. Hicks was not present at the meeting.

MOTION: Dr. Helm made a motion to direct staff to find out why Dr. Hicks did not appear and to file a complaint if it was not a legitimate excuse for his absence and Dr. Hicks should appear at the March 6, 2012 meeting.

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

Otfried Guhrt, DVM

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

MOTION: Dr. Helm made a motion to accept Dr. Guhrt's probation appearance.

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

Amy Gentsch, DVM

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

MOTION: Dr. Maxwell made a motion to grant Dr. Gentsch seven (7) years to pay her fine.

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

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

SECOND: Dr. Maxwell 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: Dr. Helm made a motion to accept Dr. Britt's probation appearance.

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

Philip Aleong, DVM

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

Dr. Michelle Jobert, Dr. Aleong's monitor was present at the meeting. She was sworn in by the court reporter.

Dr. O'Neil was recused from the hearing.

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

Mr. Jennings reviewed Dr. Aleong's order and discussed the requirements in the order with Dr. Aleong and Dr. Jobert.

Mr. Jennings stated that the intent of the order had not been met. He stated that from October 13, 2011 to November 26, 2011 there was no supervised probation. Mr. Jennings stated that he suggested that the full eighteen (18) months probation start today December 6, 2011. He stated that the board could find him in violation of probation.

Dr. Aleong found the change to the probation date to December 6, 2011 acceptable.

After discussion by the board the following motion was made.

MOTION: Dr. Figarola made a motion to have Dr. Aleong's eighteen (18) month probation to start December 6, 2011.

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

Mr. Jennings advised Dr. Aleong and Dr. Jobert what was required of them in the Final Order.

Dr. Aleong and Dr. Jobert stated that they understood what was required of them.

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

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

DISCUSSION

Renewal Fee Reduction

Ms. Chastain advised the board that the rule had been noticed for the \$50.00 fee waiver for active and inactive renewal fees.

Rule 61G18-16.002 – Continuing Education Requirements.

Dr. O'Neil advised the board that the rule changes the continuing education requirements to one (1) hour instead of two (2) in drug dispensing and two (2) hours in laws and rules and five (5) hours for attending a board meeting.

After discussion by the board the following motions were made.

MOTION: Dr. O'Neil made a motion to direct board counsel to proceed with rulemaking on the language presented to the board.

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

MOTION: Dr. O'Neil made a motion that there are no regulatory costs attached to Rule 61G18-16.002, F.A.C. and no impact on small business.

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

Euthanasia Drugs

Dr. O'Neil advised the board that there is a rule that requires large animal practices to carry a drug log in their vehicle. He stated that many practices are not carrying euthanasia drugs in their vehicle. Dr. O'Neil advised the board that they should be required to carry euthanasia drugs. He stated how can you euthanize an animal in the field if the drugs are back at their office.

After discussion by the board the following motion was made.

MOTION: Dr. Maxwell made a motion to direct board counsel to craft rule language.

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

Paul A. Shaffer, DVM

Dr. Shaffer was before the board for his first probation appearance. He was not represented by counsel. Dr. Shaffer was sworn in by the court reporter.

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

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

RATIFICATION OF APPLICATIONS

Continuing Education

MOTION: Dr. O'Neil made a motion to ratify the continuing education list.

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

REPORTS

Executive Director – Juanita Chastain

Ms. Chastain advised the board the financial report was in their folders. She stated that she did not have a financial projection reflecting the \$50.00 fee waiver. She stated she would have that information at the next meeting.

Board Counsel – Clark Jennings

Mr. Jennings advised the board that there was an Executive Order in their addendum. Mr. Jennings advised the board that the Executive Order was asking the board to send all rule development to the Office of Fiscal Accountability and Responsibility (OFAAR). He stated that the board had the option to send the proposed rules or not.

MOTION: Dr. Figarola made a motion to send all proposed rules to the Office of Fiscal Accountability and Responsibility (OFAAR).

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

Mr. Jennings stated that he was pleased to be at the meeting. He advised the board that if they had any questions about recusal, the sunshine law or anything to please call him.

Prosecuting Attorney – Eric Hurst

Mr. Hurst stated that he was happy to be at the meeting and very pleased to meet the board members.

Board Chair – Dr. Robert O’Neil

Dr. O’Neil advised the board that he met with Governor Scott and the Governor wanted him to thank the board members for their service.

OLD BUSINESS

No old business.

NEW BUSINESS

Dr. Maxwell asked if the board could send a letter of appreciation to Dr. Greene for his expert opinions on the discipline cases.

MOTION: Dr. Maxwell made a motion to direct Ms. Chastain to send a letter of appreciation to Dr. Greene.

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

Dr. O’Neil stated that he thought the board should make a rule change regarding dosages. He stated that several records that come before them do not have dosages in the record.

Mr. Jennings advised the board that he would research and come back to the board at the March 2012 meeting.

Dr. O’Neil advised the board that there was an article in their folders about small animal teeth cleaning in California. He stated that it was for the board’s information.

Dr. Shores advised the board that there was an organization that recruits pre-veterinary students to go to Central America to perform spays and neuters on small animals. He stated that to qualify the student had to have twenty five (25) hours of surgery observation under a supervising veterinary. Dr. Shores stated that a licensed veterinarian had to sign a document stating the student had twenty five (25) hours of surgery observation. He stated he wanted to make the board aware of the situation and he did not think it was good for the profession.

Dr. O’Neil asked Ms. Tinsley to call the probation roll. Dr. Hicks and Dr. Wilson were absent.

The meeting adjourned at 12:28 p.m.