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MINUTES

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

December 6, 2016

CALL TO ORDER

Ruthanne Christie, Executive Director called the meeting to order at 9:00 a.m.

Pledge of Allegiance

ELECTION

Motion: Dr. Hase made a motion to nominate Dr. Leonard Chair.

Second: Ms. Inzina.

Motion passed unanimously.

Motion: Dr. Leonard made a motion to nominate Dr. Hase Vice Chair.

Second: Ms. Inzina.

Motion passed unanimously.

Motion: Ms. Johnson made a motion to have Board staff review continuing education courses.

Second: Dr. Hase.

Motion passed unanimously.

Motion: Ms. Johnson made a motion to have Vice Chair as CE Compliance Reviewer.

Second: Ms. Inzina.

Motion passed unanimously.

Delegations

Motion: Dr. Hase made a motion to delegate the chairman to grant continuances.

Second: Ms. Johnson.

Motion passed unanimously.

Motion: Dr. Hase made a motion to delegate the Executive Director to accept service process on behalf of the Board.

Second: Ms. Inzina.

45 Motion passed unanimously.

46

47 **Motion:** Dr. Hase made a motion for the Chair to review Final Orders and for the
48 Executive Director to sign.

49 **Second:** Dr. Nelson.

50 Motion passed unanimously.

51

52 **Motion:** Dr. Nelson made a motion for the authority to refer appeals of licensure denial
53 to DOAH when appropriate.

54 **Second:** Ms. Inzina.

55 Motion passed unanimously.

56

57 **MEMBERS PRESENT**

58 Dr. Robert B. Leonard, Jr., Chair

59 Dr. Robert R. Hase, Jr., Vice - Chair

60 Dr. Harvey Partridge

61 Dr. Sharon Powell

62 Dr. Rudd Nelson

63 Suzanne S. Inzina

64 Connie Johnson

65

66 **MEMBERS ABSENT**

67 None

68

69 **OTHERS PRESENT**

70 Ruthanne Christie, Executive Director

71 Clark Jennings, Board Counsel

72 Elizabeth Henderson, Prosecuting Attorney

73 Nicole Myers, Government Analyst

74 Precision Court Reporting, LLC (904) 629-5310

75 **PROBATION ROLL CALL**

76

77 Dr. Leonard asked Mrs. Myers to call the roll.

78

79 The following probationers were present;

80 Kimberly Voisine, DVM

81 Thomas Fish, DVM

82 Abdel Hamici, DVM

83 Haydee Perez-Tirse, DVM

84 Wendy Biggs, DVM

85 Jaime Pausa, DVM

86 Roger Swearingen, DVM

87 Shanna Knight, DVM

88 Donald Kanfer, DVM
89 Andrew Kobell, DVM
90 Kuria Muchemi, DVM
91 Kevin Brophy, DVM

92

93 **APPROVAL OF September 20, 2016 MEETING MINUTES**

94

95 **MOTION:** Dr. Leonard made a motion to approve the minutes with a correction to
96 line 367 change Orlando to Howey in the Hills.

97 **SECOND:** Dr. Hase.
98 Motion passed unanimously.

99

100 **DISCIPLINARY HEARINGS**

101

102 **Shanna Maree Knight, DVM**
103 **Case number 2015-008683**
104 **VM 12046**

105

106 Dr. Knight was present and sworn in by court reporter and not represented by Counsel.

107

108 Dr. Hase was recused due to their participation on the probable cause panel.

109

110 Dr. Knight was charged with violation of 474.214 (1) (r), F.S., by committing
111 incompetence or negligence by failing to practice veterinary medicine with that level of
112 care, skill, and treatment which is recognized by a reasonably prudent veterinarian as
113 being acceptable under similar conditions and circumstances and violation of 474.214
114 (1) (ee), F.S., failing to keep contemporaneously written medical records as required by
115 rule of the Board.

116

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

118

119 **MOTION:** Ms. Inzina made a motion to accept the findings of facts as stated in the
120 administrative complaint as those of the Board.

121 **SECOND:** Dr. Nelson.
122 Motion passed unanimously.

123

124 **MOTION:** Dr. Partridge made a motion to accept the conclusion of laws in the
125 administrative complaint as those of the Board.

126 **SECOND:** Ms. Johnson.
127 Motion passed unanimously.

128

129 **MOTION:** Dr. Leonard made a motion to impose a fine of \$2000 and costs of
130 \$588.55 to be paid within 30 days of filing; 2 years of probation with attendance at
131 beginning and ending of probation. This appearance counts as the 1st; 6 hours of

132 continuing education to include, 2 hours of Thoracic Radiology, 2 hours of Critical Care
133 Anesthesia, and 2 hours of Respiratory Emergencies, as part of the 30 hours required
134 for renewal. Vice-Chair will approve the continuing education courses.

135 **SECOND:** Ms. Johnson.

136 Motion passed unanimously.

137

138 Dr. Knight accepted the counter offer on the record.

139

140 **Rachel Witt, DVM**

141 **Case number 2016-028761**

142 **VM 12649**

143

144 Dr. Witt was present and sworn in by the court reporter and not represented by
145 Counsel.

146

147 Dr. Leonard was recused due to his participation on the probable cause panel.

148

149 Dr. Witt was charged with violation of 474.214 (1) (b), F.S., having a license or authority
150 to practice veterinary medicine revoked, suspended, or otherwise acted against,
151 including the denial of licensure, by the licensing authority of any jurisdiction, including
152 any agency or subdivision thereof.

153

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

155

156 **MOTION:** Dr. Partridge made a motion to accept the findings of facts as stated in the
157 administrative complaint as those of the Board.

158 **SECOND:** Dr. Nelson.

159 Motion passed unanimously.

160

161 **MOTION:** Dr. Partridge made a motion to accept the conclusion of laws in the
162 administrative complaint as those of the Board.

163 **SECOND:** Ms. Inzina.

164 Motion passed unanimously.

165

166 **MOTION:** Dr. Partridge made a motion to impose no fines and costs, and issue a
167 letter of reprimand.

168 **SECOND:** Dr. Powell.

169 Motion passed unanimously.

170

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175

176 **Donald H. Kanfer, DVM**
177 **Case number 2015-030270**
178 **VM 3871**

179
180 Dr. Kanfer was present sworn in by the court reporter and represented by Counsel Ed
181 Bayo, Esq.

182
183 Dr. Hase was recused due to his participation on the probable cause panel.

184
185 Dr. Kanfer was charged with violation of 474.214 (1) (r), F.S., by committing
186 incompetence or negligence by failing to practice veterinary medicine with that level of
187 care, skill, and treatment which is recognized by a reasonably prudent veterinarian as
188 being acceptable under similar conditions and circumstances and violation of 474.214
189 (1) (ee), F.S., failing to keep contemporaneously written medical records as required by
190 rule of the Board.

191
192 After discussion by the board the following motions were made.

193
194 **MOTION:** Dr. Partridge made a motion to reject the settlement stipulation as
195 presented.

196 **SECOND:** Dr. Powell.
197 Motion passed unanimously.

198
199 **MOTION:** Dr. Partridge made a motion to impose a fine of \$2000 and costs of
200 \$743.72 to be paid within 30 days of filing, 1 year of probation with attendance at
201 beginning and end of probation; this appearance does count as the 1st. 8 hours of
202 continuing education to include 2 hours Medical Records, 2 hours of Anesthesia, 2
203 hours Pain Management, and 2 hours of Control Drug Logs. Vice Chair will approve the
204 continuing education courses.

205
206 **SECOND:** Ms. Inzina.
207 Motion passed unanimously.

208
209 Dr. Kanfer accepted the counter offer on the record.

210
211 **Liam P. Clerkin, DVM**
212 **Case number 2016-005896**
213 **VM 6872**

214
215 Dr. Clerkin was present and sworn in by the court reporter, and represented by Counsel
216 Bryan Reynolds, Esq.

217
218 Dr. Hase was recused due to his participation on the probable cause panel.

219

220 Dr. Clerkin was charged with violation of 474.214 (1) (b), F.S., having a license or
221 authority to practice veterinary medicine revoked, suspended, or otherwise acted
222 against, including the denial of licensure, by the licensing authority of any jurisdiction,
223 including any agency or subdivision thereof.

224
225 After discussion by the board the following motions were made.

226
227 **MOTION:** Dr. Partridge made a motion to accept the settlement stipulation as
228 presented. The stipulation includes a letter of reprimand and \$262.30 in costs to be
229 paid within 30 days of order.

230 **SECOND:** Dr. Nelson.
231 Motion passed unanimously.

232
233 Dr. Clerkin accepted the counter offer on the record.

234
235 **Andrew Kobell, DVM**
236 **Case number 2014-037460**
237 **VM 7469**

238
239 Dr. Kobell was present and sworn in by the court reporter and represented by Counsel
240 Bryan Reynolds, Esq.

241
242 Dr. Hase was recused due to his participation on the probable cause panel.

243
244 Dr. Kobell was charged with violation of 474.214 (1) (r), F.S., by committing
245 incompetence or negligence by failing to practice veterinary medicine with that level of
246 care, skill, and treatment which is recognized by a reasonably prudent veterinarian as
247 being acceptable under similar conditions and circumstances and violation of 474.214
248 (1) (ee), F.S., failing to keep contemporaneously written medical records as required by
249 rule of the Board.

250
251 After discussion by the board the following motions were made.

252
253 **MOTION:** Dr. Partridge made a motion to accept the settlement stipulation as
254 presented. The stipulation includes \$473.20 in costs and \$1000.00 in fines to be paid
255 by the end of the probationary period.

256 **SECOND:** Dr. Nelson.
257 Motion passed unanimously.

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264 **Kuria Muchemi, DVM**
265 **Case number 2015-024251**
266 **VM 12244**

267
268 Dr. Muchemi was present and sworn in by the court reporter, and represented by
269 Counsel Bryan Reynolds, Esq.

270
271 Dr. Leonard was recused due to his participation on the probable cause panel.

272
273 Dr. Muchemi was charged with violation of 474.214 (1) (r), F.S., by committing
274 incompetence or negligence by failing to practice veterinary medicine with that level of
275 care, skill, and treatment which is recognized by a reasonably prudent veterinarian as
276 being acceptable under similar conditions and circumstances and violation of 474.214
277 (1) (ee), F.S., failing to keep contemporaneously written medical records as required by
278 rule of the Board.

279
280 **MOTION:** Dr. Hase made a motion to reject the settlement stipulation as presented.

281 **SECOND:** Dr. Nelson.
282 Motion passed unanimously.

283
284 **MOTION:** Dr. Hase made a motion to impose a fine of \$4000 and costs of \$753.41
285 to be paid within 30 days of filing; 2 years of probation with attendance at 2 meetings
286 per year, this appearance counts as the 1st; 12 hours of continuing education to include,
287 6 hours of Abdominal and Soft Tissue Surgery, 2 hours of Anesthesia, and 4 hours of
288 Blood Chemistry and Cytology. Vice-Chair will approve the continuing education
289 courses. In addition there will be 2 unannounced inspections with 5 records pulls to be
290 reviewed by Dr. Partridge.

291 **SECOND:** Ms. Inzina.
292 Motion passed unanimously.

293
294 Dr. Muchemi accepted the counter offer on the record.

295
296 **Tanya Higgins, DVM**
297 **Case number 2016-011077**
298 **VM 8384**

299
300 Dr. Higgins was present and sworn in by the court reporter, and represented by Counsel
301 Kaitlin Cupp, Esq.

302
303 Dr. Leonard was recused due to his participation on the probable cause panel.

304
305 Dr. Higgins was charged with violation of 474.214 (1) (f), F.S., knowingly employ
306 unlicensed persons in the practice of veterinary medicine.

307

308 **MOTION:** Dr. Partridge made a motion to reject the settlement stipulation as
309 presented.

310 **SECOND:** Ms. Johnson.
311 Motion passed unanimously.

312
313 **MOTION:** Dr. Partridge made a motion to impose a fine of \$1500 and costs of
314 \$950.59 to be paid within 30 days of filing; 1 year of probation with attendance at 2
315 meetings one at the beginning and end of probation, this appearance counts as the 1st;
316 4 hours of continuing education to include, 2 hours of Medical Records, and 2 hours of
317 Dental Anesthesia and Pain Management.

318 **SECOND:** Ms. Inzina.
319 Motion passed unanimously.

320
321 Dr. Higgins accepted the counter offer on the record.

322
323 **Kevin Brophy, DVM**
324 **Case number 2015-027337**
325 **VM 7747**

326
327 Dr. Brophy was present and sworn in by the court reporter, and represented by Counsel
328 Jeff Peters, Esq.

329
330 Dr. Hase was recused due to his participation on the probable cause panel.

331
332 Dr. Brophy was charged with violation of 474.214 (1) (b), F.S., having a license or
333 authority to practice veterinary medicine revoked, suspended, or otherwise acted
334 against, including the denial of licensure, by the licensing authority of any jurisdiction,
335 including any agency or subdivision thereof., and violation of 474.214 (1) (jj), F.S.,
336 failing to report to the board within 30 days, in writing, any action set forth in

337
338 **MOTION:** Dr. Powell made a motion to reject the settlement stipulation as presented.
339 **SECOND:** Dr. Partridge.
340 Motion passed unanimously.

341
342 **MOTION:** Dr. Powell made a motion to impose a fine of \$1000 and costs of \$217.35
343 to be paid within 30 days of filing; 1 year of probation with attendance at 2 meetings one
344 at the beginning and end of probation, this appearance counts as the 1st; 4 hours of
345 continuing education to include, 4 hours of Laws and Rules, and a renewal continuing
346 education audit in 2018.

347 **SECOND:** Dr. Nelson.
348 Motion passed unanimously.

349
350 Dr. Brophy accepted the counter offer on the record.

351

352 **Mitzi G. Fisher, DVM**
353 **Case number 2016-013508**
354 **VM 13125**

355
356 Dr. Fisher was not present and represented by Counsel Jeff Peters, Esq.
357

358 Dr. Hase was recused due to his participation on the probable cause panel.
359

360 Dr. Fisher was charged with violation of 474.214 (1) (b), F.S., having a license or
361 authority to practice veterinary medicine revoked, suspended, or otherwise acted
362 against, including the denial of licensure, by the licensing authority of any jurisdiction,
363 including any agency or subdivision thereof.
364

365 After discussion by the board the following motions were made.
366

367 **MOTION:** Dr. Nelson made a motion to amend the stipulation to no appearance
368 required, and accept the settlement stipulation as presented. The stipulation includes
369 \$265.77 in costs and \$200.00 in fines to be paid within 30 days of order.

370 **SECOND:** Dr. Partridge.
371 Motion passed unanimously.
372

373 **Patricia Marquis, DVM**
374 **Case number 2016-013509**
375 **VM 8091**

376
377 Dr. Marquis was not present and not represented by Counsel.
378

379 Dr. Hase was recused due to his participation on the probable cause panel.
380

381 Dr. Fisher was charged with violation of 474.214 (1) (b), F.S., having a license or
382 authority to practice veterinary medicine revoked, suspended, or otherwise acted
383 against, including the denial of licensure, by the licensing authority of any jurisdiction,
384 including any agency or subdivision thereof.
385

386 After discussion by the board the following motions were made.
387

388 **MOTION:** Dr. Nelson made a motion to amend the stipulation to no appearance
389 required, and accept the settlement stipulation as presented. The stipulation includes
390 \$267.69 in costs and \$200.00 in fines to be paid within 30 days of order.

391 **SECOND:** Ms. Inzina.
392 Motion passed unanimously.
393
394
395

396 **Mark Adam Piecoro, DVM**
397 **Case number 2016-030475**
398 **VM 8109**

399
400 Dr. Piecoro was present and sworn in by the court reporter and not represented by
401 Counsel.

402
403 Dr. Leonard was recused due to his participation on the probable cause panel.

404
405 Dr. Piecoro was charged with violation of 455.227 (1) (t), F.S., failing to report in writing
406 to the Board, or if this is no Board, to the Department within 30 days after the licensee is
407 convicted or found guilty of, or entered plea of nolo contendere or guilty to, regardless of
408 adjudication, a crime in any jurisdiction. A licensee must report a conviction, finding of
409 guilt, plea or adjudication entered before the effective date of this paragraph within 30
410 days is grounds for discipline.

411
412 After discussion by the board the following motions were made.

413
414 **MOTION:** Dr. Powell made a motion to accept the settlement stipulation as
415 presented. The stipulation includes \$184.26 in costs and \$500.00 in fines to be paid
416 within 30 days of order. Today's appearance counts as the only required appearance.
417 Probation shall run concurrently with PRN contract.

418 **SECOND:** Dr. Nelson.
419 Motion passed unanimously.

420
421 **Review/Approval of Applications**

422
423 **Allen Appelstein, DVM – Endorsement Application**

424
425 Dr. Appelstein was not present and not represented by Counsel.

426
427 After discussion by the board the following motions were made.

428
429 **MOTION:** Dr. Hase made a motion to approve the application.

430 **SECOND:** Dr. Powell.
431 Motion Passed Unanimously.

432
433 **Bret Martin, DVM –Examination Application**

434
435 Application withdrawn.

436
437 **Continuing Education Application Review**

438
439 **Southeast Veterinary Oncology and Internal Medicine**

440
441 Southeast Veterinary Oncology and Internal Medicine applied for a continuing education
442 credit for Feline Hyperthyroidism and Feline DKA courses.

443
444 After discussion by the board the following motions were made.

445
446 **MOTION:** Dr. Nelson made a motion to approve the application for Feline
447 Hyperthyroidism.

448 **SECOND:** Ms. Inzina.
449 Motion Passed Unanimously.

450
451 **MOTION:** Dr. Hase made a motion to approve the application for Feline DKA.

452 **SECOND:** Ms. Inzina.
453 Motion Passed Unanimously.

454
455 **PROBATION**

456
457 **Kimberly Voisine, DVM**

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

459
460 **MOTION:** Dr. Hase made a motion to accept Dr. Voisine's probation appearance.

461 **SECOND:** Ms. Johnson.
462 Motion passed unanimously.

463
464 **Thomas Fish, DVM**

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

466
467 **MOTION:** Dr. Hase made a motion to accept Dr. Fish's probation appearance.

468 **SECOND:** Ms. Johnson.
469 Motion passed unanimously.

470
471 **Abdel Hamici, DVM**

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

473
474 **MOTION:** Dr. Nelson made a motion to accept Dr. Hamici's probation appearance.

475 **SECOND:** Dr. Powell.
476 Motion passed unanimously.

477
478 **Haydee Perez-Tirse, DVM**

479 Dr. Perez-Tirse was present at the meeting and was sworn in by the court reporter.

480
481 **MOTION:** Dr. Hase made a motion accept Dr. Perez-Tirse's probation appearance.

482 **SECOND:** Ms. Inzina.
483 Motion passed unanimously.

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Wendy Biggs, DVM

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

MOTION: Ms. Johnson made a motion accept Dr. Biggs’s probation appearance with another record pull.

SECOND: Ms. Inzina.
Motion passed unanimously.

Gregory Murray, DVM

Dr. Murray was not present at the meeting.

Ms. Christie provided the Board an update on Dr. Murray’s status.

Jaime Pausa, DVM

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

MOTION: Dr. Hase made a motion accept Dr. Pausa’s probation appearance.

SECOND: Ms. Johnson.
Motion passed unanimously.

Roger Swearingen, DVM

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

MOTION: Dr. Nelson made a motion accept Dr. Swearingen’s probation appearance.

SECOND: Dr. Powell.
Motion passed unanimously.

RATIFICATION OF APPLICATIONS

Licenses

MOTION: Ms. Inzina made a motion to accept the licensure list.

SECOND: Ms. Johnson
Motion passed unanimously.

Continuing Education

MOTION: Dr. Hase made a motion to accept the continuing education list.

SECOND: Ms. Inzina.
Motion passed unanimously.

528 **REPORTS**

529

530 **Executive Director – Ruthanne Christie**

531

532 Ms. Christie presented to the Board a proposed amending rule 61G18-12.007 Initial
533 Licensure Fee.

534

535 **MOTION:** Ms. Johnson made a motion to accept the change.

536 **SECOND:** Dr. Hase.

537 Motion passed unanimously.

538

539 Ms. Christie reviewed the dates of future meetings. March 2017 in Howey in the Hills,
540 June 2017 in St. Petersburg, and September in Palm Beach.

541

542 **Exam Results**

543 Ms. Christie reviewed the pass and fail exam results with the board.

544

545 **Enforcement Report**

546 Ms. Christie reviewed the inspection and complaint report with the board.

547

548 **Board counsel – Clark Jennings**

549

550 Mr. Jennings had no new business.

551

552 **Prosecuting Attorney – Elizabeth Henderson**

553

554 Ms. Henderson reviewed her report with the board. She stated the case numbers have
555 decreased. She reported public and private cases as of 12/01/2016.

556

557 **Board Chair – Dr. Leonard**

558

559 **OLD BUSINESS**

560

561 Dr. Hase updated the Board of telemedicine and how to control.

562

563 Counsel Ed Bayo presented the Board with a Petition for Modification of Probation for
564 Dr. Richard Jaffe's new monitor to be Peggy Carlow, DVM.

565

566 **MOTION:** Dr. Hase made a motion to accept the modification of probation.

567 **SECOND:** Ms. Johnson.

568 Motion passed unanimously.

569

570

571

572 **NEW BUSINESS**

573 Dr. Leonard appointed Dr. Powell to the Probable Cause Panel.

574

575 **PUBLIC COMMENT**

576

577 Carrie Anderson of the Florida Veterinary Technician Association addressed the Board
578 and provided the members an update on the association certification program.

579

580 Dr. Piccoro addressed the Board regarding concerns of the Racing Rules regulated by
581 the Division of Pari-Mutuel Wagering.

582 **PROBATION ROLL CALL**

583

584 Ms. Myers called the probation roll and all were present.

585

586 **ADJOURN**

587

588 The meeting adjourned at 2:00 P.M.