

MINUTES

**Board of Veterinary Medicine
General Business Meeting
Embassy suites
1100 SE 17th Street
Ft. Lauderdale, FL 33316**

March 31, 2009

CALL TO ORDER

Dr. O'Neil called the meeting to order at 8:00 a.m.

MEMBERS PRESENT

Dr. Robert O'Neil, Chair
Dr. Sergio Vega
Dr. Guy Maxwell
Dr. Joann Helm
Dr. George Simmons
Henry Dover, Vice Chair
Cynthia Lewis

MEMBERS ABSENT

None

OTHERS PRESENT

Deborah Loucks, Board Counsel
Elizabeth Duffy, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Alexandra Ramirez, Official Reporting, 954.467.8204
James E. Hicks, DVM
William W. Bennett, DVM
Don Swerida, DVM
Hesham Mahdy, DVM
Thandaveshwar Musore, DVM
Rene A. Pria, DVM
Steve O'Grady, DVM
James s. Wilson, DVM
Ronald Hamilton, DVM

Annette Poirier, FVTA
Mariano Guas, DVM
Jerry P. Shank, DVM
Fred Schirmer, DVM
Phil Hinkle, FVMA
Ed Bayo

APPROVAL OF DECEMBER 9, 2008 MINUTES

MOTION: Mr. Dover made a motion to approve the minutes as presented.

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

DISCIPLINE

Thandaveshwar Mysore, DVM: Case number 2005-005136

Dr. Mysore 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. Duffy presented the case as a Recommended Order. She advised the board that the case went before an Administrative Law Judge. She stated that the materials before the board contained the recommended order from the Judge and the evidence that was presented to the Administrative Law Judge. She stated that the department recommended that the board adopt the Recommended Order as presented. Ms. Duffy advised the board that the Administrative Law Judge recommended one year probation, twenty five hundred dollar (\$2,500.00) fine and two thousand seven hundred and seventeen dollars and sixty three cents (\$2,717.63) in costs.

Ms. Loucks advised the board that Dr. Mysore had filed exceptions to the recommended order and the board would have to vote to accept or reject the exceptions.

After discussion by the board the following motions were made.

MOTION: Mr. Dover made a motion to reject exception number one (1) based on competent and substantial evidence to support the findings of fact.

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

MOTION: Dr. Helm made a motion to reject exception number two (2) based on competent and substantial evidence to support the findings of fact.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

MOTION: Dr. Helm made a motion to reject exception number three (3) based on competent and substantial evidence to support the findings of fact.

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

MOTION: Dr. Helm made a motion to reject exception number four (4) based on competent and substantial evidence to support the findings of fact.

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

MOTION: Dr. Vega made a motion to reject exception number four (4) based on competent and substantial evidence to support the findings of fact.

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

The board asked Dr. Mysore if they could consider exception six (6) when they discussed the penalty.

Dr. Mysore stated that the board could consider exception six (6) when they discussed the penalty.

MOTION: Mr. Dover made a motion to accept the findings of fact.

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

MOTION: Dr. Simmons made a motion to accept the 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. Simmons made a motion to accept the recommended order.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

MOTION: Dr. Helm made a motion to give Dr. Mysore one (1) year to pay his fine and costs based on exception number six (6).

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

Jose M. Falco, DVM: Case number 2007- 031963

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

Ms. Duffy presented the case as a Motion for Waiver of Rights and Final Order. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to properly diagnose and treat a dog named Tootsie.

After discussion by the board the following motions were made.

MOTION: Dr. Helm made a motion that Dr. Falco had waived his rights to a hearing.

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

MOTION: Dr. Helm made a motion to adopt the findings of fact and conclusions of law as the boards.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

MOTION: Dr. Helm made a motion to find that the findings of fact and conclusions of law constitutes a violation of the practice act.

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

MOTION: Mr. Dover made a motion to impose a two thousand (\$2,000.00) dollar fine, one thousand two hundred and fourteen dollars and ninety six cents (\$1,214.96) in costs, six (6) hours of continuing education in internal medicine and one (1) year probation. Terms of probation shall be attendance at four (4) board meetings.

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

Jerry A. Harris, DVM: Case number 2008-026725

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

Ms. Duffy presented the case as a Motion for Waiver of Rights and Final Order. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent was in violation of Florida Statutes after he received disciplinary action from the Ohio Veterinary Board.

After discussion by the board the following motions were made.

MOTION: Dr. Helm made a motion that Dr. Harris had waived his rights to a hearing.

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

MOTION: Mr. Dover made a motion to adopt the findings of fact and conclusions of law as those of the board.

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

MOTION: Dr. Helm made a motion to find that the findings of fact and conclusions of law constitutes a violation of the practice act.

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

MOTION: Dr. Simmons made a motion to impose a five hundred dollar (\$500.00) fine, one hundred and seventy two dollars and ninety five cents (\$172.95) in costs and a letter of reprimand stating that discipline must be reported to the board within thirty (30) days.

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

John Chadwick Nance, DVM: Case number 2008-022111

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

Ms. Duffy presented the case as a Motion for Waiver of Rights and Final Order. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent was in violation of Florida Statutes after receiving disciplinary action from the South Carolina Board of Veterinary Examiners.

After discussion by the board the following motions were made.

MOTION: Dr. Maxwell made a motion that Dr. Nance had waived his rights to a hearing.

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

MOTION: Ms. Lewis made a motion to adopt the findings of fact and conclusions of law as those of the board.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

MOTION: Dr. O'Neil made a motion to find that the findings of fact and conclusions of law constitutes a violation of the practice act.

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

MOTION: Dr. Vega made a motion to impose a one thousand dollar (\$1,000.00) fine and three hundred and twenty six dollars and fifty six cents (\$326.56) in costs.

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

Erin Holder, DVM: Case number 2008-012445

Dr. Holder was present at the meeting and was represented by counsel, Matt Branz. Mr. Branz was not present and Dr. Holder was willing to proceed without him. Dr. Holder was sworn in by the court reporter.

Ms. Duffy presented the case as an Informal Hearing. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent practiced veterinary medicine at an establishment without a valid premise permit. Ms. Duffy requested that the board adopt the findings of fact and conclusions of law as the findings of fact and conclusions of law of the board.

After discussion by the board the following motions were made.

MOTION: Dr. O'Neil made a motion to adopt the findings of fact as those of the board.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

MOTION: Mr. Dover made a motion to accept the conclusions of law as those of the board.

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

MOTION: Dr. O'Neil made a motion to find that the findings of fact and conclusions of law constitutes a violation of the practice act.

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

MOTION: Mr. Dover made a motion to impose a one thousand dollar (\$1,000.00) fine, five hundred and forty two dollars and fifty seven cents (\$542.57) in costs and retake the laws and rules at her expense.

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

Stephen Eitle O'Grady, DVM: Case number 2008-046856

Dr. O'Grady 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. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent was in violation of Florida Statutes by receiving disciplinary action from the State of

Virginia. Ms. Duffy advised the board that the Department recommended a fifteen hundred dollar (\$1,500.00) fine and six (6) hours of continuing education.

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to accept the settlement Stipulation as presented.

SECOND: Dr. Maxwell seconded the motion.

Dr. O'Neil asked Ms. Tinsley to call the role.

Motion failed with six (6) members voting no and one (1) yes.

MOTION: Mr. Dover made a motion to reject the Settlement Stipulation as presented.

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

MOTION: Mr. Dover made a motion to propose a Counter Settlement Stipulation imposing a fifteen hundred dollar (\$1,500.00) fine.

SECOND: Dr. Helm seconded the motion.

Motion passed with Dr. Vega opposed.

Dr. O' Grady informed the board that he accepted the counter Stipulation.

William Bennett, DVM: Case number

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

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to realize the gravity of Olive, the dog's, medical condition and then failed to properly diagnose and treat Olive and failed to properly complete the medical records. Ms. Duffy advised the board that the department recommended a fifteen hundred dollar (\$1,500.00) fine, seven hundred and seventy two dollars and thirty three cents (\$772.33) in costs and six (6) hours of continuing education.

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to accept the Settlement Stipulation as presented.

SECOND: Dr. Maxwell seconded the motion.

The motion passed with Dr. Vega and Ms. Lewis opposed.

MOTION: Mr. Dover made a motion to have Dr. Bennett submit six (6) hours of continuing education in surgery to Dr. Maxwell for approval.

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

Georgette Servito, DVM: Case number 2007-012891

Dr. Servito was present at the meeting and was represented by Jude Faccidomo. Dr. Servito was sworn in by the court reporter.

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to properly investigate the symptoms and failed to identify the bladder stone in Jerrie the Chihuahua and failed to keep contemporaneously written medical records during treatment. Ms. Duffy advised the board that the department recommended a seven hundred and fifty dollar (\$750.00) fine, eight hundred and twenty one dollars and fifty five cents (\$821.55) in costs and six (6) hours of continuing education in record keeping.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to reject the Settlement Stipulation as presented.

SECOND: Mr. Dover seconded the motion and the motion passed.

The motion passed with Dr. Maxwell opposed.

MOTION: Dr. Maxwell made a motion to propose a Counter Settlement Stipulation imposing a fifteen hundred dollar (\$1,500.00) fine, eight hundred and twenty one dollars and fifty five cents (\$821.55) in costs and ten (10) hours of continuing education in record keeping approved by Dr. Maxwell.

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

Dr. Servito advised the board that she accepted the Counter Settlement Stipulation.

Frederick Ray Schirmer, DVM: Case number 2007-052124

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

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent negligently anesthetized an already anesthetized patient which led to the death of the animal and failed to properly annotate the medical records of the deceased animal. Ms. Duffy advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, seven hundred and sixty seven dollars and fifty five cents (\$767.55) in costs and two (2) hours of continuing education in anesthesia.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to reject the Settlement Stipulation as presented.

SECOND: Dr. Simmons seconded the motion.

Dr. Helm withdrew her motion.

MOTION: Dr. Helm made a motion to accept the Settlement Stipulation as presented and increase the continuing education hours to eight (8) hours, six (6) hours in anesthesia and two (2) hours in record keeping and continuing education to be completed in one (1) year.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

The board advised Dr. Schirmer that Dr. Helm would approve his continuing education.

Pet Care a Van: Case number 2008-001828 & 2008-034114

The case was tabled until the June 2, 2009 meeting.

APPLICATION REVIEW/REINSTATEMENT OF A NULL & VOID LICENSE

Mariano W. Guas, DVM

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

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to approve Dr. Guas's application to reinstate his null & void license.

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

Carol Diane Swandby, DVM

Dr. Swandby was not present at the meeting.

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to deny Dr. Swandby's request to reinstate her null & void license.

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

PROBATION APPEARANCES

Ronald Alexander Hamilton, DVM

MOTION: Mr. Dover made a motion to accept Dr. Hamilton's probation appearance.

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

James E. Hicks, DVM

MOTION: Dr. Vega made a motion to accept Dr. Hicks' probation appearance.

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

Hesham M. Mahdy, DVM

MOTION: Mr. Dover made a motion to accept Dr. Mahdy's probation appearance.

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

Rene A. Pria, DVM

MOTION: Dr. Vega made a motion to accept Dr. Pria's probation appearance.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

Donald Swerida, DVM

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

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

James S. Wilson, DVM

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

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

RATIFICATION OF APPLICATIONS

Continuing Education

MOTION: Mr. Dover made a motion to approve the following continuing education applications.

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

Affiliated Veterinary Specialists-Orange
Ligasure a New Modality in Homeostasis – 2 hours

South Georgia Vet Med Association
Allergy Immunology Serum Allergy Testing – 5 hours
Diagnosis Management of Cushings Addison's – 5 hours
Vaccination Protocols Infectious Disease – 5 hours
Digital Drafting – 5 hours

Veterinary Specialists of South Florida
Shoulder and Elbow Lameness Course – 2 hours

Licensure/Exam Candidates

MOTION: Dr. Helm made a motion to approve the following exam candidates.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

Approved by Dr. O'Neil December 18, 2008

Foreign Graduates

Natalie Ann Carrillo, Belen Acevedo Monserrate

Endorsement

Valerie Ann Aliano, Scott B. Moses, Elizabeth Dreisbach, Pamela Eastlake
Schrager

Approved by Dr. O'Neil January 6, 2009

Senior Graduates

Kathryn Adelaide Harlow, Jennifer C. Meth, Rebecca L. walker

Endorsement

William Harold Bosworth, Molly K. Hastings

Approved by Dr. O'Neil January 28, 2009

Foreign Graduates

Maria Camps-Palau

Endorsement

David J. Barry, Kathleen M. Harper

Approved by Dr. O'Neil February 11, 2009

Senior Graduates

Tiffany L. Newsome

Foreign Graduates

Catalina I. Kesseru

Endorsement

John L. Garman, Jessica Lauren Melman

Approved by Dr. O'Neil February 18, 2009

Endorsement

Clinton K. cotton

Approved by Dr. O'Neil March 4, 2009

Senior Graduates

Joanna E. Beall, Katherine Keathley, Leigh F. Parisi, Lori L. Waite

Foreign Graduates

Vladmir Cabrera, Dollys Delgado Cruz, Laszlo Sinko

Endorsement

Bonita Gay Angel-Westlake, Lisa K. Ciucci, Stuart E. Gross

APPROVAL OF JANUARY 20, 2009 MINUTES

MOTION: Mr. Dover made a motion to approve the January 20, 2009 minutes as presented.

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

REPORTS

Executive Director – Juanita Chastain

Ms. Chastain advised the board that in their folders was a press release about the board's decision not to accept the fifty dollar (\$50.00) board compensation. She stated that Secretary Drago had asked Dr. O'Neil to send a letter to all of the board Chair's about the board's decision. She advised the board that the letter will be discussed at the board's meetings. She stated that the financial report was in their folders and the board was financially sound.

Board Counsel – Deborah Loucks

Ms. Loucks advised the board that a letter was received from the Joint Administrative Procedures Committee (JAPC) about the disciplinary guidelines rule. She stated that the board had already approved the language for the disciplinary guidelines. She stated that she and Mr. Dover had made some

changes to the language to make them more consistent. She stated that the board would need to approve the new language.

Ms. Loucks advised the board that if any members serve on the probable cause panel they need to discuss the cases on the record.

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to table Rule 61G18-30.001, F.A.C. - Disciplinary Guidelines until the June 2, 2009 board meeting.

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

Prosecuting Attorney – Elizabeth Duffy

Ms. Duffy advised the board that the prosecuting attorney's report was in a new format. She stated that they were addressing the older cases to move those along and the report would be run frequently to stay on top of them. She stated that a mandate was given to wrapping the cases up from beginning to end in three hundred and sixty five (365) days.

Chair – Dr. Robert O'Neil

Dr. O'Neil advised the board that he spoke to Governor Crist and he was very happy that the board voted to give the board compensation back to the State. He stated that the Governor thanked the board for their contribution.

OLD BUSINESS

No old business.

NEW BUSINESS

Dr. Helm advised the board that she would be going to Kansas City to work on the American Association of Veterinary State Boards (AAVSB) Registry of Approved Continuing Education (RACE).

ELECTION OF OFFICERS

MOTION: Ms. Lewis made a motion to retain the current slate of officers Dr. O'Neil as Chair and Mr. Dover as Vice Chair.

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

MOTION: Dr. Simmons made a motion to adjourn.

SECOND: Dr. O'Neil seconded the motion and the motion passed unanimously.

The meeting adjourned at 11:30 a.m.

