

MINUTES

**BOARD OF VETERINARY MEDICINE
GENERAL BUSINESS MEETING
WYNDHAM PALACE RESORT
1900 BUENA VISTA DRIVE
LAKE BUENA VISTA, FL 32830-2206**

SEPTEMBER 6, 2003

CALL TO ORDER

Dr. O'Neil called the meeting to order September 6, 2003 at 8:10 a.m.

MEMBERS PRESENT

Dr. Robert O'Neil
Dr. Sergio Vega
Dr. Joann Helm
Dr. Katherine Horky
Ms. Cynthia Lewis
Ms. Susan Love

MEMBERS NOT PRESENT

Dr. Kandra Jones

OTHERS PRESENT

Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Diane Carr, Secretary
Ken Walling
Mark Whitten
Jerry Wilson
Cathy Lannon, Board Counsel
Jeffrey Jones
Charles Tunncliff, Prosecuting Attorney
Drew Winters, Legal Staff
Jeff Peters, Esq.
Olfat Mansour, DVM
Bruce C. Lowry, DVM
Robert B. Miller
Jane Whitlock, DVM
Raul L. Perez, DVM
Annette Poirier, CVT
Frances Vaujin

Dr. Fernando Figarola
Dr. Paul Nicoletti
Ed Bayo
Dr. Gerald diaz
James E. Pennington, DVM
Dr. Larry Dee, DVM
Dr. Forest D. Hayes
Jerry P. Shank, DVM
Ernest Godfrey
Stephen Shores, DVM
Ken Plante
Donald Schaefer
Jim Brandt
Glenn Young
Russell J. Snyder
American Court Reporting, 407.324.4290

APPROVAL OF BOARD MEETING MINUTES FROM THE JUNE 19, 2003 BOARD MEETING

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

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

DISCIPLINARY HEARINGS

Abelardo C. Bello, DVM: Case number 2001-08813

Dr. O'Neil advised the board that Dr. Bello had submitted a Doctors note and he would appear at the December 2003 meeting.

Bruce Lowry, DVM: Case number 2002-004617

Dr. Lowry was present 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.

Mr. Tunnick presented the case as an Informal Hearing. The case alleges that during a routine inspection of Chasewood Animal Hospital the inspection revealed that the Respondent did not have an accurate controlled substance log. Respondents controlled substance log was incomplete because it failed to list all the controlled substance on the premises and the amount remaining of those

substances. Also found were containers of controlled substances that did not display expiration dates on the labels.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to accept the findings of fact and conclusions of law found in the administrative complaint.

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

MOTION: Dr. Vega made a motion to impose a fine of \$750.00 and \$315.12 in costs to be paid thirty (30) days after the filing of the Final Order.

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

Ronald Jay Chaiken, DVM: Case number 2002-007653

The case was continued until the December 2003 meeting.

Olfat A. Mansour, DVM: Case number 2002-012548

Dr. Mansour was present and was sworn in by the court reporter. He was represented by Counsel Ms. Melissa Ferris.

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

Mr. Tunnick presented the case as a Settlement Stipulation. The case alleges that the Respondent practiced veterinary medicine with a delinquent license for a period of six (6) months. The Settlement Stipulation imposes a \$600.00 fine and \$373.93 in costs.

After discussion by the board the following motion was made.

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

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

PROBATIONARY APPEARANCE

Dr. Greg Murray

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

Dr. O'Neil advised the board that Dr. Murray was making his annual appearance before the board.

Dr. Pomm reported that Dr. Murray is in complete compliance with his PRN contract and his life has turned around nicely.

MOTION: Dr. Helm made a motion to approve Dr. Murray's probationary appearance before the board.

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

DISCIPLINARY HEARINGS (Continued)

Raul L. Perez, DVM: Case number 2001-05930

Dr. Perez was present and was sworn in by the court reporter. He was represented by Counsel Mr. Jeff Peters.

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

Mr. Tunncliff presented the case as a Settlement Stipulation. The case alleges that the respondent was presented a five (5) year old Dalmation for emergency treatment after being hit by an automobile. Respondent never assessed or identified all of the Dalmation's injuries. No diagnostic tests were ever performed. Respondent's failure to assess or identify injuries, failure to perform diagnostic tests, and failure to recognize the severity of the situation resulted in the Dalmation's death. The Settlement Stipulation imposes a \$500.00 fine and \$444.75 in costs.

After discussion by the board the following motion was made.

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

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

MOTION: Dr. Helm made a motion to offer a Counter Stipulation of a \$2000.00 fine, \$444.75 in costs and one year probation.

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

Mr. Peters informed the board that Dr. Perez accepted the Counter Stipulation.

Joseph A. Tomes, Jr., DVM: Case number 2002-004543

Dr. Tomes was present and was sworn in by the court reporter. He was not represented by counsel.

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

Mr. Tunncliff presented the case as a Settlement Stipulation. The case alleges that respondent ordered several controlled substances for personal use. The Settlement Stipulation imposes \$1410.62 in costs and probation, which shall run concurrently with his Physicians Recovery Network (PRN) contract.

Dr. Pomm advised the board that Dr. Tomes had been clean and sober for fifteen (15) months and was doing well.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to accept the Settlement Stipulation as presented.

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

Adel Assad, DVM: Case number 2003-000200

Dr. Assad was present and was sworn in by the court reporter. He was represented by Counsel Thomas Infantino.

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

Ms. Lannon asked each board member if they read the entire record. Each board member answered yes.

Mr. Tunncliff presented the case as a recommended order. The case alleges that the Respondent while on probation failed to comply with a Final Order. The Final Order required that the Respondent take a specific examination to determine his competency to practice. The Department recommended accepting the Recommended Order. The Order recommended revocation.

After discussion by the board the following motions were made.

MOTION: Ms. Lewis made a motion to reject the exceptions to the Recommended Order.

SECOND: Dr. Helm seconded the motion.

Dr. O'Neil asked for a roll call. All Board members answered yes and the motion carried.

MOTION: Ms. Lewis made a motion to accept the findings of fact as the boards findings of fact.

SECOND: Dr. Horky seconded the motion.

Dr. O'Neil asked for a roll call. All board members answered yes and the motion carried.

MOTION: Ms. Lewis made a motion to accept the conclusions of law as the boards conclusions of law.

SECOND: Dr. Horky seconded the motion.

Dr. O'Neil asked for a roll call. All board members answered yes and the motion carried.

MOTION: Dr. Vega made a motion to accept the recommended penalty of revocation.

SECOND: Dr. Horky seconded the motion.

Dr. O'Neil asked for a roll call. All Board members answered yes and the motion carried.

PETITION FOR DECLARATORY STATEMENT

Vetcentric, Inc.

The petition was continued.

DISCUSSION

Privatization

Diane Carr, Secretary for the Department of Business and Professional Regulation, introduced herself to the board. Secretary Carr also introduced Ken Walling, G.W. Harrell, Mark Whitten, and Jerry Wilson. She informed the board that they would give a brief presentation and answer any questions that the board might have.

Mr. Walling gave a presentation on the Customer Contact Center and the Central Intake Unit.

Dr. O'Neil stated that the call center is not effective.

Secretary Carr stated that the Department has started the refinement process to obtain the appropriate level of service. She advised the board that it is a work in progress and may take two (2) years.

Donald Schaffer advised Mr. Walling that their concerns are that Veterinarians who had used the online service sometimes still need a human response to their problems.

Mr. Schaeffer asked when the department would offer the computer based testing again. He stated that that was a big concern.

Secretary Carr stated that computer based testing would be up and running again in October.

Dr. O'Neil asked Secretary Carr when the board office would be getting more staff.

Secretary Carr stated that Jerry Wilson would address staffing issues in the board office.

Mr. Wilson, Deputy Director of Professions, advised the board that he has made workload adjustments to the board staff to allow staff the time to address issues with the veterinarians.

Mark Whitten, Deputy Director of Regulation, addressed the board and thanked Dr. O'Neil for his participation in the Investigation and Inspector Training Seminar in Jacksonville. Mr. Whitten reviewed an investigative report with the board.

G.W. Harrell, Regulation Counsel, introduced himself to the board. Mr. Harrell reviewed with the board a document he developed regarding privatization. He advised the board that the document contained four (4) privatization models applicable to those professions regulated by the Department of Business and Professional Regulation.

Dr. O'Neil advised the board that they might want to take the document home to review and discuss at the December 2003 meeting.

Cathy Lannon advised the board that the Management Privatization Act does not require a statutory change.

Dr. O'Neil advised the board that the Department had heard their cries and one good thing that came out of the meeting with Secretary Carr and the Florida Veterinary Medical Association (FVMA) was the waiver of the 100% monitoring of continuing education. He thanked Secretary Carr and advised her that it was appreciated.

Donald Schaefer stated that they were pleased with the moves the Department has made and they wanted to thank Secretary Carr. Mr. Schaefer advised the board that the Florida Veterinary Medical Association (FVMA) does not see the merits of privatization if the Department continues to go forward.

Dr. O'Neil stated that the issue of privatization would be tabled until the December 2003 meeting.

Renewal Fees

Dr. O'Neil advised the board that the board decreased the renewal fee four years ago from \$260.00 to \$160.00. He stated due to budget concerns the board should increase the renewal fee back to \$260.00.

MOTION: Ms. Lewis made a motion to direct board counsel to proceed with rule development to increase the renewal fee for an active license, inactive license and delinquent fee from \$160.00 to \$260.00.

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

Budget - Susie Love

Dr. O'Neil advised the board that he appointed Susie Love as Chairperson of the budget committee. Dr. O'Neil asked Ms. Love to have a report for the December 2003 meeting.

Pet Ambulance and Transportation Service

Mr. Edwin Bayo, Attorney from Gray, Harris and Robinson, introduced his client Mr. Bill Spain to the board. Mr. Bayo advised the board the Mr. Spain requests to operate a transportation and ambulance service for pets. Mr. Bayo stated that they are appearing before the board for guidance.

Mr. Bayo stated that Mr. Spain is not a licensed veterinarian and he is asking for guidance concerning the regulatory requirements applicable to such a service.

Mr. Bayo advised the board that the ambulance service would be staffed by certified veterinary technicians, who would follow protocols and procedures established in consultation with, and approved by, licensed veterinarians.

Cathy Lannon advised the board that if they respond it should be in the form of a Declaratory Statement.

Dr. Vega advised the board that transporting is one thing but treatment would be inappropriate.

Dr. O'Neil stated that a Declaratory Statement is needed if they are going to operate an ambulance service however it is not needed for a transport service.

Pet Med Express

Transcript available on request.

Mr. Edwin Bayo, Attorney for Gray Harris and Robinson, addressed the board on behalf of Pet Med Express. Mr. Bayo advised the board that their concern was the large number of veterinarians who refused to authorize a prescription for Pet Med Express.

Mr. Bayo reviewed with the board his letter in the agenda that contained several issues concerning the interaction between pharmacists and veterinarians.

Mr. Bayo advised the board that the American Veterinary Medical Association (AVMA) is very clear that a veterinarian should honor prescriptions. Mr. Bayo stated that the board has a responsibility to protect the public from the few veterinarians who engage in fraudulent advertising and the board should secure a position to promote customer relationships and to protect the public.

Dr. Vega stated that he had questions for board counsel. Dr. Vega asked Ms. Lannon if a veterinarian can charge for a prescription and if the veterinarian has a valid medical reason can the animal be examined again before another prescription is issued.

Ms. Lannon, Board Counsel, advised Dr. Vega that if you have a valid medical reason you could request to see the animal again before writing another prescription. She also stated she does not agree with charging for a prescription. The law states the veterinarian has to give a prescription. If the patient wants to purchase the prescription somewhere else they have the right to do so.

Ms. Lannon advised the board and veterinarians in the audience, that the patient/client has the right to get their prescriptions filled any where they choose. Ms. Lannon stated that the veterinarian has the right to practice veterinary

medicine in a way that meets the medical standards, but you cannot interfere with the client's right to purchase a prescription where they choose.

RATIFICATION OF APPLICATIONS

Premise Permits

MOTION: Dr. Helm made a motion to approve the following initialed premise permits.

SECOND: Ms. Lewis seconded the motion passed unanimously.

All Springs Veterinary Hospital, Amazon Animal Hospital, Animal and Exotic Medical Center, Animal Hospital at Lakewood Ranch, Animal Medical Center of LeHigh Acres, Animal Wellness Center of Plant City, Banfield the Pet Hospital of Royal Palm Beach-Gator-Bucks, Inc, Bearss Animal Clinic, Medicine River Animal Hospital, Milton Animal Hospital, Suncoast Animal Clinic, Three oaks Veterinary Services, Inc., Veterinary Surgical Center, Yao Animal Hospital

MOTION: Dr. Vega made a motion to approve Dadeland Animal Hospital.

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

MOTION: Ms. Lewis made a motion to approve the following premise permits.

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

Animal Medical Center @ St. Johns, Country Oaks, Creekside Veterinary Associates, P.A., Cross Creek Animal Medical Centre, Veterinary Specialty Clinic, Southpaw Animal Health

Exam Candidates

MOTION: Dr. Helm made a motion to ratify Dr. O'Neils actions on the following exam candidates.

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

Dr. O'Neil approved and ratified by conference call August 1, 2003.

Senior Graduates

Nicole Elise Burn, Angela Irene Butts, Erin Margaret Dexter, Rosa Elia, Nicole Lynn Johnson, Holly Jill McAfee, Daniel Sosa, Renita Rochelle Turner, Heaton Gregory

AVMA Graduates

Lisa Renee Abbitt, Carlos Lee Aragon, Nancy Carol Belsley, Erin Brinkman, Elizabeth Dixie Marie Brown, Leslie Sharon Brown-hinchcliffe, Tracey Anne Doherty, Jason Gary Eisele, Alex Gorall Emerson, Dana Frederick, Michelle Lynn Jobert, Sara pola Langsam, George Bradley MacKenzie, William MacKenzie, Donna Michel McWilliams, Michelle Karen Richardson, Scott Collins Richardson, Teresa Lynn Rotenberry, Arhonda C. Saunders-Levy, Page K. Stroud

Foreign Graduates

Geoffrey Bailey, Sandra Buckweitz, Ginger Hutchinson, Eric Erez Sapan

Endorsement

Wendy Christiansen, Robert Dennis, Kathleen Schaberg Engler, Janet Doucet, William Falcheck, William Corey Fouts, Catherine Kasai, David Keith Price, Christopher martin Taylor, Cariann Turbevill

Dr. O'Neil approved and ratified by conference call September 4, 2003

Senior Graduates

Christian Broadhurst, Leanne Browne, Lesley Blackwood Carrier, Jane Chetkowski, Abby Clark, James Coisman, Karen Cooper, Stacey Daley, Elizabeth Deal, Patricia Delucia, Barbara DeMonarco, Jennifer Fine, Kristen Frank, Janis Fullenwinder, John Gicking, Lisa Ann Griffiths, Alexander Gordon, Jessica Hankins, Daren Clark Harrison, Michelle Hummert, Wendy Lavelle, Marla Lender, Veronica Lye, Brigitte Mercier, Francisco Ortiz, Kimberly Pearson, Jennifer Pergola, Jamie Peyton, David Retamozo, Richard Sammy, Amy thompson, Felicity Talbot, Kelly Welcker, Robert Young, Laurie Zacher

AVMA Graduates

Elizabeth Bailey, Amanda Boehner, Marco Cervi, Erin Dahill, Debra donovan, Rachel Hays, Tiffany Lewis, Stephanie Mathis, Jennifer McGowan, Mary Angela Murphy-Thurman, Lara Oms, Nancy Smith, Amy Strickland

Foreign Graduates

Kara Knight, Pedro Reyes, Simon Seskus

Endorsement

Sandra Barnett, Larry Britt, Dee Duggar, Cindy Krane, Valeri Love, Carlos Marks, Lynda Melendez, George runnels, Elizabeth Waughs, Eva Wooley

Continuing Education

MOTION: Ms. Lewis made a motion to approve the following continuing education.

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

Providers

Veterinary Learning Systems: *2003 Nestle Purina Veterinary Symposium, Veterinary Renewal 2003*

Vitality Systems: *What Veterinarians need to know about Nutraceuticals and Antioxidants in their Practices*

Courses

Florida Department of Agriculture & Consumer Services: *2003 Florida Animal Bio-Terrorism Conference*

Pfizer Animal Health: *Pain Management: new Advances, New Opportunities*

Mobile Veterinary Medical Association: *Seminar*

Northwest Florida Veterinary Medical Association: *Northwest Florida Continuing Education Meeting*

Treasure Coast Veterinary medical Association: *Lameness in the Adolescent Canine, Update on Pain Management in dogs and Cats, Acute Abdomen: Diagnostic Evaluation*

North American Florida Veterinary Conference: *A taste of the NAVC 2002*

MOTION: Dr. Horky made a motion to deny the following continuing education courses.

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

University of South Florida, College of Public Health: *Information Management in Public Health Settings, Epidemiology, Biostatistics, Enviromental & Occupational*

REPORTS

Dr. Joann Helm - Report on the AAVSB Convention

Dr. Helm advised the board that she was pleased to attend the American Association of Veterinary State Boards (AAVSB) meeting in July. She stated that the association is dedicated to helping the state boards with their job of protecting the health and welfare of the public. Dr. Helm stated that the association is very progressive in their thinking and looking ahead to the boards needs.

Dr. Helm reviewed her report with the board and thanked the board for allowing her to attend.

Charles Tunnicliff – Prosecuting Attorney

Charles Tunnicliff reviewed his report with the board and stated that there were fifty five (55) cases for the next probable cause panel meeting.

Cathy Lannon – Board Counsel

Cathy Lannon introduced Jeff Jones to the board as the new board counsel.

Juanita Chastain – Executive Director

Ms. Chastain advised the board that she was in the process of drafting the board's next newsletter. She advised the board she was going to include the increase in the renewal fees in the newsletter as soon as the revision to the rule had an effective date.

Dr. Robert O'Neil – Chairman

Dr. O'Neil thanked staff for working on Saturday. Dr. O'Neil informed the board that he spoke at the investigator's seminar in August and answered questions the investigators had about veterinarians and clinics.

NEW BUSINESS

No new business.

Old Business

Dr. Horky advised the board that she was concerned about clinics that are practicing holistic medicine. She stated that the board had discussed the issue in the past and it would be dealt with on a case by case issue.

Dr. Horky advised the board that as these clinics apply for premise permits they do not want to have what is required for a premise permit.

Dr. Horky advised the board that she felt the board needed to address the issue.

Ms. Lannon advised Dr. Horky that board counsel could address the issue.

Dr. O'Neil advised the board that the next meeting would be at the Casa Marina in Key West.

The meeting adjourned at 1:00 p.m.