

MINUTES

BOARD OF VETERINARY MEDICINE GENERAL BUSINESS MEETING THE CASA MARINA RESORT 1500 REYNOLDS STREET KEY WEST, FL 33040

DECEMBER 2, 2003

CALL TO ORDER

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

MEMBERS PRESENT

Dr. Robert O'Neil
Dr. Sergio Vega
Dr. Joann Helm
Dr. Katherine Horky
Dr. Kandra Jones
Ms. Susan Love

MEMBERS NOT PRESENT

Ms. Cynthia Lewis

OTHERS PRESENT

Jeffrey Jones - Board Counsel
Charles Tunnicliff - Prosecuting Attorney
Juanita Chastain - Executive Director
Linda Tinsley - Government Analyst
Drew Winters
Edwin Bayo
Bruce Lamb
Leonard J. Patrick
Thom Carlisle
Abelardo Bello
Vidal Marino Velis
Donald Schaefer - FVMA
Dr. Castellanos
C. Perry Smith
Phillip May – Official Reporting Service –954-467- 8204

APPROVAL OF BOARD MEETING MINUTES FROM THE SEPTEMBER 6, 2003 BOARD MEETING

Dr. O'Neil advised the board that the minutes would be tabled until the March 2004 meeting.

DISCIPLINARY HEARINGS

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

Dr. Bello was present and was sworn in by the court reporter. He was represented by counsel Vidal Marino Velis.

Ms. Lewis and Dr. Jones were recused due to their participation on the probable cause panel.

Mr. Tunnick presented the case as an Informal Hearing. The case alleges that the Respondent conducted a physical examination on three kittens approximately four (4) weeks old. Respondent made a diagnosis of Toxocara and mange. Respondent did not perform any other diagnostic tests to confirm the diagnosis. Respondent prescribed two (2) drugs that should not have been prescribed at the same time and one drug should not have been prescribed at all considering the kittens age and weight. The Department recommended a \$1,000.00 fine, \$508.95 in costs and one (1) year probation.

After discussion by the board the following motions were made.

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

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

MOTION: Ms. Love made a motion to adopt the conclusions of law as the board's conclusions of law.

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

MOTION: Dr. Horky made a motion to impose a \$1,000.00 fine, 508.95 in costs, six (6) hours of continuing education in dermatology, two (2) hours in record keeping and four (4) hours in pharmacology to be completed in one (1) year from the filing of the Final Order.

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

Dr. O'Neil stated that the fine would have to be paid in ninety (90) days.

Thomas Gerard Carlisle, DVM: Case number 2002-012401

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

Dr. Jones and Ms. Lewis were recused due to their participation on the probable cause panel.

Mr. Tunncliff presented the case as a Settlement Stipulation. The case alleges that the Respondent was operating a veterinary hospital without a premise permit. The Settlement Stipulation imposed a \$500.00 fine and \$93.40 in costs.

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.

Ronald Jay Chaiken, DVM: Case number 2002-007653

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

Dr. Jones and Ms. Love were recused due to their participation on the probable cause panel.

Mr. Tunncliff presented the case as a Settlement Stipulation. The case alleges that the Respondent plead guilty to permitting an unlicensed persons to perform activities that require a license in the State of New York. The Respondent's New York license was placed on probation for two (2) years and he was fined \$10,000.00. The Settlement Stipulation imposes costs of \$213.63 and the Respondent's license to be placed on probation to run concurrently with the terms of the New York application for consent order.

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. Vega seconded the motion and the motion passed unanimously.

Gerald W. Parker, DVM: Case number 2001-09001

Dr. Parker was present and was sworn in by the court reporter. Dr. Parker was represented by Bruce Lamb. The case alleges that the Respondent examined a ten (10) year old German Shepard and interpreted his radiographs to show only a mild gastric distension. The radiographs revealed gastric dilatation - volvulus (GDV). Respondent failed to perform minimal treatment of giving the dog a general anesthetic and passing a stomach tube. The German Shepard died as a result of GDV with gastric rupture.

Dr. Jones and Ms. Lewis were recused due to their participation on the probable cause panel.

Mr. Tunnick presented the case as a Settlement Stipulation.

After discussion by the board the following motions were made.

MOTION: Ms. Love made a motion to accept the Settlement Stipulation as presented.

The motion failed for lack of a second.

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

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

MOTION: Ms. Love made a motion to impose a \$1500.00 fine, \$386.20 in costs and five hours (5) continuing education in small animal surgery.

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

Leonard J. Patrick, DVM: Case number 2002-007644

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

Dr. Jones and Ms. Love were recused due to their participation on the probable cause panel.

Mr. Tunncliff presented the case as a Settlement Stipulation. The case alleges that Dr. Patrick was disciplined by the State of New Jersey Board of Veterinary Medicine on June 12, 2002. He agreed to accept a limited license and not to treat small animals until he had passed the National Board of Veterinary Medical Examiners Species Specific examination in small animal medicine and provide documentation to the board. The Settlement Stipulation imposes costs in the amount of \$377.81, comply with all terms and conditions of the New Jersey Board of Veterinary Medicine, regarding the Respondent's veterinary license and practice of veterinary medicine are adopted by the Florida Board of Veterinary Medicine. Respondent shall notify the Florida Board of Veterinary Medicine upon completion and passing of the National Board of Veterinary Medical Examiners Species Specific examination. Respondent shall only practice Equine Medicine in the State of Florida until he appears before the board and provides documentation that he has fulfilled all of the requirements imposed by the New Jersey Board of Veterinary Medicine.

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

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

Adel Assad, DVM: Case number 2002-009926;2002-010701;2000-03098

Dr. Assad was not present and was not represented by counsel.

Dr. Jones and Ms. Lewis were recused due to their participation on the probable cause panel.

Mr. Tunncliff presented the case as a Recommended Order. The Recommended Penalty imposed a \$2000.00 fine for each violation under section 474.214 (1)(r), Florida Statutes, for which there are three (3), \$1000.000 fine for each records violation, for which there are three (3), \$2000.00 fine for operating a veterinary clinic without a premises permit at one of his locations and costs in the amount of \$5697.96. The hearing officer recommended permanent revocation without the ability to re-apply.

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. Horky seconded the motion and the motion passed unanimously.

MOTION: Dr. Horky 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 adopt the Hearing Officer's recommendation as presented.

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

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

REVIEW/APPROVAL OF APPLICATION

Eduardo Castellanos, DVM

Dr. Castellanos was present and was sworn in by the court reporter. He was represented by counsel Edwin Bayo.

Mr. Bayo advised the board that Dr. Castellanos had submitted his second application for licensure as a veterinarian in Florida. Mr. Bayo stated that Dr. Castellanos had originally applied in 1988 pursuant to the provisions of 474.207 (3), Florida Statutes. Mr. Bayo stated that the statute provides a grandfathering avenue for foreign trained veterinarians who applied for and were certified by the board prior to October 1, 1989 and those veterinarians would be eligible to sit for the examination without having completed the ECFVG.

Mr. Bayo stated that Dr. Castellanos application was denied in October of 1988, on the grounds that the curriculum listed on the translation of the coursework he completed in Santo Domingo was not equal to or greater than the curriculum required for an AVMA accredited program. Mr. Bayo stated that the decision was erroneous as a matter of law the 1988 statute did not require that the board make a determination regarding coursework.

Mr. Bayo stated that Dr. Castellanos submitted documentation to the board in March of 1989 from the University in Santo Domingo. He stated that Dr. Castellanos was diagnosed with cancer at that time and for health reasons could not appear before the board and therefore was erroneously denied.

Mr. Bayo advised the board that Dr, Castellanos has enrolled in the ECFVG and has passed the NAVLE.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to approve Dr. Castellanos application to sit for the laws and rules exam and obtain a license upon passing the exam.

SECOND: Dr. Jones seconded the motion.

Dr. O'Neil asked for a roll call. The motion passed with five (5) board members voting yes and one (1) voting no.

DISCUSSION

Florida Alliance for Animal Owners Rights

This issue was tabled until the March 2004 meeting.

CONTINUING EDUCATION RULE DISCUSSION

Exemption of Spouses of Members of Armed Forces

Ms. Chastain advised the board that this was a requirement in 455.02, Florida Statutes. She stated that the board needed to update their rules to exempt the spouses of members of the Armed Forces from continuing education because of their spouse's duties with the armed forces.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to direct board counsel to proceed with rule development.

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

Registry of Approved Continuing Education Courses (RACE)

Ms. Chastain stated that the continuing education division has asked for clarification on the RACE program. She stated that the division is asking the board to add race to the continuing education rule if they are accepting RACE approved providers.

MOTION: Dr. Vega made a motion to add RACE to rule 61G8-16.003 (2) (a) as an approved provider.

SECOND: Dr. Jones seconded the motion and the motion passed with Dr. Horky voting no.

APPLICATION FEE FOR PROVIDERS OF CONTINUING EDUCATION

Ms. Chastain advised the board that currently there were no fees charged. Ms. Chastain stated that Mr. Jones was going to research to determine if the board had statutory authority to charge the provider a fee.

Mr. Jones advised the board that the statute indirectly supports the fee.

Dr. O'Neil asked Ms. Chastain how much it costs to process the continuing education.

Ms. Love stated that last year the cost for continuing education and the bureau of education and testing was \$48,000.00. She stated that the fee was not broken down.

Dr. O'Neil asked staff to find out what the exact cost is for processing continuing education only.

Continuing Education Credit for Board Meetings 61G18-16.004, F.A.C.

Dr. O'Neil advised the board that veterinarians can obtain continuing education credit for attending a board meeting if they are not attending for discipline purposes.

Mr. Jones stated that the rule was repealed three (3) years ago because the board did not have statutory authority for the rule.

The issue was tabled.

RATIFICATION OF APPLICATIONS

Premise Permits

Dr. Horky advised the board that Midway Animal Alternative & Complementary Clinic was put on the agenda for clarification. She asked the board to advise her as to whether a clinic should have to have mandatory requirements by rule or whether they can contract out those requirements.

It was the consensus of the board that Midway Animal Alternative & complementary Clinic should have the mandatory requirements specified by rule.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to ratify Dr. Horky's actions on the following premise permits.

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

Banfield, the Pet Hospital, Briarcliff Animal Clinic, Caring For Cats in the upper Keys, Country Oaks Animal Hospital, Saint Francis Animal Hospital, Scott Mill Animal Hospital, Sky Lake Animal Hospital, sunny Brook Animal & Bird Hospital.

Exam Candidates

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

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

Dr. O'Neil approved and ratified by conference call on October 28, 2003.

Senior Graduates

Sandy Accime, Kelly Ann Bakas, Diane Lynn Bean, Nancy Lynn Bielawski, Wendy Gaye Biggs, Jennifer Leigh Breder, Sarah Ms. Brick, Erica Paige Bucki, Adam S. Burke, Awilda Carbonell, Amy Beth Debolt, Debra S. Draper, Christina Michelle Ellis, Hector J. Encarnacion, Matthew Paul Facarazzo, Jessica M. Finley, William J. Fisch, Andrea Baker Flory, Antonia L. Gardner, Fara Elizabeth Goodman, Brant T. Hassell, Jennifer L. Hooks, Linda Lee Keller, Craig Kirk, Michelle Lee Flyn Layton, Kristy Lee Legerton, Jordan Lewis, Christina Ann Lynch, Kenneth Ryan Meeks, Vasiliki Kalariotes Meisenburg, David Mersereau, Joan Ann Minton, Ashley Monroe, Sheila Denise Morris, Debra Ann Myers, Chau Hong Nguyen, Rebecca Niedfelt, Michael John Pegelow, Mary Kathleen Provitola, Susan C. Ramdell, Kristen Miller Ruest, Robert David Sanfilippo, Melinda Jean Shumpert, Marclyn Samella Sims, Alicia Kuemmin Smith, Joel Scott Speiller, Larissa M. Tavares, Teri Anne Thompson, Laura J. Ward, Lawrence Edward Wexler, Sabrina Ann Wiggins, Jonathan Ronald Willey, David Woodham.

AVMA Graduates

Rifat Shiraz Alibhai, Joni Robin Goldstein

Foreign Graduate With ECFVG

Thomas Walton MacPhail, Gabriel Manu, Todd Francis Vinoski

Endorsement

Linda Conradsen Ellington, Kristi Leigh Fox Jackson, Holly Shields Hayna, John C. Kittell, Leah Robin Knode, Henry A. Lester, Nicole Denise Siegel

Continuing Education

MOTION: Dr. Vega made a motion to approve the following continuing education courses.

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

New Providers With Courses

Equine Medical Center of Ocala: *Stallion Behavior* - 2.5 hours

Akin Technical College - *Canine Rehabilitation: Easing Pain, Enhancing Recovery, Developing Strength* - 14 hours

Trinity Communications - *Periodontal Disease in Companion Animals* - 1.5 hours

Existing Providers - New Courses

Veterinary Learning Systems - *Essentials in Critical Care* - 12 hours

North American Veterinary Conference - *A Taste of the NAVC 2002* - 3 hours

North West Florida Veterinary Medical Association - *The Future of Vaccination - 2 hours: Intestinal Parasites and Zoonotic Disease*

MOTION: Dr. Vega made a motion to approve the following course submitted by Dr. Dana Broussard for individual approval.

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

Foreign Animal Disease Awareness Course - 15.5 hours

Emerging Animal Health Issues - 18 hours

REPORTS

Finance Report – Susan Love

Ms. Love advised the board that the board ended the fiscal year, which ended June 30, 2003, with a deficit of \$45,950.00. She stated that the first quarter of this fiscal year, which ended September 30, 2003, the board was in a deficit totaling \$141,431.00.

Dr. O'Neil stated that the renewal fee was raised to increase the board's revenue this year, which should take care of the deficit.

Prosecuting Attorney – Charles Tunnicliff

Mr. Tunnicliff reviewed his report with the board.

Board Counsel- Jeffrey Jones

Mr. Jones advised the board that the revised rule to increase the renewal fee will take affect December 16, 2003.

Executive Director – Juanita Chastain

Ms. Chastain advised the board that she is working on the newsletter and it should go out the first of the year.

Board Chair – Dr. Robert O' Neil

No Report

NEW BUSINESS

No old business

OLD BUSINESS

Donald Schaefer advised the board that the FVMA met in Tallahassee with the Department of Business and Professional Regulation on November 12, 2003. He stated that the Secretary invited them to meet in Tallahassee and discuss what improvements have taken place to improve the administrative services. He stated they felt it was a very productive meeting. Mr. Schaefer stated that he felt progress had been made to improve services at the Department.

Mr. Schaefer stated that he would like board counsel to address the duties and obligations relating to the Pet Med Express issue that was addressed at the September meeting. He stated the FVMA feels guidance should come from the board and not from the FVMA or Pet Med Express attorneys.

Mr Schaefer advised the board that a second certification program for veterinary technicians is being offered by the Veterinary Technician Association. The Florida Veterinary Technician Association has been approved by the American Association of Veterinary State Boards as an administrator of the Veterinary Technician National Exam. Mr. Schaefer stated that the Board of Veterinary Medicine on June 12, 2002 denied the request of the Florida Veterinary Technician Association to have rule 61G18-16.005 (4) amended to include recognition of their new certification program along with that of the Florida Veterinary Medical Association.

Mr. Schaefer stated that the Florida Veterinary Medical Association feels the Florida Veterinary Technician Association should not have been granted that approval by the American Association of Veterinary State Boards.

Mr. Schaefer stated that the FVMA would like the board to respond to the American Association of Veterinary State Boards on this issue.

Dr. O'Neil advised Mr. Schaefer that a conference call would be scheduled to discuss the issue and a draft of the letter should be sent to board counsel for his review.

Mr. Schaefer advised the board that there was an inquiry about micro chipping. Mr. Schaefer asked the board if this was the practice of veterinary medicine. Mr. Schaefer stated that in the past the position of the board was that it is the practice of veterinary medicine.

Dr. O'Neil advised the board that the next meeting was March 2, 2004.

MOTION: Ms. Love made a motion to adjourn the meeting at 11:25 a.m.

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