

MINUTES

**BOARD OF VETERINARY MEDICINE
GENERAL BUSINESS MEETING
THE COLONY
155 HAMMON AVENUE
PALM BEACH, FL 33480**

OCTOBER 26, 2004

CALL TO ORDER

Dr. O'Neil called the meeting to order at 8:23 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Ms. Cynthia Lewis, Excused

OTHERS PRESENT

Jeffrey Jones, Board Counsel
Drew Winters, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Dr. James Drawdy
Charles Curtis
Kevin Eastman
Thomas Smith
Donald Schaefer, Executive Director, FVMA
Annette Poirier, CVT, FVTA
Sidney D. Lehr, DVM
Joshua L. Parra, DVM
Christy Alexander-Brooks

APPROVAL OF JUNE 10, 2004 MEETING MINUTES

MOTION: Dr. Vega made a motion to approve the June 10, 2004 meeting minutes as presented.

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

DISCIPLINARY HEARINGS

David B. Daniels, DVM: Case number 2001-04481

Mr. Winters advised the board that Dr. Daniel's case had been removed from the agenda.

Emergency Animal Clinic: Case number 2003-079326

Mr. Winters advised the board that the case had been removed from the agenda.

James F. Drawdy, DVM: Case number 2002-013210

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

Dr. Jones was recused due to her participation on the probable cause panel.

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that a copy of the signed Settlement Stipulation was in their folders. Mr. Winters advised the board that the Department filed an administrative complaint against Dr. Drawdy and the administrative complaint had three counts. The Department had a discussion with Dr. Drawdy regarding the matter and they came to an agreement and negotiated a Settlement Stipulation. The Department imposed a fine of one hundred and fifty dollars (\$150.00) and five hundred and eight dollars and sixty-one cents in costs (\$508.61).

After discussion by the board the following motion was made.

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

Motion died due to lack of a second.

After discussion by the board the following motion was made.

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

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

Thomas A. Smith, DVM: Case number 2003-060584

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

Dr. Jones was recused due to her participation on the probable cause panel.

Mr. Winters presented the case as an Informal Hearing.

Dr. Smith addressed the board and stated that he did not dispute the facts in the case. He stated that he admitted to an error in judgment on overnight care in his clinic. He advised the board that he had learned from his mistake. He stated that the clinic had made changes to their protocol on how they deal with the absence of staff members. Dr. Smith reviewed the written changes with the board.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. Vega made a motion to impose a one thousand dollar (\$1000.00) fine, five hundred and ninety five dollars and twenty five cents (\$595.25) in costs and one (1) year probation.

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

Harry Zelkin, DVM: Case number 2004-009527

The case was tabled until the December 7, 2004 meeting.

Josue Parra, DVM: Case number 2003-085982

Dr. Parra was present at the meeting and was sworn in by the court reporter. He was represented by counsel, Mr. Charles Curtis.

Dr. Jones was recused due to her participation on the probable cause panel.

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that the administrative complaint was filed April 22, 2004. He stated that the alleged violation was a one-count violation 474.214 (1)(r), Florida Statutes. The Department recommended a five hundred dollar (\$500.00) fine, two hundred and sixty five dollars and fifteen cents (\$265.15) in costs.

Mr. Curtis advised the board that procedures have been put in place to make sure the same mistake of euthanizing the wrong animal does not happen again. He stated that Dr. Parra has been licensed for ten (10) years and has never had a complaint or been disciplined by the board. Mr. Curtis asked that the board consider the Settlement Stipulation.

After discussion by the board the following motions were made.

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

The motion failed due to lack of a second.

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

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

MOTION: Dr. Vega made a motion to impose a one thousand dollar (\$1000.00) fine, two hundred and sixty five dollars and fifteen cents (\$265.15) in costs and one (1) year probation.

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

Dr. Parra agreed to accept the Counter Settlement Stipulation.

Animal Veterinary Hospital of Orlando: Case number 2002-012226

The case was tabled until the December 7, 2004 meeting.

Sidney D. Lehr, DVM: Case number 2002-012710

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

Dr. Jones was recused due to her participation on the probable cause panel.

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that the Department filed an administrative complaint with two (2) violations. The Department recommended a five hundred dollar (\$500.00) fine and two hundred dollars (\$200.00) in costs.

Dr. Lehr advised the board that he has corrected the problems with his drug log and he now segregates his expired drugs.

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.

REVIEW/APPROVAL OF APPLICATION

Kevin Eastman, DVM

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

Dr. O'Neil advised the board that Dr. Eastman had applied for licensure by endorsement and holds an active license in New York. Dr. O'Neil stated that Dr. Eastman was asking the board to accept his New York State Board exam in lieu of the Clinical Competency Test.

Dr. O'Neil asked Dr. Eastman to describe the New York Board exam.

Dr. Eastman advised the board that it was a three day clinical and written exam.

Dr. Helm asked Dr. Eastman if he had completed any continuing education.

Dr. Eastman stated that he had recently obtained some continuing education by attending some local association meetings.

After discussion by the board the following motion was made.

MOTION: Dr. Horky made a motion to accept Dr. Eastman's application for licensure.

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

PETITION FOR DECLARATORY STATEMENT

Vet Centric

Dr. O'Neil advised the board that the petition had been withdrawn.

DISCUSSION

Exemption of Spouses of the Armed Forces

Mr. Jones advised the board that this is a statutory requirement to have language in the board's rules for military spouses. Mr. Jones reviewed the draft language with the board.

After discussion by the board the following motion was made.

MOTION: Dr. Jones made a motion to accept the language for Exemption of Spouses of the Armed Forces and to direct Mr. Jones to develop the rule.

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

RATIFICATION OF APPLICATIONS

Premise Permits

MOTION: Dr. Jones made a motion to approve the following premise permit applications reviewed and initialed by Dr. Horky.

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

The following clinics were approved June 28, 2004.

All Aboard Animal Hospital, Animal Hospital of Pembroke Road, Banfield the Pet Hospital, Braden River Equine, Collier County Domestic Animal Service, Dr. Shelton's Vet Office, Garden Grove Animal Hospital, Highland Animal Hospital, Jonicer Emergency Animal Clinic, Mayfair John Young Pet Hospital, Mobile Animal Surgery, Pebble Creek Animal Hospital, Pet Wellness Center, Savannah Animal Hospital, Inc., Venice Pines Veterinary Clinic.

The following Clinics were approved September 16, 2004.

Banfield the Pet Hospital 356-2, Bayou Veterinary Hospital P.A., Cat Care Clinic of the Palm Beaches, Countryside Animal Hospital, Deland Animal Hospital, Destin Animal Clinic, Doc Savvy's Animal Hospital, Haddix Animal Hospital, Island Veterinary Care Center, Lake Area Animal Hospital, Lake Worth Animal Hospital, Lemon Bay Animal Hospital, Sabal Chase Animal Clinic, Shalimar Animal Clinic, Silver Springs, South Dixie Animal Hospital, Small Paws Animal Hospital, Southwest Animal Hospital, St. Francis Veterinary Center, The Village Veterinarian, Tri-County Veterinarians, VCA Upper Keys Animal Hospital, Veterinary Surgical Services, Inc., Westchase Veterinary Clinic, Aquiar Animal Hospital, Amore Animal Clinic, Animal Clinic of Village Square, Caloosa Humane Society, Inc., Coastal Veterinary Clinic, Highlands Animal Hospital, Naples Safari Animal Hospital Pet Resort & Salon, Pelican Man

The following Clinics were approved October 26, 2004.

Pinecrest Pet Hospital, Miami Dade Police Department Animal Services Unit, The Bird & Exotic Hospital, Floresta Animal Hospital, Lake Worth Animal Hospital, All county Animal Hospital, The Village Veterinarian

Exam Candidates

MOTION: Dr. Jones made a motion to ratify Dr. O'Neil's 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 June 21, 2004.

Senior Graduates

Dawn Aran, Sarah Babcock, Awilda Carbonell, Creslin Derkacht, Paige Eichar, Annabelle Morales, Amanda Wallen

AVMA Graduates

Donna Craig, Donald Gordon, Laurie Weiser, Kristin Wyrick

Foreign Graduates

Angela Backus, Ratana Bunyaviroch, Hee Jung Chang, Katia Estevez, Karen Hernandez-Pinedo, Tetyana Gephart, Adriana Odachowski, Stephanie Orzyp, Jacquelyn Palladino, Lionel Ricci, Rhian Stoyanovich, Jose Varela

Endorsement

David Adam Castrillo, Joel Beutler, Jill Brady-Demuth, Suzanne Fedorich, Kathleen Hartman, Lynn Hilten, Rasul Memon, Thomas Seahorn, Rebecca Seaman, Terry Spencer, Dwayne Taylor

Dr. O'Neil approved and ratified by conference call July 12, 2004

Senior Graduates

Raul Casa-Dolz, Maria Manrique, Annabelle Morales, Elizabeth Novy, Heather Scheurman, Rebecca Staunton

AVMA Graduates

Sarah Henrikson

Foreign Graduates

Angela Backus, Ronny Nekoukar, Jaime Pausa, Edward Peurifoy

Endorsement

Erin Bauer, Denise Daniel, Jana Fly, Randall Hitesman, Lynn Lawitzke, Brian Luria, Vanessa Rolfe, Kara Sessums

Dr. O'Neil approved and ratified by conference call September 17, 2004.

Senior Graduates

Eric Bucki, Angela Chesanek, Kenneth Conley, Michael Deveau, Angela Diaz, Alison Diesel, Christina East, Stacy Furgang, Rachel Groveman, Christina Herejk, Jill Harris, Cheryl J. Isenhour, Heather Kridel, Sarah Moran, Michelle Nelligan, Destiny Prezzano, Melissa Privette, Scarlet Raby, Cassidy Rist, Brandi

K. Roberts, Robert Schutrumpf, Cassidy Sedacca, Jacquelyn Shoppa, Ruth-Ann Spinosa, Caroline Thomas

AVMA Graduates

Peggy Carlow, Liv Wallin, Eleanor Moore, Cindy Trice

Foreign Graduates

Jennifer Garner, Jose Lopez, Kathleen Marmesh, Jose Martinez, Alexis Rendon, Rebecca Weaver

Endorsement

Crit James Holland, Dwayne Gordon Taylor, Kimberly A. Vanderholm

NAVLE Candidates

Matthew Aaronian, Hala Ahmed Bessyoune, April Akiyama, Robert Allen, Nelly Amador, Eric Anderson, Jesus Aramedi, Yolanda Avella, Angela Backus, Jesus Baldrich, Kate Berger, Joseph Beswick, Emily Billie, Sarah Blackwood, Donna Brinck, Eric Bucki, Ratana Bunyaviroch, Deborah Burd, Miriam Cabrera, Carlos Canino, Sheila Carrera-Justiz, Carlos Carril, Kathleen Clements, Kenneth Conley, Virginia Coyle, Amanda Daum, Jennjifer Dean, Angela Diaz, Michael Deveau, Alison Diesel, Brian Dillard, Heather Duncan, Christina East, Maria Esbri, Cynthia Fallness, Jennifer Ferrin, Thomas Fish, Eduardo Fonseca, Jennifer Freeman, Stacy Furgang, Tetyana Gephart, Shiera Gilbert, Elizabeth Gill, Anne Gleason, Valentino Grant, Brian Grossbard, Rachel Groveman, Steven Groves, Bradley Harris, Jill Harris, Christina Heflinger, Christina Herejk, Christian Hofer, Carissa Hottinger, Regina Howton, Richard Hurt, Natali Ibarra, Ninette Ibrahim, Cheryl Isenhour, James Jackson, Marisa James, Jason Kimbro, Takashi Kisanuki, Wendy Knighton, Stacy Kolb, Heather Kridel, Lynda Kruse, Lindsay Kuester, Angela Kuntz, Kristina Lau, Henry Levy, Katherine Lingner, Jennifer Long, Jose Lopez, Clark MacCullough, Juan Machado, Boaz Man, Kathleen Marmesh, Ibeth Martinez, Jose Martinez, Rolando Matos, Jennifer McCown, Erin McNally, Lynnly Miller, Jessica Milner, Bradley Moe, Sarah Moran, Steffani Morris, Steven Neihaus, Michelle Nelligan, Bryan Noble, Robert O'Neill, Stephanie Orzyp, Jacquelyn Palladino, Laurie Parenton, Kimberley Parkes, Christel Perrin, Samantha Pinizzotto, Destiny Prezzano, Melissa Privette, Scarlet Raby, Ricardo Ramirez, Renee Rember, Alexis Rendon, Lisa Repa, Tiffany Rimar, Cassidy Rist, Brandi Roberts, Danielle Robrish, Julio Ruiz, Susanne Saglio, Matthew Schairer, Cassidy Sedacca, Alexsandra Sherman, Jacquelyn Shoppa, Christopher Soares, Paul Sorrentino, Lara Sparks, Ruth Ann Spinosa, Sarah Sprayberry, Gregory Stacey, Jessica Starr, Robert Stawicki,

Rafael Stredel, Monica Suarez, Caroline Thomas, Leslie Thomas, Amanda Travers, Amy Treadwell, Lilliane Uribazco, Piet Van Deijck, Carlos Vega, Tania Wadhwa, Jade Wong, Michael Wong, Claudia Zamora, Ashley Zehnder

Dr. O'Neil approved and ratified by conference call October 22, 2004.

Senior Graduates

Bryan Noble, Bart Madison, Renee Rember, Matthew Schairer, Elizabeth St. Clair

AVMA Graduates

Jodi Acosta, Charles Arensberg, Nancy Christensen, Eleanor Cook, Pamela Emdin, Heather L. Krellner, Piet Van Deijck, John Sivick, Jared Smartt

Foreign Graduates

Yolanda Avella, Donna Brinck, Renato Mendez, Vani Poosapati, Roger Welton

Endorsement

David Adam Castrillo, Joel Beutler, Martha L. Broda, Maria H. Glinski, Valena Wasmund

Continuing Education

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

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

Surgi Care For Horses: *Muscular Skeleton Injuries & Deformities – 2 hours*
Coral Springs Animal Hospital: *Surgical Tooth Extractions – 1 hour*
Merial: *Oravet: Serious Oral Care Made Simple – 1 hour*
Periodontal Disease – What You, Your Staff and Clients Should Know – 1 hour
Northwest Florida Veterinary Medical Association: *The Re-Emergence of Canine Leptospirosis – 2 hours*
Alachua Veterinary Medical Association: *An Alternative Approach to Weight Management – 1.5 hours*

Providers

The Pet Savers Foundation

REPORTS

Prosecuting Attorney – Drew Winters

Mr. Winters advised the board that there were currently one hundred and sixty nine (69) cases in legal.

Dr. Horky asked Mr. Winters if all cases went to probable cause.

Mr. Winters and Dr. Jones discussed the process with the board.

Board Counsel – Jeffrey Jones

Mr. Jones stated that the board had previously discussed amending the administrative rule to recognize complementary and alternative veterinary medicine and the practice of veterinary medicine. He stated that the board would have the opportunity to do so through the rule making process. Mr. Jones stated that he had already started the rule making process and he had drafted language that he would present to the board at the December 7, 2004 rules workshop.

Executive Director - Juanita Chastain

Ms. Chastain advised the board that the continuing education audit was being conducted by the Bureau of Education and Testing. She stated that letters were sent to approximately one hundred and seventy (170) active licensed veterinarians.

Finance Report – Susan Love

Ms. Love advised the board that a written report was in their folders. Ms. Love reviewed the report with the board and advised the board that one hundred and seventy five thousand dollars (\$175,000.00) had been transferred by the legislature to the general fund. Ms. Love stated that projections show that the board would not be in a deficit at the end of the fiscal year.

Chairman – Dr. Robert O'Neil

Dr. O'Neil advised the board that he had no report.

New Business

Mr. Schaefer advised the board that the Florida Bar Association was in the process of drafting legislation to move animals from property to the owner of the

animal being the guardian of the animal. He stated that the FVMA was monitoring the process.

Mr. Schaefer stated that he had a hand out with proposed language to recognize complementary or alternative veterinary medicine as the practice of veterinary medicine. Mr. Schaefer reviewed the language with the board.

Mr. Schaefer advised the board that the FVMA had received a letter from the Department of Health with proposed legislative changes to 828.30, Florida Statutes regarding rabies vaccines. He stated that the current legislation fails to address re-vaccination. He stated that the legislation would address the use of three (3) year rabies vaccinations.

Mr. Schaefer asked the board where they were with the inspections of the Limited Service Clinics.

Dr. O'Neil stated that at this time the Department was very busy with hurricane issues and that issue was put aside until further notice.

Mr. Schaefer advised the board that the College of Veterinary Medicine had some concerns about the licensing application process not being as smooth as they would like it to be for the students. Mr. Schaefer stated that the FVMA would go to Tallahassee with the University to meet with the appropriate staff to discuss the problems and try to work the problems out.

Mr. Schaefer advised the board that he wanted to discuss the certification of veterinary technicians. He stated that at the December 7, 2004 meeting the FVMA and the FVTA would like to discuss with the board a rule change to enhance the veterinarian's employment of the Certified Veterinary Technician.

Dr. Jones stated that there needed to be an avenue to grandfather a technician based on experience.

Dr. Vega stated that the way to grandfather them in was to allow a technician with a certain amount of experience to take the examination for certification.

Dr. O'Neil advised Mr. Schaefer that he could address the board at the December 7, 2004 meeting regarding the certification of veterinary technicians and the board would discuss his proposed rule changes.

Dr. O'Neil advised the board that Ms. Love could not attend the AAVSB meeting in September because of the hurricane. He stated that Dr. Whitley left a day early and was elected as the Florida Representative of the board for the AAVSB.

Dr, O'Neil stated that he called Charlotte Ronan, Executive Director of the AAVSB and informed her that he did not represent the board.

MOTION: Dr, Vega made a motion to adjourn the meeting.

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

The meeting adjourned at 11:20 a.m.