

MINUTES

**BOARD OF VETERINARY MEDICINE
GENERAL BUSINESS MEETING
EMBASSY SUITES HOTEL
1100 SE 17TH STREET
FT. LAUDERDALE, FL 33316**

MARCH 1, 2005

CALL TO ORDER

Dr. O'Neil called the meeting to order at 8:05 a.m.

MEMBERS PRESENT

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

OTHERS PRESENT

Jeffrey Jones, Board counsel
Drew Winters, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Official Reporting Service
Donald Schaefer, FVMA
Annette Poirier, CVT, FVTA
Mohammad Abed, DVM
Gary R. Shelton, DVM
Michael J. Dewberry, Esq.

APPROVAL OF DECEMBER 7, 2005 MEETING MINUTES

MOTION: Dr. Vega made a motion to approve the December 7, 2004 meeting minutes as printed.

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

DISCUSSION

Rule 61G18-16.003, F.A.C. – Continuing Education Standards

Mr. Jones advised the board that beginning on May 31, 2006 each provider, unless exempted by rule, shall be registered with the board. The fee for such registration shall be \$200.00 and such registration must be renewed by May 31 of every other even numbered year. He stated that the rule had been before them previously and was before them again because of the date change from 2005 to 2006. Mr. Jones advised the board that initially the rule was before them in another form and while in the rule making process some changes had to be made to the rule. He stated that instead of starting the rule making process over he completed the rule that was in the rule making process and to complete the process in a timely manner the date was changed from 2005 to 2006.

After discussion by the board the following motion was made.

MOTION: Ms. Lewis made a motion to accept the changes to rule 61G19-16.003, F.A.C.

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

RATIFICATION OF APPLICATIONS

Exam Candidates

MOTION: Ms. Lewis made a motion to ratify Dr. O'Neil's actions on the following exam candidates.

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

Dr. O'Neil approved and ratified by conference call February 9, 2005.

Senior Graduates

Mika Ford, Wendy Knighton, Coral Turman

AVMA Graduates

Eleanor Cooke, Kerry Davison, Kelley Hammond, Brant Jauer, Heather Johnston, Nydia Perez, Allison Sherve, Jennifer Ward

Foreign Graduates with ECFVG

Mohamed Abdellitif, Jose Gonzalez, Natalia Novoa, Carolina Ortiz Umpierre, Alexis Rendom, Jeremy Sebor, Karie Vander Werf

Endorsement

Sara Barber, Dennis Brooks, Maria Chadam, Alistair Chapnick, Emily Dean, Rebecca Fischer, Lea Guitar, Jeffrey Karpf, Stephanie Karpf, Peter Kazakevicius, David Kron, David Sheridan, Scott Trasti

Premise Permits

MOTION: Dr. Vega made a motion to approve all of the premise permit applications approved by Dr. Horky.

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

Banfield, the Pet Hospital of Destin, Animal Cancer Care clinic, The Animal Medical Hospital of Naples, American Animal Emergency, Friendship Veterinary Hospital, Inc., Forest Park Animal Hospital, Maitland Veterinary Clinic

Dr. Horky advised the board that she had additional application to be approved by the board.

MOTION: Dr. Vega made a motion to approve the applications presented by Dr. Horky.

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

Animal Hospital of Tiger Point, Brandon Veterinary Specialists, Jacksonville Veterinary Surgical Center, Jungle Life Animal Hospital, Sarno Animal Hospital, Spring Oaks Animal Care Center, St. Francis Animal Hospital, Tri-County Animal Hospital, Val-U-Vet Animal Hospital

Continuing Education

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

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

Affiliated Veterinary Specialists, Orange Park: *Thymoma-Diagnosis & Surgical Management – 2 hours*
Lacher McDonald Consulting, Inc.: *Strategic HR Policies for DVM's – 2 hours*

DISCIPLINARY HEARINGS

Gary R. Shelton, DVM: Case number 2002-008631

Dr. Shelton was present at the meeting and was represented by counsel, Michael J. Dewberry. He was sworn in by the court reporter.

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

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that Dr. Shelton was issued an Administrative Complaint alleging two (2) counts allowing an unlicensed person to provide veterinary medical services and employing an unlicensed person to provide veterinary medical services.

Mr. Winters stated that the Department recommended a fine of fifteen hundred dollars (\$1500.00), one thousand two hundred and seventy four dollars and forty three cents (\$1274.43) in costs and a reprimand.

After discussion by the board the following motion was made.

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

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

REPORTS

Prosecuting Attorney – Drew Winters

Mr. Winters reviewed his report with the board. He stated that there are one hundred and sixty (160) cases in legal and forty (40) of those cases are being prepped, presented for probable cause panel review.

Board Counsel – Jeffrey Jones

Mr. Jones advised the board that in their folders was a draft of Rule 61G18-19.002, F.A.C., Complementary or Alternative Veterinary Medicine. He stated that this was the result of action taken by the board at the December 7, 2004 meeting. Mr. Jones advised the board that he was instructed by the board to

incorporate some changes to the Complementary or Alternative Veterinary Medicine rule and bring them back before the board. He stated that the changes incorporated are underlined as done by motion at the December 7, 2004 board meeting. He stated that they included changing the Rule number to 19.002 and adding the underlined language at the bottom of the document which is any licensed veterinarian, Chapter 474, Florida Statutes and including the phrase, within standards. He stated that those changes were done after the board reviewed the language at the December 7, 2004 meeting.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to accept Rule 61G18-19.002, F.A.C. as written and instructed Mr. Jones to move forward with the rule process.

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

Executive Director – Juanita Chastain

Ms. Chastain advised the board that the newsletter was complete and would be mailed in a couple of weeks. She advised the board that the limited Service Clinics are being inspected as the board requested.

Board Chairman – Dr. Robert O'Neil

Dr. O'Neil advised the board that Dr. Jones was awarded the Gold Star award by the FVMA and Dr. Vega was awarded Veterinarian of the year.

Dr. O'Neil thanked the probable cause panel for all of their hard work.

OLD BUSINESS

There was no old business.

NEW BUSINESS

Dr. O'Neil advised the board that in their folders there were two (2) proposed bills, House Bill number 0791 and Senate Bill 958. He stated that the bills were submitted by the Alliance for Animal Owners Rights.

Dr. Jones asked for time to read the bills.

Mr. Jones advised the board that the bills were House and Senate counter parts and they contained identical language.

Dr. O'Neil stated that the board would take the time for the board members to review the language in the bills.

Mr. Jones advised the board that the language in the bill appears to be overly broad. He stated that the bill as written puts it up against the current definition of veterinary medicine as stated in the statute. Mr. Jones stated that it was the intent of the bill to carve out what is currently defined as veterinary medicine and in essence to make an exception for these services.

Dr. Jones stated that she agreed this is the practice of veterinary medicine. She stated that it is stated in the rules that an individual can treat their own animals. Dr. Jones advised the board that this bill was definitely the practice of veterinary medicine and the board should oppose the bill.

Dr. O'Neil advised the board that the board's purpose is to protect the public not to protect the veterinarians but to protect the public. He stated that in his opinion if these people are turned loose to do what they want to do the animal and the public may be harmed by deceit. He stated he believes you have to make a diagnosis to treat the animal. Dr. O'Neil advised the board that if a bill like this gets passed the board is doing a disservice to the public. He stated that the board members only purpose on the board is to protect the public.

Dr. Jones asked the board as veterinarians if there was a difference between an opinion and a diagnosis.

Dr. O'Neil stated that he gives opinions everyday and most of his opinions are a diagnosis.

Dr. O'Neil feels a human can make their own decisions but the animal cannot.

Dr. Jones stated that the board is not precluding the public from treating their own animals.

Ms. Love advised the board that she agrees with Dr. Jones that the bill is the practice of veterinary medicine and an opinion is a diagnosis.

MOTION: Dr. Jones made a motion to oppose House Bill 0791 and Senate Bill 958.

SECOND: Ms. Love seconded the motion.

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

After Ms. Tinsley called the roll all Board Members were opposed to the bill.

Dr. O'Neil advised the board that he was going to propose the following motion to clarify the board's actions in the past.

MOTION: Dr. Vega made a motion when individuals who are not the owners of an animal or otherwise exempted under Florida Statute 474.203(5) states: *(Any person or the person's regular employee, administering to the ills or injuries of her or his own animals, but not limited to, castration, spaying, and dehorning of herd animals, unless title has been transferred or employment provided for the purpose of circumventing this law. This exemption shall not apply to out-of-state veterinarians practicing temporarily in the state. However only a veterinarian may immunize or treat an animal for diseases which are communicable to humans and which are of public health significance.)* provide animal acupuncture, aroma therapy, animal communication, ferrier services, flower essence therapy, hands-on healing, homeopathy, light therapy, magnet therapy and nutritional counseling, they will not be practicing veterinary medicine providing they do not contravene the requirements contained in Florida Statutes 474.202 (9). states: *(the "practices of veterinary medicine" means diagnosing the medical condition of animals and prescribing, dispensing, or administering drugs, medicine, appliances, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, bodily injury or disease thereof; perform any manual procedure for the diagnosis of or treatment for pregnancy or fertility of animals, or represent oneself by the use of titles or words, or undertake, offer, or hold oneself out, as performing any of these functions. The term includes the determination of the health, fitness, or soundness of an animal.)*

SECOND: Dr. Jones seconded the motion.

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

After Ms. Tinsley called the roll all Board Members were in favor of the motion.

Mr. Schaefer presented material to the board that contained the Florida Veterinary Medical Association's opinion on the bill. He advised the board that the information was public record.

Mr. Schaefer stated that the Florida Veterinary Medical Association wanted to re-enforce their concerns about the bill. He stated that he was pleased when the board voted on the first motion the FVMA did not participate in the discussion

and that motion was made and voted on without any involvement from the FVMA.

Mr. Schaefer stated that the bill is poorly drafted. He stated that the FVMA disagrees with the bill and they believe that an opinion is a diagnosis. Mr. Schaefer quoted the definition of opinion from Webster's dictionary " are understood to be evaluations or conclusions based on special knowledge for expertise".

Mr. Schaefer reviewed the bill with the board.

Mr. Schaefer stated that the bill is taking the checks and balances out of the health care delivery system. He stated that this is an opportunity for veterinary medicine to remind the legislature and the public why veterinary medicine is dangerous if provided by unlicensed and unqualified individuals and at the same time show that veterinarians are moving forward to provide these modalities under a client-patient relationship.

ELECTION OF OFFICERS

MOTION: Dr. Vega made a motion to nominate Dr. O'Neil as Chairman of the board for the next year.

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

MOTION: Dr. Jones made a motion to nominate Dr. Vega as Vice Chairman of the board for the next year.

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

The meeting adjourned at 10:00 a.m.

