

MINUTES

Board of Veterinary Medicine General Business Meeting

**Florida Hotel and Conference Center
1500 Sand Lake Road
Orlando, FL 32809**

June 5, 2007

CALL TO ORDER

Dr. Helm called the meeting to order at 8:10 a.m.

MEMBERS PRESENT

Dr. Joann Helm
Dr. Katherine Horky

MEMBERS ABSENT

Dr. Kandra Jones (excused)

OTHERS PRESENT

Jeffrey Jones, Board Counsel
Drew Winters, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Chery Mason, American Court Reporting – 407.896.1813
Phil Hinkle, Executive Director, FVMA
Geoffrey Gardner, DVM, President FVMA
Gursagar Singh, DVM
Annette Poirier, CVT, FVTA
Kenny Mitchell, DVM
Lewis Stone
Gerald D. Manley, DVM
Marcus Kramer, DVM
Stephen Eastman, DVM
Richard Rubinstein, DVM
Peg Fricke, DVM
Evan M. Blair, DVM
Julio Ibanez, DVM
Edwin Bayo, Esquire

Brian Reynolds, DVM
Brian Huntsman, DVM
Richard Rashbaum, DVM
Daniel Otto, DVM

APPROVAL OF MARCH 6, 2007 MEETING MINUTES

MOTION: Dr. Horky made a motion to approve the minutes as written.

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

DISCIPLINARY HEARINGS

Richard Rubinstein, DVM: Case number 2005-059131

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

Mr. Winters presented the case as an Informal Hearing. Mr. Winters advised the board that the administrative complaint alleges that the Respondent failed to keep adequate medical records and performed unauthorized treatment on a patient. Mr. Winters 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.

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

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

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to impose a one thousand dollar (\$1,000.00) fine, nine hundred and seventy two dollars and ninety seven cents (\$972.97) in costs and six (6) months probation.

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

Gursagar Singh, DVM: Case number 2005-057156

Dr. Singh was present at the meeting and was represented by Counsel Mr. Brian Reynolds. Dr. Singh was sworn in by the court reporter.

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that the administrative complaint alleges that the Respondent failed to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent veterinarian as being acceptable under similar conditions. Mr. Winters advised the board that the Department recommended a one thousand dollar (\$1,000.00) fine, three hundred and two dollars and twenty cents (\$302.20) in costs, twelve (12) months probation and three (3) additional hours of continuing education in the area of surgery.

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. Horky seconded the motion and the motion passed unanimously.

Dr. Horky stated that she would have liked the fine to be higher.

Stuart Armstrong, DVM: Case number 2004-044397

The case was tabled until the September 2007 meeting.

Evan Blair, DVM: Case number 2005-023914

Dr. Blair was present at the meeting and was represented by Counsel, Mr. Edwin Bayo. Dr. Blair was sworn in by the court reporter.

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that the administrative complaint alleges that the Respondent failed to keep adequate medical records. Mr. Winters advised the board that the Department recommended a one thousand dollar (\$1,000.00) fine, one thousand two hundred and sixty four dollars and eighty seven cents (\$1,264.87) in costs, and two (2) additional hours of continuing education in record keeping.

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. Horky seconded the motion and the motion passed unanimously.

Paul Bryant, DVM: Case number 2005-037523

Dr. Bryant was not present at the meeting and was represented by Counsel Mr. Edwin Bayo.

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that the administrative complaint alleges that the Respondent failed to keep an accurate controlled substance log. Mr. Winters advised the board that the Department recommended a five hundred dollar (\$500.00) fine and six hundred and twenty two dollars and twenty one cents (622.21) 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: Dr. Horky seconded the motion and the motion passed unanimously.

Jim Harvey, DVM: Case number 2004-041060

Dr. Harvey was not present at the meeting and was represented by Counsel Edwin Bayo.

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that the administrative complaint alleges the Respondent failed to maintain accurate records pertaining to the storing, labeling, selling, dispensing, prescribing, and administering of controlled substances. Mr. Winters advised the board the Department recommended a five hundred dollar (\$500.00) fine and five hundred and twenty two dollars and ninety cents (\$522.90) 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: Dr, Horky seconded the motion and the motion passed unanimously.

Stephan Eastman, DVM: Case number 2005-018592

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

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that the administrative complaint alleges the Respondent operated Island Veterinary Clinic without a valid premises permit and failed to meet minimum premises standards. Mr. Winters advised the board that the Department recommended a fifteen hundred dollar (\$1,500.00) fine and six hundred and forty dollars and seventy cents (\$640.70) 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: Dr. Horky seconded the motion and the motion passed unanimously.

Julio Armando Ibanez, DVM: Case number 2005-024931

Dr. Ibanez was present at the meeting and was represented by Counsel, Edwin Bayo. Dr. Ibanez was sworn in by the court reporter.

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that the administrative complaint alleges that the Respondent failed to correct ineffective treatment of patient's wounds and failed to keep contemporaneously written medical records. Mr. Winters advised the board that the Department recommended a one thousand dollar (\$1,000.00) fine, one thousand three hundred and thirty two dollars and forty cents (\$1,332.40) in costs and six (6) hours of additional continuing education.

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. Horky seconded the motion and the motion passed unanimously.

Gerald D. Manley, DVM: Case number 2002-02019

Dr. Manley was present at the meeting and was represented by Counsel, Lewis Stone. Dr. Manley was sworn in by the court reporter.

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that the administrative complaint alleges that the Respondent failed to properly utilize diagnostic testing and kept incomplete records containing limited data regarding history, physical examinations, body weights and

temperatures, lab results, radiographic interpretation and no radiographs were in the patient's file. Mr. Winters advised the board that the Department recommended a one thousand dollar (\$1,000.00) fine, and three hundred and forty four dollars and seventy seven cents (\$344.77) 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: Dr. Horky seconded the motion and the motion passed unanimously.

REQUEST TO LIFT SUSPENSION AND SET TERMS OF PROBATION

Marcus Kramer, DVM

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

Dr. Groper was present from Professional Resource Network. Dr. Groper advised the board that Dr. Kramer was in complete compliance with his Professional Resource Network contract and he was able to support him returning to practice.

MOTION: Dr. Helm made a motion to lift the suspension on Dr. Kramer's license.

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

Mr. Jones advised the board that terms for Dr. Kramer's probation needed to be set by the board.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to set the following terms of probation for Dr. Kramer: Dr. Kramer's probation shall run concurrently with the Professional Resource Network contract, Dr. Kramer shall abide by all of the conditions of his Professional Resource Network contract, shall submit quarterly reports to the board regarding his progress, yearly reports from PRN shall be sent to the board regarding his compliance and make an annual appearance before the board of Veterinary Medicine.

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

REVIEW/APPROVAL OF APPLICATIONS

Daniel Otto, DVM

Dr. Otto was present and was not represented by Counsel. He was sworn in by the court reporter.

Dr. Helm advised the board that Dr. Otto had applied for licensure by endorsement. She stated Dr. Otto answered yes to question number eight (8) under background information on the application. She advised the board that Dr. Otto's Kansas license had been acted upon.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to approve Dr. Otto for licensure contingent upon Dr. Otto paying a three thousand dollar (\$3,000.00) fine and his Florida license placed on probation and probation to run concurrent with Kansas probation until February 2009. Dr. Otto will also take an ethics course.

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

Brian Huntsman, DVM

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

Dr. Helm advised the board Dr. Huntsman had applied for licensure by endorsement. Dr. Huntsman answered yes to question eight (8) under background information on the application, have you ever had a professional license acted against.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to approve Dr. Huntsman's application for licensure.

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

Margaret Morrison, DVM

Dr. Morrison was present at the meeting and was not represented by Counsel. She was sworn in by the court reporter.

Dr. Helm advised the board that Dr. Morrison had applied for licensure by endorsement. Dr. Morrison answered yes to question 7 under background information, have you ever been a defendant in civil litigation.

Dr. Helm advised the board that Dr. Morrison recently married and her name was now Dr. Peg Fricke.

After discussion by the board the following motion was made.

MOTION: Dr. Horky made a motion to approve Dr. Morrison for licensure by endorsement.

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

Richard Rashbaum, DVM

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

Dr. Helm advised the board Dr. Rashbaum had applied for licensure by endorsement. She stated that Dr. Rashbaum is licensed in New York and is asking the board to accept his New York boards in lieu of the clinical competency test.

After discussion by the board the following motion was made.

MOTION: Dr. Horky made a motion to approve Dr. Rashbaum's application for licensure and accept his New York boards in lieu of the clinical competency test.

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

DISCUSSION

Endorsement Continuing Education Issue

Table until the September 2007 meeting.

Rule Clean-Up

61G18-14.003, F.A.C., Endorsement Definitions

Ms. Chastain advised the board Rule 61G18-14.003, F.A.C., needed a technical change. She stated that the physicians manual is now the practitioner's manual.

The board directed board counsel to make the technical change to Rule 61G18-14.003, F.A.C.

61G18-15.001(1), Permit Requirements

Ms. Chastain advised the board that at the March 6, 2007 meeting the board decided that staff would sign off on premises permit applications. Ms. Chastain advised the board the section in the rule stating that a board member will review the application needed to be deleted.

MOTION: Dr. Helm made a motion to direct board counsel to begin rule promulgation concerning Rule 61G18-15.001(1) relating to permit requirements.

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

RATIFICATION OF APPLICATIONS

Continuing Education

MOTION: Dr. Horky made a motion to approve the following continuing education applications.

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

Surgi-Care Center for Horses – *Equine Herpes 1 and 4: What's New* – 2 hours
Florida Animal Care, Inc.- *Veterinary Dentistry for Today's Practitioner* – 2 hours
Oral Surgery/Radiology – 8 hours
Veterinary Dentistry for Techniques – 8 hours
Affiliated Veterinary Specialists – Orange park – *Anterior Lens Luxations* – 2 hours
Broward County VMA – *Surgery of the Palate* – 1 hour
Paw and Order – 2 hours
Chronic Valvular Disease in the Dog – 1 hour
Mobile Veterinary Medical Association – *Canine Mobility and Lameness* – 2 hours
Alachua Veterinary Medical Association – *Treatment of Pituitary Dependant Cushing's disease and Diabetes Mellitus* – 1 hour

Merial – *Vaccination Protocols: A Wellness Approach* – 1 hour
Phizer, Inc, (AHG) – *Herpes Virus infections in the Horse* – 2 hours
Equine Herpes 1 and 4 : What's New – 1 hour

Licensure/Exam Candidates

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

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

Candidates approved by Dr. Vega April 19, 2007.

Senior Graduates

William J. Branch, Kristin M. Bussman, Theresa M. Corona, Lara A. Croft, Carole Edwards, Ryan A. Ferris, Emma Cecilia Fisher, Ann Marie Golden, Crystal Dawn Hariu, Jennifer N. Hatzel, Wendy T. Lester, Autumn N. McKenzie, Christine Michelle Mocklin, Dacia A. Oprisanu, Joan Palmero, Marisa E. Questa, Nelly E. Rachal, Holly L. Richmond, Earl T. Vanbuskirk, Heather Zaretsky

Foreign Graduates ECFVG Not Required

Lazara Ivett Mendoza, Jose Sixto Rodriguez

Foreign Graduates with ECFVG

Melissa D. Adkison, Yong Hee Chang, Shalsee Gibbs, Shashikant Goswami, Marius Oliver Vasilescu, Lori Marie Walter

Endorsement

Douglas L. Bandkau, Andria M. Cogswell, Crystal Kolleda-Welling, Kenneth C. Ross

REPORTS

Vice Chair – Dr. Joann Helm

No Report

Prosecuting Attorney – Drew Winters

Mr. Winters reviewed his report with the board.

Board Counsel – Jeffrey Jones

No Report

Executive Director – Juanita Chastain

Ms. Chastain advised the board the last newsletter was mailed and would not be mailed in the future. She stated that the newsletter in the future would be on the web site. Ms. Chastain stated that she and Ms. Tinsley went to the University of Florida and spoke to the class of 2008. Ms. Chastain advised the board that the next meeting was September 11, 2007 in St Augustine.

NEW BUSINESS

Dr. Geoffrey Gardner, President of the Florida Veterinary Medical Association (FVMA) introduced the new Executive Director, Phil Hinkle. Dr. Gardner advised the board that the Department of Agriculture conducted a workshop on May 18 dealing with the official certificate of veterinary inspection (OCVI). He stated that the FVMA wanted to support the Department of Agriculture's efforts to further define the OCVI and to make it an offense to not use this official document. He stated the Department of Agriculture is developing rules to fill out the form in a certain way. He stated that it will make it easier to prosecute veterinarians under Chapter 474, F. S. for not properly using the form. Dr. Gardner advised the board that three changes were being made to the certificate: 1.) the veterinarian can update the certificate when additional vaccinations are needed, 2.) a space was added for comments and 3.) clear directions on what is required on the certificate. He stated the OCVI will be on the Department of Agriculture's web site.

Mr. Bayo advised the board that the board may want to visit their rules to address the changes.

The meeting adjourned at 11:38 a.m.

