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MINUTES

**Board of Veterinary Medicine
General Business Meeting**

**Casa Monica Hotel
95 Cordova Street
St. Augustine, FL 32084**

September 11, 2007

CALL TO ORDER

Dr. Helm called the meeting to order at 8:03 a.m.

MEMBERS PRESENT

Dr. JoAnn Helm
Dr. Katherine Horky
Dr. Sergio Vega
Dr. Guy Maxwell
Dr. Kandra Jones
Henry Dover
Lisa Hurley

OTHERS PRESENT

Jeffrey Jones, Board Counsel
Drew Winters, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Mary Graybosch, Volusia Reporting Company – 386.255.2150
Dr. Arvind Da Costa
Dr. Heather Fox
Dr. Kevin Russell
Dr. Arsenio Rodrigues
Billy E. Harper, DVM
Dr. Kelly Ann Rada
Dr. Diane Cummins
Dr. Joseph Tomes
Cynthia Sandhusen, DVM
Sophie O'Neil, DVM
Annette Poirier, FVTA
Sam R. Lamb, DVM
Dan Knox, DVM

46 Stephen Shores, DVM
47 Tom Johnson
48 Phil Hinkle, FVMA
49 Janet Winikoff

50

51 **APPROVAL OF JUNE 5, 2007 MEETING MINUTES**

52

53 Mr. Dover advised the board that on page five (5) of the agenda Dr. Gerald D.
54 Manley, DVM, case number 2002-020019, the Department's recommendation
55 was not included in the minutes.

56

57 **MOTION:** Mr. Dover made a motion to approve the minutes as amended.

58

59 **SECOND:** Dr. Horky seconded the motion and the motion passed
60 unanimately.

61

62 **DISCIPLINARY HEARINGS**

63

64 **Philip J. Aleong, DVM: Case number 2003-093234**

65

66 Mr. Winters advised the board that the case was being pulled from the agenda.

67

68 **Timothy P. Brooks, DVM: Case number 2005-052685**

69

70 Mr. Winters advised the board that Dr. Brooks had asked for a continuance and
71 the Department agreed to grant the continuance and the case will be moved to
72 the December 2007 agenda.

73

74 **Nicholas James Garrick, DVM: Case number 2006-050454**

75

76 Dr. Garrick was present at the meeting and was sworn in by the court reporter.
77 He was represented by counsel, Lisa Freidlieb.

78

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

80

81 Mr. Winters presented the case as an informal hearing. Mr. Winters advised the
82 board that the administrative complaint alleges that the Respondent failed to
83 keep contemporaneous and individual medical records. Mr. Winters requested
84 that the board adopt the findings of fact and conclusions of law as the findings of
85 fact and conclusions of law of the board.

86

87 **MOTION:** Dr. Vega made a motion to adopt the findings of fact and
88 conclusions of law as those of the board.

89

90 **SECOND:** Mr. Dover seconded the motion and the motion passed
91 unanimously.

92
93 After discussion by the board the following motion was made.

94
95 **MOTION:** Dr. Vega made a motion to impose a seven hundred and fifty dollar
96 (\$750.00) fine, one hundred and fifty six dollars and ten cents
97 (\$156.10) in costs and two (2) hours of continuing education in
98 record keeping.

99
100 **SECOND:** Ms. Hurley seconded the motion and the motion passed
101 unanimously.

102
103 **Arsenio Rodriguez, DVM: Case number 2006-050456**

104
105 Dr. Rodriguez was present at the meeting and was sworn in by the court
106 reporter. He was not represented by counsel.

107
108 Dr. Jones was recused due to her participation on the probable cause panel.

109
110 Mr. Winters presented the case as an informal hearing. Mr. Winters advised the
111 board that the administrative complaint alleges that the Respondent failed to
112 keep contemporaneous and individual medical records. Mr. Winters requested
113 that the board adopt the findings of fact and conclusions of law as the findings of
114 fact and conclusions of law of the board.

115
116 **MOTION:** Dr. Vega made a motion to adopt the findings of fact and
117 conclusions of law as those of the board.

118
119 **SECOND:** Ms. Hurley seconded the motion and the motion passed
120 unanimously.

121
122 After discussion by the board the following motion was made.

123
124 **MOTION:** Dr. Vega made a motion to impose a seven hundred and fifty dollar
125 (\$750.00) fine, two hundred and ninety eight dollars and twenty
126 nine cents (\$298.29) in costs, and two (2) hours of continuing
127 education in record keeping.

128
129 **SECOND:** Ms. Hurley seconded the motion and the motion passed
130 unanimously.

131
132 **Charles Gill, DVM: Case number 2006-056441**

133
134 Dr. Gill was not present at the meeting and was not represented by counsel.

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

136

137 Mr. Winters presented the case as a motion for waiver of rights and final order.

138 Mr. Winters advised the board that the administrative complaint alleges that the
139 Respondent failed to pay the fine and costs within six (6) months of the filing of a
140 Final Order. He stated that Dr. Gill had not filed an Election of Rights form or
141 established a disputed issue of material fact in response to an administrative
142 complaint. Mr. Winters requested that the board find that Dr. Gill had waived his
143 rights to dispute the facts in this matter.

144

145 **MOTION:** Mr. Dover made a motion to find that Dr. Gill had waived his rights
146 to dispute the facts.

147

148 **SECOND:** Dr. Vega seconded the motion and the motion passed
149 unanimously.

150

151 Mr. Winters requested that the board adopt the findings of fact and conclusions
152 of law as the findings of fact and conclusions of law of the board.

153

154 **MOTION:** Ms. Hurley made a motion to adopt the findings of fact and
155 conclusions of law as those of the board.

156

157 **SECOND:** Dr. Horky seconded the motion and the motion passed
158 unanimously.

159

160 After discussion by the board the following motion was made.

161

162 **MOTION:** Dr. Vega made a motion to impose one hundred and forty nine
163 dollars and two cents (\$149.02) in costs and one (1) year probation.

164

165 **SECOND:** Mr. Dover seconded the motion and the motion passed.

166

167 Dr. Horky was opposed.

168

169 **Stuart Armstrong, DVM: Case number 2004-044397 & 2004-056560**

170

171 Dr. Armstrong was present at the meeting and was sworn in by the court
172 reporter. He was represented by counsel, Mr. Charles.

173

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

175

176 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
177 the board that in case number 2004-044397 the administrative complaint alleges
178 that the Respondent failed to perform proper pre-operative tests and failed to
179 biopsy a mass prior to surgery. He stated that in case 2004-056560 the

180 administrative complaint alleges that the Respondent failed to properly diagnose
181 and failed to keep accurate medical records. Mr. Winters advised the board that
182 the Department recommended a three thousand dollar (\$3000.00) fine, one
183 thousand eight hundred and seventy nine dollars and seventeen cents
184 (\$1879.17) in costs and ninety (90) days probation.

185

186 After discussion by the board the following motion was made.

187

188 **MOTION:** Mr. Dover made a motion to accept the Settlement Stipulation as
189 presented.

190

191 **SECOND:** Dr. Vega seconded the motion passed unanimously.

192

193 **John Francis Barr, DVM: Case number 2006-050464**

194

195 Dr. Barr was present at the meeting and was sworn in by the court reporter. He
196 was represented by counsel, Lisa Freidlieb.

197

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

199

200 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
201 the board that the administrative complaint alleges that the Respondent failed to
202 keep contemporaneous and individual medical records. Mr. Winters advised the
203 board the Department recommended a seven hundred and fifty dollar (\$750.00)
204 fine, two hundred and seventy nine dollars and seventy seven cents (\$279.77) in
205 costs and six (6) months probation.

206

207 Dr. Vega advised the board that he knew Dr. Barr and he felt it would not in any
208 way interfere with his judgment.

209

210 After discussion by the board the following motion was made.

211

212 **MOTION:** Mr. Dover made a motion to accept the Settlement Stipulation as
213 presented.

214

215 **SECOND:** Ms. Hurley seconded the motion and the motion passed
216 unanimously.

217

218 **Alejandro A. Diaz, DVM: Case number 2004-020890**

219

220 Dr. Diaz was not present and was not represented by counsel.

221

222 After discussion by the board the case was continued until the December 2007
223 meeting.

224

225 **Alexander Freyman, DVM: Case number 2004-035506**

226

227 Dr. Freyman was present and was sworn in by the court reporter. He was not
228 represented by counsel.

229

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

231

232 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
233 the board that the administrative complaint alleges that the Respondent failed to
234 keep contemporaneously written medical records. Mr. Winters advised the board
235 that the Department recommended a seven hundred and fifty dollar (\$750.00)
236 fine, and three hundred and seventy eight dollars and sixty five cents (\$378.65)
237 in costs.

238

239 After discussion by the board the following motion was made.

240

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

243

244 **SECOND:** Mr. Dover seconded the motion and the motion passed
245 unanimously.

246

247 **Billy E. Harper, DVM: Case number 2006-036857**

248

249 Dr. Harper was present and was sworn in by the court reporter. He was not
250 represented by counsel.

251

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

253

254 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
255 the board that the administrative complaint alleges the Respondent failed to keep
256 accurate records and some of his controlled substances were in an unlocked
257 drawer. Mr. Winters advised the board that the Department recommended a one
258 thousand dollar (\$1000.00) fine, three hundred and sixty three dollars and fifty
259 five cents (\$363.55) in costs, six (6) months probation and three (3) hours of
260 continuing education in small animal pharmacology.

261

262 After discussion by the board the following motion was made.

263

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

266

267 **SECOND:** Dr. Horky seconded the motion and the motion passed
268 unanimously.

269

270 **Doretha Jones, DVM: Case number 2006-020430**

271

272 The case was tabled until the December 2007 meeting.

273

274 **David R. Sachs, DVM: Case number 2004-035107**

275

276 Dr. Sachs was not present at the meeting and he was represented by counsel,
277 William Furlough.

278

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

280

281 Ms. Hurley advised the board that she and Mr. Furlough had practiced law
282 together in two (2) law firms. She stated that she did not feel it would affect her
283 decision but she would recuse herself if the board felt it was appropriate.

284

285 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
286 the board that the administrative complaint alleges the Respondent had his New
287 York veterinary license suspended and revoked and failed to notify the board
288 within thirty (30) days. Mr. Winters advised the board that the Department
289 recommended a five hundred dollar (\$500.00) fine and one year probation.

290

291 After discussion by the board the following motion was made.

292

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

295

296 **SECOND:** Mr. Dover seconded the motion and the motion passed
297 unanimously.

298

299 **Animal Health Services: Case number 2005-060805**

300

301 No one present to represent Animal Health Services.

302

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

304

305 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
306 the board that the administrative complaint alleges that the Respondent
307 administered microchips, which is outside the scope of administering
308 vaccinations, immunizations, or any other procedure that is used to prevent
309 parasites in animals.

310

311 Mr. Winters advised the board that the Department recommended a five hundred
312 dollar (\$500.00) fine, one hundred and sixty three dollars and sixty seven cents
313 (\$163.67) in costs and six (6) months probation.

314

315 After discussion by the board the following motion was made.

316

317 **MOTION:** Mr. Dover made a motion to accept the Settlement Stipulation as
318 presented.

319

320 **SECOND:** Dr. Horky seconded the motion.

321

322 Dr. Helm asked Ms. Tinsley to call the roll.

323

324 The motion passed five (5) to one (1). Dr Vega opposed.

325

326 **Charles L. Glicksberg, DVM: Case number 2003-061171**

327

328 Dr. Glicksberg was not present at the meeting and was not represented by
329 counsel.

330

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

332

333 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
334 the board that the administrative complaint alleges the Respondent was guilty of
335 incompetence or negligence in his treatment of complainant's dog and failed to
336 provide a legible copy of the medical records to the Department.

337

338 Mr. Winters advised the board that the Department recommended nine hundred
339 and forty six dollars and eighty five cents (\$946.85) in costs, one (1) year
340 probation and six (6) additional hours of continuing education in the area of
341 emergency care.

342

343 After discussion by the board the following motion was made.

344

345 **MOTION:** Mr. Dover made a motion to accept the Settlement Stipulation as
346 presented.

347

348 **SECOND:** Dr. Vega seconded the motion.

349

350 Dr. Helm asked Ms. Tinsley to call the roll.

351

352 The motion passed four (4) to two (2). Dr. Helm and Dr. Horky opposed.

353

354 Dr. Helm stated that the board needed to remember that their job is to protect the
355 public. She stated for the record, historically the board likes to see the
356 respondents at the meeting.

357

358 **Kevin Philip Russell, DVM: Case number 2006-018654**

359

360 Dr. Russell was present at the meeting and was sworn in by the court reporter.
361 He was represented by counsel, Edwin Bayo.

362
363 Dr. Jones was recused due to her participation on the probable cause panel.

364
365 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
366 the board that the administrative complaint alleges the Respondent failed to
367 adequately monitor the patient, failed to administer fluid therapy, failed to remove
368 a sponge from the patients abdomen during surgery and failed to keep
369 contemporaneously written medical records.

370
371 Mr. Winters advised the board that the Department recommended a fifteen
372 hundred dollar (\$1500.00) fine, one thousand three hundred and thirty one
373 dollars and eighty two cents (\$1331.82) in costs, six (6) months probation and six
374 (6) hours of continuing education in small animal surgery.

375
376 After discussion by the board the following motion was made.

377
378 **MOTION:** Dr. Horky made a motion to accept the Settlement Stipulation as
379 presented.

380
381 **SECOND:** Dr. Maxwell seconded the motion and the motion passed
382 unanimously.

383
384 **Charles Gill, DVM: Case number 2006-056441 (Re - Addressed)**

385
386 Dr. Gill was present at the meeting and was sworn in by the court reporter. He
387 was not represented by counsel.

388
389 Dr. Jones was recused due to her participation on the probable cause panel.

390
391 Mr. Winters advised the board that Dr. Gill was present and the board had
392 addressed the case earlier and asked that they give Dr. Gill a chance to address
393 the board.

394
395 Mr. Winters presented the case as a motion for waiver of rights and final order.
396 Mr. Winters advised the board that the administrative complaint alleges that the
397 Respondent failed to pay the fine and costs within six (6) months of the filing of a
398 Final Order. He stated that Dr. Gill had not filed an Election of Rights form or
399 established a disputed issue of material fact in response to an administrative
400 complaint. Mr. Winters requested that the board find that Dr. Gill had waived his
401 rights to dispute the facts in this matter.

402
403 Dr. Gill advised the board that he was in Honduras and while there he became
404 very ill. He stated that he did not respond to the board due to illness. Dr. Gill

405 advised the Board that he was not able to work full time and was making very
406 little money. Dr. Gill advised the board that he could pay one hundred dollars
407 (\$100.00) a month.

408
409 Mr. Winters advised the board that they could make a motion to re-consider their
410 previous decision in Dr. Gill's case.

411
412 After discussion by the board the following motion was made.

413
414 **MOTION:** Mr. Dover made a motion to re-consider Dr. Gill's case.

415
416 **SECOND:** Dr. Horky seconded the motion and the motion passed
417 unanimously.

418
419 **MOTION:** Dr. Vega made a motion to impose eighteen (18) months probation
420 and eighteen months to pay his fine at one hundred dollars
421 (\$100.00) per month.

422
423 **SECOND:** Ms. Hurley seconded the motion and the motion passed
424 unanimously.

425
426 **PET HEALTH CERTIFICATION AND RULES**

427
428 **Thomas J. Holt, DVM, State Veterinarian**
429 **Director Division of Animal Husbandry**

430
431 Dr. Sam Lamb introduced himself to the board and thanked the board for the
432 opportunity to address them. He stated that the Department of Agriculture
433 became concerned about the completion of the Official Certificate of Veterinary
434 Inspection (OCVI) form for the Intrastate Sale of a Dog or Cat. He stated that a
435 public rules workshop was held to amend the rules and modify the form so it
436 would be more directly defined to the statute. Dr. Lamb stated that a copy of the
437 modified OCVI form was handed out to the board and a copy of the letter that
438 was sent out to the workshop participants. He stated that he hoped by the end of
439 the year they would have a modified OCVI form that is statutorily stronger.

440
441 Dr. Holt advised the board to contact him if they had any questions and thanked
442 the board for allowing them to address the board.

443
444 The board thanked Dr. Holt and Dr. Lamb and expressed appreciation for their
445 commitment to the issue.

446
447 **PETITION TO LIFT PROBATION**

448
449 **Joseph Tomes, DVM**

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

452

453 Dr. Helm advised the board that Dr. Tomes was petitioning the board to lift his
454 probation. She stated that he had completed all the terms of his probation and
455 he had been released from his contract with the Professional Resource Network
456 (PRN). Dr. Helm advised the board that a letter from PRN was in their materials
457 folder recommending that the board lift Dr. Tomes probation.

458

459 After discussion by the board the following motion was made.

460

461 **MOTION:** Ms. Hurley made a motion to lift Dr. Tomes's probation.

462

463 **SECOND:** Dr. Jones seconded the motion and the motion passed
464 unanimously.

465

466 **REVIEW/APPROVAL OF APPLICATIONS**

467

468 **Jeffrey Jackson Courtney, DVM**

469

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

472

473 Dr. Helm advised the board that Dr. Courtney had applied for licensure by
474 examination. She stated that he answered yes to the question on the application
475 which asks have you ever been convicted of a crime. Dr. Helm advised the
476 board that Dr. Courtney plead guilty to a DUI in May of 2006.

477

478 After discussion by the board the following motion was made.

479

480 **MOTION:** Dr. Jones made a motion to conditionally approve Dr. Courtney's
481 application for licensure and impose one (1) year probation.

482

483 **SECOND:** Dr. Vega seconded the motion and the motion passed
484 unanimously.

485

486 **Arvind Gracias Da Costa, DVM**

487

488 Dr. Da Costa was present at the meeting and was sworn in by the court reporter.
489 He was not represented by counsel.

490

491 Dr. Helm advised the board that Dr. Da Costa had applied for a license by
492 examination. She stated that Dr. Da Costa answered yes to the question on the
493 application have you within the last two (2) years received treatment for any form

494 of insanity, emotional disturbance, or mental disorder. Dr. Helm advised the
495 board that he was under treatment for bi-polar disorder.

496
497 After discussion by the board the following motion was made.

498
499 **MOTION:** Dr. Jones made a motion to approve Dr. Da Costa's application for
500 licensure.

501
502 **SECOND:** Ms. Hurley seconded the motion and the motion passed
503 unanimously.

504
505 **Lewis Randolph Darnton, DVM**

506
507 Dr. Darnton was not present at the meeting and was not represented by counsel.

508
509 Dr. Helm advised the board that Dr. Darnton answered yes to the question which
510 asks have you ever been a defendant in civil litigation in which the basis of the
511 complaint was alleged negligence, malpractice or lack of professional
512 competence. She stated that he had applied for licensure by endorsement.

513
514 After discussion by the board the following motion was made.

515
516 **MOTION:** Mr. Dover made a motion to approve Dr. Darnton's application for
517 licensure.

518
519 **SECOND:** Dr. Jones seconded the motion and the motion passed
520 unanimously.

521
522 **Richard Wayne Mackey, DVM**

523
524 Dr. Mackey was not present at the meeting. He was not represented by counsel.

525
526 Dr. Helm advised the board that Dr. Mackey had applied for a license by
527 endorsement. She stated that he had answered yes to the question on the
528 application which asks have you ever had a professional license acted against in
529 any jurisdiction.

530
531 After discussion by the board the following motion was made.

532
533 **MOTION:** Mr. Dover made a motion to approve Dr. Mackey's application for
534 licensure.

535
536 **SECOND:** Dr. Jones seconded the motion and the motion passed
537 unanimously.

538

539 **Jamie H. McAnly, DVM**

540

541 Dr. McAnly was present at the meeting and was sworn in by the court reporter.
542 She was represented by counsel, Michael Kasey.

543

544 Dr. Helm advised the board that Dr. McAnly had applied for licensure by
545 examination. She stated that Dr. Anly had answered yes to the question on the
546 application have you ever been a defendant in civil litigation in which the basis of
547 the complaint was alleged negligence, malpractice or lack of professional
548 competence.

549

550 After discussion by the board the following motion was made.

551

552 **MOTION:** Mr. Dover made a motion to approve Dr. Anly's application for
553 licensure.

554

555 **SECOND:** Dr. Jones seconded the motion and the motion passed
556 unanimously.

557

558 **Sophie Shannon O'Neil, DVM**

559

560 Dr. O'Neil was present at the meeting and was sworn in by the court reporter.
561 She was not represented by counsel.

562

563 Dr. Helm advised the board that Dr. O'Neil had applied by endorsement. She
564 stated that Dr O'Neil had answered yes to the question on the application, have
565 you ever been convicted of a crime, found guilty, or entered a plea of guilty or no
566 contest to, even if you received a withhold of adjudication.

567

568 After discussion by the board the following motion was made.

569

570 **MOTION:** Dr. Jones made a motion to approve Dr. O'Neil's application for
571 licensure.

572

573 **SECOND:** Dr. Horky seconded the motion and the motion passed
574 unanimously.

575

576 **Cynthia Sandhusen, DVM**

577

578 Dr. Sandhusen was present at the meeting and was sworn in by the court
579 reporter. She was not represented by counsel.

580

581 Dr. Helm advised the board that Dr. Sandhusen had applied for licensure by
582 endorsement. She stated that Dr. Sandhusen's Florida license had gone null &
583 void due to failure to renew. Dr. Helm advised the board that Dr. Sandhusen

584 answered yes to the question on the application, have you ever been convicted
585 of a crime, found guilty, or entered a plea of no contest. She stated that Dr.
586 Sandhusen had been arrested for practicing without a license.

587

588 Dr. Sandhusen advised the board that she had undergone treatment for cancer
589 and due to other hardships failed to renew her license.

590

591 After discussion by the board the following motion was made.

592

593 **MOTION:** Ms. Hurley made a motion to reinstate Dr. Sandhusen's license due
594 to hardship.

595

596 **SECOND:** Dr. Horkey seconded the motion and the motion passed
597 unanimously.

598

599 **Miles Anthony Hildebrand, DVM**

600

601 Dr. Hildebrand was not present at the meeting and was not represented by
602 counsel.

603

604 Dr. Helm advised the board that Dr. Hildebrand had applied for licensure for
605 endorsement. She stated that Dr. Hildebrand answered yes to the question have
606 you ever been convicted of a crime.

607

608 After discussion by the board the following motion was made.

609

610 **MOTION:** Dr. Jones made a motion to approve Dr. Hildebrand's application
611 for endorsement.

612

613 **SECOND:** Ms. Hurley seconded the motion and the motion passed
614 unanimously.

615

616 **Heather Fox, DVM**

617

618 Dr. Fox was present at the meeting and she was sworn in by the court reporter.
619 She was not represented by counsel.

620

621 Dr. Helm advised the board that Dr. Fox had applied for licensure by
622 endorsement. She stated that Dr. Fox was disciplined by the state of Texas for
623 not completing her continuing education.

624

625 After discussion by the board the following motion was made.

626

627 **MOTION:** Dr. Jones made a motion to approve Dr. Fox's application for
628 licensure.

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

Diane Sue Cummins, DVM

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

Dr. Helm advised the board that Dr. Cummins had applied for licensure by endorsement. She stated that Dr. Cummins had answered yes to two (2) background questions on the application, have you ever been convicted of a crime and had any license to practice a regulated profession been revoked or suspended in any jurisdiction.

After discussion by the board the following motion was made.

MOTION: Dr. Jones made a motion to approve Dr. Cummin’s application for licensure.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

DISCUSSION

Microchipping – Dr. Sergio Vega

Dr. Vega advised the board that the American Veterinary Medical Association (AVMA) manual states that microchipping is an injection procedure and therefore constitutes the practice of veterinary medicine. The injection should be done by a licensed veterinarian or under the supervision of a licensed veterinarian. He stated that microchipping is a win win situation for everybody concerned. Dr. Vega stated that it requires minimal investment and has minimal risks. He stated that only 5% of animals in the country have been microchipped. He stated that the potential for business is very large. Dr. Vega stated that he wanted the board to address what is microchipping and who can do it. He stated that each speaker that had signed in would have five (5) minutes to speak to the board. Dr. Vega stated he wanted to put three (3) different questions to the board for consideration. He stated the first question is microchipping a veterinary procedure. He stated that this may be the time to ask board counsel to begin rule making. He stated he wanted to reinstate the notion that microchipping is a veterinary procedure so board counsel could prepare rule language for the next meeting. Dr. Vega advised the board that he is basing the concept on a few facts. He stated the AVMA had declared that microchipping is a veterinary procedure and it is an injection. Dr. Vega stated that an animal can be harmed if

674 the procedure is not done properly and the whole procedure can be ineffective if
675 the microchip migrates. He stated it is a sterile procedure and the individual
676 must know the angle of insertion of the microchip. Dr. Vega stated that he
677 wanted to make a motion to the board that microchipping is a veterinary
678 procedure.

679

680 Dr. Helm stated that the board at another meeting made a motion and seconded
681 that microchipping is the practice of veterinary medicine.

682

683 Dr. Vega stated that now the board could instruct counsel to work on rule
684 language.

685

686 Ms. Hurley asked the board if the current state of the law was not clear on this.

687

688 Dr. Vega stated that it was not.

689

690 Mr. Jones stated that the board had deemed that the statutory definition of
691 veterinary medicine encompassed microchipping.

692

693 Dr. Vega stated that he wanted something in the rule.

694

695 Mr. Jones stated that the board wanted the administrative rule process to
696 incorporate the board's previous rendition of microchipping.

697

698 Dr. Vega stated that there was some confusion about microchipping and he
699 wanted to make sure that anyone looking at the rule could read that
700 microchipping is a veterinary procedure.

701

702 Mr. Jones advised the board that the motion is to look at the rule.

703

704 Ms. Hurley asked Mr. Jones if this could be accomplished by rule or does
705 something have to be done by statute.

706

707 Dr. Helm stated that she would rather do it by rule alone.

708

709 Ms. Hurley stated that the board needed to make sure they had statutory
710 authority to expand the definition of what is the practice of veterinary medicine.

711

712 Dr. Vega stated that looking at the statute was a different angle and he did not
713 think the board needed to do that.

714

715 Mr. Winters stated that the board was obviously looking at requiring immediate
716 supervision and Rule 61G18-17.005, Florida Administrative Code was the rule
717 that needed to be changed.

718

719 Dr. Vega stated that if the board says microchipping was a veterinary procedure
720 the next question was do you have to be a licensed veterinary to put a microchip
721 in an animal or can it be delegated to a technician. He stated in his opinion that
722 a technician should be allowed to microchip under supervision. He stated that
723 vaccines, except rabies can be done by a technician. He stated the next
724 question was can it be done under immediate supervision or responsible
725 supervision. Dr. Vega stated that some groups want to do microchipping without
726 a veterinarian involved.

727

728 Dr. Helm stated that the board was in agreement that microchipping was the
729 practice of veterinary medicine and a veterinarian had to be involved.

730

731 Dr. Vega stated that in his opinion limited service clinics should be allowed to do
732 microchipping.

733

734 Dr. Jones advised the board that limited service clinics started as rabies clinics
735 and they were doing enough. She stated that the purpose of the limited service
736 clinics was that they have limited services. She stated it was blown out of
737 proportion as it was.

738

739 Dr. Helm stated that she would not be in favor of adding anything else to the
740 limited service clinics.

741

742 Dr. Knox from Avid I D Systems addressed the board. Dr. Knox advised the
743 board that the microchip was essential during a disaster when thousands of
744 animals are misplaced.

745

746 Scott Trebatoski advised the board that he was President of the Florida Animal
747 Control Association. He stated the organization represents thousands of animal
748 control officers and the majority of counties and municipalities throughout the
749 state. He stated that they see microchipping as a permanent identification issue
750 and a critical issue as far as the limiting of unnecessary euthanasia. He stated
751 that most animal control agencies are only allowed to keep the animals for a
752 certain period of time. He stated the quicker they can find information on who
753 owns the animal the less likely that animal will be euthanized. Mr. Trebatoski
754 advised the board that they would like the board to consider that microchipping
755 could be done under the responsible supervision of a veterinarian. He stated
756 that many animal control agencies may have one to five employees but may not
757 have a veterinarian on the premises all the time. He stated that in his opinion as
758 lay people our task with euthanizing animals is as much a veterinarian procedure
759 as microchipping. He stated that they are allowed to maintain DEA scheduled
760 drugs with or without a veterinarian and we are given a responsibility by the state
761 to teach people how to do euthanasia as lay people without any formal veterinary
762 training. He stated that limiting the microchipping procedure to veterinarians
763 would exclude the animal shelters. He stated that microchipping was done in his

764 shelter and return to ownership of animals had increased 36% in the last five (5)
765 years. He asked the board to consider looking at the responsibility the state had
766 all ready given the animal control agencies and consider responsible supervision.
767

768 Dr. Kelly Rada advised the board that she was the Assistant Director of
769 Veterinary Services for Miami Dade. She advised the board that she was there
770 on behalf of all of the animals that would be affected by the decision the board
771 would make. She stated the risks of microchipping are minimal. She stated the
772 benefits of microchipping far out weigh the risks. She stated that not enough
773 animals are being microchipped. She stated that she would like the opportunity
774 to train staff in the shelters to do microchipping correctly.
775

776 Janet Winnikoff from the Humane Society advised the board that this shelter
777 microchipped eighteen hundred (1800) animals last year and that helps those
778 animals if they are lost. She stated that if microchipping is restricted because
779 they do not have a full time veterinarian that would seriously impede there shelter
780 and other shelters from microhipping the animals.
781

782 Dr. Stephen Shores from the Florida Veterinary Medical Association advised the
783 board that he was there to deliver to the board the position of the Florida
784 Veterinary Medical Association. He stated that it does not matter who implants
785 the microchip if there is no way to trace the microchip it is worthless. He stated
786 that it is their experience that when the microchip is implanted under the
787 immediate supervision of a veterinarian the microchips are traceable. He stated
788 that he was not saying that the animal shelters and humane societies are not
789 doing a good job. He stated that if it is opened up for any John Doe to go down
790 to the local pet shop and start implanting microchips you are going to sell a lot of
791 microchips and when the pets go to the shelters there will be no way to trace
792 them. Dr. Shores stated that they have a responsibility to the public and to the
793 pets to make sure that if the animal is microchipped the data is retrievable. He
794 stated that microchips should be as available as possible but it had to be done
795 correctly and it had to be done under the current law which is immediate
796 supervision which means the veterinarian has to be on the premises. He stated
797 that the Florida Veterinary Medical Association believes in the best interest of the
798 consumer and the health of the pet, microchipping should only be done under
799 immediate supervision. He stated that he totally agreed with Dr. Helm that
800 microchipping needs to be done in shelters, animal control agencies and animal
801 hospitals but does not need to be done in limited service clinics. Dr. Shores
802 stated that they were all for protecting the public and for protecting the pet and
803 they think this is the most valued way to do that.
804

805 Mr. Bayo, Legal Counsel for the Florida Veterinary Medical Association, advised
806 the board that it is a delegable task and the veterinarian does not have to
807 physically do the microchipping himself, or herself but immediate supervision is
808 consistent with the current rule.

809 Tom Johnson, Regional Manager of Schering Plough, Home Again advised the
810 board that Schering Plough carved out a division solely dedicated to home again
811 microchipping. He stated that the euthanasia rates are staggering and to prevent
812 shelters from having the ability to microchip pets in order to help save pets lives
813 would be a horrible mistake. He stated that from an enrollment stand point that
814 had nothing to do with immediate supervision or responsible supervision. He
815 stated that a vast majority of clinics give the enrollment form to the animal owner
816 to send in. He stated that fifty percent of the time the owner does not send the
817 form in. He stated that they are trying to get the enrollment forms completed in
818 house and sent in from the facility. He stated that this is the only way to know
819 that the enrollment form had been sent in. He stated that he agreed that
820 microchipping should not be done in pet stores.

821

822 Dr. Helm stated that she appreciated every ones comments and she stated that a
823 lot of good points were raised.

824

825 Dr. Vega stated that he brought up the microchipping issue because there is a lot
826 of pressure from different groups. He stated that the board needs to come up
827 with the best solution if possible. He stated that the board needed to keep in
828 mind the protection of the public and the welfare of the animals.

829

830 Dr. Helm asked the board members if they had any comments about responsible
831 supervision.

832

833 Dr. Jones stated that she was against responsible supervision.

834

835 Dr. Vega stated that he agreed.

836

837 Carolyn Johnson stated that she represented Animal Health Services, a limited
838 service clinic. She stated that limited service clinics feel that they should be able
839 to provide microchipping at their clinics. She stated that there is always a
840 licensed veterinarian on staff and the veterinarian would always be performing
841 that procedure. She stated that she hoped the board would consider allowing
842 limited service clinics to perform microchipping.

843

844 Dr. Helm asked Ms. Johnson if she understood they could not do microchipping
845 at a limited service clinic.

846

847 Ms. Johnson stated that she understood they could not.

848

849 Dr. Helm advised the board that she would ask each board member if
850 microchipping could be done under immediate or responsible supervision.

851

852 Ms. Hurley stated that as a lay person she did not have an opinion one way or
853 the other.

854 Dr. Horky stated that she felt it would be immediate.

855

856 Dr. Vega stated that he was inclined towards immediate but he did not want to
857 make a final vote.

858

859 Dr. Maxwell stated that he was inclined towards immediate but he also felt that if
860 the veterinarian administered the chip the veterinarian should be responsible for
861 the registration.

862

863 Mr. Dover stated that he felt it should be immediate supervision.

864

865 Dr. Helm asked Dr. Vega to get together with Mr. Jones to issue a statement that
866 is within the guidelines that the board all ready has.

867

868 **Endorsement Continuing Education Issue**

869

870 Ms. Chastain advised the board that the current Rule 61G18-14002(3) (d),
871 Florida Administrative Code, Licensure by Endorsement, states that continuing
872 education for renewal of an active license, is required as part of the endorsement
873 application. She stated that in 1998 the previous counsel, Ed Bayo wrote that
874 continuing education is not a condition of licensure but a condition of renewal.
875 Ms. Chastain stated that she felt the board should not have continuing education
876 as a condition of licensure for an endorsement applicant.

877

878 After discussion by the board the following motion was made.

879

880 **MOTION:** Dr. Jones made a motion to delete section (3)(d) in Rule 61G18-
881 14.002, F.A.C.

882

883 **SECOND:** Dr. Dover seconded the motion and the motion passed
884 unanimately.

885

886 **RATIFICATION OF APPLICATIONS**

887

888 **Continuing Education**

889

890 **MOTION:** Mr. Dover made a motion to approve the following continuing
891 education applications.

892

893 **SECOND:** Dr. Jones seconded the motion and the motion passed
894 unanimately.

895

896 Florida Animal Care – *Mock Examination – 16 hours*

897 T&S Consulting, Inc – *Filmless X-Ray Imaging Technology – 1.5 hours*

898 Merial – *Creating the Five Star Dental Practice – 1 hour*

899 *Recognition and Control of Selected Zoonotic Diseases- 2 hours*
900 *Affiliated Veterinary Specialists-Orange Park – Basics of Digital Radiology-2*
901 *hours*
902 *Tibial Tuberosity – 2.5 hours*
903 *Mobile Veterinary Medical Association – PSI Small Animal Medicine*
904 *Seminar – 8 hours*
905 *Canine and Feline Vaccination in 2007- 2hours*
906 *Florida Department of Health/Epidomology – Florida Zoonosis Summit – 7.5*
907 *hours*
908 *Alachua Veterinary Medical Association – Feline lower Urinary Tract Disease –*
909 *1.5 hours*

910

911 **Licensure/Exam Candidates**

912

913 **MOTION:** Dr. Jones made a motion to approve the following exam
914 candidates.

915

916 **SECOND:** Mr. Dover seconded the motion and the motion passed
917 unanimately.

918

919 *Candidates approved May 1, 2007.*

920

921 **Senior Graduates**

922

923 Kaley A. Boydstun, Marcia N. Craig, William R. Crumley, Meighan K. Daly, Jamie
924 C. Davison, Mark D. Dunbar, Nicole D. Effleston, Jill C. Eyles, Danielle R.
925 Graham, Samuel J. Hartsell, Kristin J. Haynes, Scott Hirschberger, Mary L.
926 Jackson, Sarah K. Judd, Kathleen M. Kersey, Monica A. Luna, Federico Morales,
927 Sarah E. Morrow, Amber R. Noga, Nancy M. Pagano-Litter, Kathryn E. Morton,
928 Theresa Pancotto, Jean Rubanick, Dennis L. Schmitt, Kerri L. Sheehan, Leann
929 M. Tana, Jennifer N. Vick, Michael Wong

930

931 **AVMA Graduates**

932

933 Herb Leoman, Kelly R. Saporito

934

935 **Foreign Graduates with ECFVG**

936

937 Russell Codd, Albert E. Guirguis. Darrell M. Nazareth

938

939 **Endorsement**

940

941 Lynn Ann Encarnacion

942

943 *Candidates approved June 11, 2007*

944

945 **Senior Graduates**

946

947 Kali Nicole H. Campbell, Joyeeta De, William Russell Dunaway, Tanya M. Enos,
948 Jennifer Proctor Fraker, Elizabeth Hardoon, Joy H. Hollenback, Leisa M.
949 Jennings, John E. Joyce, Jaleh L. Khorsandian-Fallah, Kelly M. Kirk, Michael A.
950 Maddux, Amy B. Meginness, Courtney L. Riley, Julie Ann Rosenberger, Timothy
951 Michael Schwab, Kathryn Anne Tischler, Tsuyoshi Watanabe, Felicite Waterman,
952 Kerby C. Weaver, Theresa A. Weir, Billie M. Zeller-Barrett

953

954 **Foreign Graduates with ECFVG**

955

956 Darlene V. Fletcher, Albert E. Guirguis, Alex E. Herppich, Ravi K. Nallandigal,
957 Paige N. Parkinson, Amy Urdaneta

958

959 **Endorsement**

960

961 Carl Agnello, Robert J. Arnott, Charles Robert Chase, Carl Thomas Jehn, Jr.,
962 Karon R. Jennings, Colleen A. O'Meara, Frank Nesson Ridgley, Wanda J. Sisum

963

964 *Candidates approved July 6, 2007*

965

966 **Senior Graduates**

967

968 Matthew Bargo, Carrie Lee Bateman Baxley, David M. Brown, Ryan P.
969 Cavanaugh, Heather Davis, Kimberly E. Dorman, Erin Gordon, Maria Del Mar
970 Guzman, Heather Ann Kreager, Erin S. Newkirk, Allison Sloane Pollack, Jennifer
971 Rachel Read, Gregory R. Schmidt, Carrie L. Sherwood, Laura Alise Wood,
972 Roderick M. Wood

973

974 **Foreign Graduates**

975

976 Tania Carrasco, Randy Dominguez, Mildre Machin, Cesar Morales, Alfredo E.
977 Noguera, Leonel Pacheco

978

979 **Foreign Graduates with ECFVG**

980

981 Francisco J. Alvarez Berger, Alexander B. Cortes, Arvind Da Costa, Keshava R.
982 Eega, Luis J. Garcia, Tetyana Gephart, Srilatha Kancharkuntla, Kimberly
983 Lindamood, Nermin Massoud, Sarah E. Moran

984

985 **Endorsement**

986

987 Carl Agnello, James W. Barr, Paula K. Bullock, Rachel S. Easterly, Matthew
988 Richard Krecic, Jose Rafaelix Ramos Ortiz, Susan Lynn Skelding, Martha Sue
989 Zimmerman

990

991 *Candidates approved July 20, 2007*

992

993 **Senior Graduates**

994

995 Tara J. McFarland, Benjamin E. Nabors, Emily R. Dawson, Alberto J. Rullan,
996 Sara M. Hall

997

998 **Foreign Graduates with ECFVG**

999

1000 Robert C. Houghton, Natalia Novoa, Yaron Shmueli, Derek H. Winebruge

1001

1002 **Endorsement**

1003

1004 Scott D. Goett, Dicki Lynn Kennedy, Paula S. Medler, Laniel A. Williams, Jennifer
1005 E. Winter

1006

1007 *Candidates approved August 2, 2007*

1008

1009 **Senior Graduates**

1010

1011 Melissa R. Adorno, Rafael J. Borges, Jeremy P. Campfield, Barid E. Fleming,
1012 Elena Foley, William Hess, Anthony May, Megan K. Murphy

1013

1014 **AVMA Graduates**

1015

1016 John D. Riddle

1017

1018 **Foreign Graduates with ECFVG**

1019

1020 Daniel G. Orellana Rimer

1021

1022 *Candidates approved September 3, 2007*

1023

1024 **Senior Graduates**

1025

1026 Elizabeth J. Abato, Brooke Bloomberg, Victoria M. Collis, Jessica A. Garcia,
1027 Desiree L. Mason, Courtney E. North, Nyurka Ojeda, Carley A. Saelinge, Mia
1028 Nicole Skye

1029

1030 **Foreign Graduates with ECFVG**

1031

1032 Kortney A. O'Neil

1033

1034 **Endorsement**

1035

1036 Aaron Cohen, Jason Z. Frydenlund, David W. Lavigne, Laurel E. Williams

1037

1038 **REPORTS**

1039

1040 **Board Chair – Dr. JoAnn Helm**

1041

1042 Dr. Helm advised the board that she was going to the AAVSB meeting as a staff
1043 member of the Registration of Accredited Continuing Education (RACE).

1044

1045 **Prosecuting Attorney – Drew Winters**

1046

1047 Mr. Winters reviewed his report with the board.

1048

1049 **Board Counsel – Jeffrey Jones**

1050

1051 No report.

1052

1053 **Executive Director – Juanita Chastain**

1054

1055 Ms. Chastain advised the board that the financial report was in their folders.

1056

1057 **NEW BUSINESS**

1058

1059 Dr. Vega advised the board that the ECFVG program had changed and they no
1060 longer require the North American Veterinary Licensing Exam (NAVLE) to
1061 complete the ECFVG. He stated that they have replaced the test with a basic
1062 science test. He stated that he wanted to make the board and the staff aware of
1063 the change.

1064

1065 The meeting adjourned at 1:30 p.m.

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