

MINUTES

**Board of Veterinary Medicine
General Business Meeting
Embassy suites
1100 SE 17th Street
Ft. Lauderdale, FL 33316**

March 6, 2012

CALL TO ORDER

Dr. O'Neil called the meeting to order at 8:00 a.m.

MEMBERS PRESENT

Dr. Robert O'Neil, Chair
Dr. Joann Helm, Vice Chair
Dr. Raul Figarola
Dr. Guy Maxwell

MEMBERS ABSENT

Ms. Cynthia Lewis, excused

OTHERS PRESENT

Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Clark Jennings, Board Counsel
Elizabeth Henderson, Prosecuting Attorney
Apex Reporting, Maritza Monroe, 954.467.8204
Phil Hinkle, FVMA
Dr. Stephen Shores
Patricia Marquis, DVM
Philip Aleong, DVM
Cynthia Young, DVM
Lowell Olson, DVM
Jonathan Allen, DVM
Jim Wilson, DVM
Richard Rogoff, DVM
Ben L. Schachter, DVM
Andrew Newman, DVM
Gene A. Rinderknecht, DVM
Art Malernee, DVM
Jay Adams

Jim Hicks, DVM
David Henderson, DVM
Patricia Forsyth, DVM
Ted Oroski, DVM
Paul Shaffer, DVM
Amy Gentsch, DVM
Cara Erwin Oliver, DVM

Dr. O'Neil advised the board that Ms. Lewis was absent due to a medical emergency.

MOTION: Dr. Helm made a motion to excuse Ms. Lewis's absence due to a medical emergency.

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

Dr. O'Neil asked Ms. Tinsley to call the probation roll. All were present but Dr. Atmani and Dr. Newman.

APPROVAL OF MEETING MINUTES

December 6, 2011 – Meeting Minutes

MOTION: Dr. Helm made a motion to approve the minutes as presented.

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

January 25, 2012 – PCP Reconsiderations

MOTION: Dr. Maxwell made a motion to approve the minutes as presented.

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

DISCIPLINARY HEARINGS

Jonathan S. Allen, DVM: Case number 2009-049642 & 2009-050778

Dr. Allen was present at the meeting and was represented by counsel, Dina M. El-Salhy. Dr. Allen was sworn in by the court reporter.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges the Respondent practiced below the standard of care and had medical records violations. Ms.

Henderson advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, four hundred and eighty seven dollars and five cents (\$487.05) in costs, thirty (30) hours of continuing education and a reprimand.

After discussion by the board the following motion was made.

MOTION: Dr. Maxwell made a motion to accept the settlement stipulation and the thirty (30) hours of continuing education would be five (5) hours in medical record keeping and 25 hours in equine medicine.

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

Dr. O'Neil asked Ms. Tinsley to call the probation roll and all were present.

Lowell Olson, DVM: Case number 2010-028209

Dr. Olson was present at the meeting and was represented by counsel, Dina M. El-Salhy. Dr. Olson was sworn in by the court reporter.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the settlement stipulation alleges that the Respondent practiced below the standard of care and failed to keep a controlled substance log. Ms. Henderson advised the board that the department recommended a three thousand dollar (\$3,000.00) fine, seven hundred and fifty nine dollars and forty seven cents (\$759.47) in costs, six (6) months probation and five (5) hours of continuing education.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to accept the settlement stipulation and the five (5) hours of continuing education to be in record keeping approved by Dr. Helm.

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

George Burch, DVM: Case number 2009-019825

Dr. Burch's case was continued until the May 30, 2012 meeting.

David Foster, DVM: Case number 2011-036870

Dr. Foster was not present at the meeting he was represented by counsel, Jay Adams.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges that the Respondent was disciplined in another state and failed to report it to the State of Florida. Ms. Henderson advised the board that the department recommended a six thousand dollar (\$6,000.00) fine and three hundred and forty two dollars and twenty five cents (\$342.25) in costs.

After discussion by the board the following motion was made.

MOTION: Dr. Figarola made a motion to accept the settlement stipulation as presented.

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

Sami Suzanne Hanes, DVM: Case number 2010-031847

Dr. Hanes case was continued until the September 2012 meeting in St. Augustine.

Gene Rinderknecht, DVM: Case number 2010-035802

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

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges the Respondent failed to treat to the standard of care, and failed to maintain accurate medical records. Ms. Henderson advised the board that the department recommended a fifteen hundred dollar (\$1,500.00) fine, nine hundred and nine dollars and fifty five cents (\$909.55) in costs and thirty (30) months probation.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to reject the settlement stipulation.

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

MOTION: Dr. Helm made a motion to impose a thirty five hundred dollar (\$3,500.00) fine, two thousand dollars (\$2,000.00) to be held in abeyance, nine hundred and nine dollars and fifty five cents (\$909.55) in costs, nine (9) hours of continuing education in surgery and three (3) hours in medical record keeping approved by Dr. Maxwell and thirty (30) months probation. Respondent shall attend two (2) board meetings during probation.

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

Dr. Rinderknecht accepted the counter settlement.

Richard Rogoff, DVM: Case number 2009-064585

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

Ms. Henderson stated that Dr. Rogoff was represented by counsel, Neal Bayer, Mr. Bayer informed Ms. Henderson that he could not attend the meeting and that Dr. Rogoff wished to appear without his counsel. Ms. Henderson asked Dr. Rogoff to waive the appearance of his counsel.

Dr. Rogoff informed the board that he waived the appearance of his counsel.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges that the Respondent performed and improper declaw. Ms. Henderson advised the board that the department recommended a one thousand dollar (\$1,000.00) fine, one thousand and twenty two dollars and four cents (\$1,022.04) in costs and eighteen (18) months probation.

After discussion by the board the following motions were made.

MOTION: Dr. Helm made a motion to reject the settlement stipulation.

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

MOTION: Dr. Figarola made a motion to impose a two thousand dollar (\$2,000.00) fine, one thousand and twenty two dollars and four cents (\$1,022.04) in costs and eighteen (18) months probation.

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

Dr. Rogoff accepted the counter settlement and the board granted him one (1) year to pay the fine and costs.

Maria Serra, DVM: Case number 2010-013928

Dr. Serra's case was continued until the May 30, 2012 meeting.

Richard Langford, DVM: Case number 2009-026018

Dr. Langford's case was continued until the May 30, 2012 meeting.

DISCUSSION

Program for the Assessment of Veterinary Education Equivalence (PAVE)

Ms. Chastain advised the board that she conducted a comparison between the ECFVG and the PAVE program. She advised the board that the board office receives letters asking why the board does not accept the PAVE.

Ms. Chastain reviewed the comparison with the board.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to ask the department to add the legislative change to accept the PAVE program to their legislative package for next year.

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

Limited Service Clinic Registration

Ms. Chastain informed the board the department had updated the computer system (LicenseEase) to allow Limited Service clinics to register their clinic sites online. She stated that beginning in June 2012 the public will be able to access the clinic registrations on the internet.

The board discussed the intent of the limited service clinics and the board directed staff to place limited service clinics on the May 2012 agenda for discussion.

REVIEW /APPROVAL OF VETERINARY SUPERVISOR'S QUARTERLY REPORT

Dr. Philip Aleong

Dr. O'Neil recused himself from the hearing.

Dr. Joann Helm presided over the hearing.

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

Dr. Patricia Marquis was present at the meeting and was sworn in by the court reporter. Dr. Marquis stated that she was collecting Dr. Aleong's records for Dr. Jobert when she was out of state.

After discussion by the board the following motion was made.

MOTION: Dr. Figarola made a motion to accept the quarterly report presented by Dr. Jobert.

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

PROBATION APPEARANCES

Philip Aleong, DVM

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

MOTION: Dr. Maxwell made a motion to accept Dr. Aleong's probation appearance.

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

Riadh Atmani, DVM

Dr. Atmani was present at the meeting and was sworn in by the court reporter.

MOTION: Dr. Maxwell made a motion to accept Dr. Atmani's probation appearance.

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

Dr. Atmani asked the board for an extension to pay his fine and costs and for his board appearances.

MOTION: Dr. Helm made a motion to extend Dr. Atmani's time to pay his fine and costs for two (2) years and extend his board appearance by one meeting.

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

Ernest Balogh, DVM

Dr. Balogh was present at the meeting and was sworn in by the court reporter.

Dr. Rivenbark from Professional Resource Network (PRN) advised the board that Dr. Balogh had been compliant with his PRN contract for three (3) years. She stated that he was doing very well.

MOTION: Dr. Maxwell made a motion to accept Dr. Balogh's appearance.

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

Cara Lynn Erwin-Oliver, DVM

Dr. Oliver was present at the meeting and was sworn in by the court reporter.

MOTION: Dr. Figarola made a motion to accept Dr. Oliver's probation appearance.

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

Patricia Forsythe, DVM

Dr. Forsythe was present at the meeting and was sworn in by the court reporter.

MOTION: Dr. Figarola made a motion to accept Dr. Forsythe's probation appearance.

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

Amy Gentsch, DVM

Dr. Gentsch was present at the meeting and was sworn in by the court reporter.

MOTION: Dr. Figarola made a motion to accept Dr. Gentsch's probation appearance.

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

David Henderson, DVM

Dr. Henderson was present at the meeting and was sworn in by the court reporter.

MOTION: Dr. Helm made a motion to accept Dr. Henderson's probation appearance.

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

James Hicks, DVM

Dr. Hicks was present at the meeting and was sworn in by the court reporter.

MOTION: Dr. Figarola made a motion to extend Dr. Hick's time to pay his fine and costs for two (2) years until January 14, 2014.

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

MOTION: Dr. Helm made a motion to accept Dr. Hick's probation appearance.

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

Andrew Newman, DVM

Dr. Newman was present at the meeting and was sworn in by the court reporter.

MOTION: Dr. Helm made a motion to accept Dr. Newman's probation appearance.

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

Ted Joseph Oroski, DVM

Dr. Oroski was present at the meeting and was sworn in by the court reporter.

MOTION: Dr. Maxwell made a motion to accept Dr. Oroski's probation appearance.

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

MOTION: Dr. Helm made a motion to extend Dr. Oroski's time to pay his fine until September 11, 2012.

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

Paul Shaffer, DVM

Dr. Shaffer was present at the meeting and was sworn in by the court reporter.

MOTION: Dr. Figarola made a motion to accept Dr. Shaffer's probation appearance.

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

MOTION: Dr. Figarola made a motion to extend Dr. Shaffer's time to pay his fine and costs to December 23, 2012 and to extend the time to take the laws and rules until December 31, 2012.

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

James Wilson, DVM

Dr. Wilson was present at the meeting and was sworn in by the court reporter.

MOTION: Dr. Maxwell made a motion to accept Dr. Wilson's probation appearance.

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

Cynthia Marie Young, DVM

Dr. Young was present at the meeting and was sworn in by the court reporter.

MOTION: Dr. Figarola made a motion to accept Dr. Young's probation appearance.

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

RATIFICATION OF APPLICATIONS

Licenses

MOTION: Dr. Maxwell made a motion to accept the endorsement licensees.

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

MOTION: Dr. Helm made a motion to accept the establishment and limited service licensees.

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

MOTION: Dr. Figarola made a motion to accept the exam licensees.

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

Continuing Education

MOTION: Dr. Maxwell made a motion to ratify the continuing education list.

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

REPORTS

Executive Director – Juanita Chastain

Ms. Chastain advised the board that the renewal notices were mailed and the \$50.00 fee reduction was included in the notice.

Ms. Chastain reviewed the financial report with the board.

MOTION: Dr. Figarola made a motion to accept Ms. Chastain's report.

SECOND: Dr. O'Neil seconded the motion and the motion passed unanimously.

Board Counsel – Clark Jennings

Mr. Jennings advised the board that there were several proposed rules for the board to review.

61G18-18.002, F.A.C. Maintenance of Medical Records.

Mr. Jennings advised the board that the word contemporaneously would be stricken in sub paragraph(3) and replaced with, Medical records shall be written

as treatment is provided but no later than 24 hours from time of treatment, language was added to Physical examination to include, but not limited to, patient weight, temperature, pulse, and respiration. Under sub paragraph (4) the following language was added, Drugs prescribed, administered, or dispensed along with the route, strength, and dosage of the drug and time said drug was administered.

MOTION: Dr. Maxwell made a motion to accept the changes and to notice Rule 61G18-18.002, F.A.C.

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

Mr. Jennings asked the board if the rule changes would have an adverse effect on small business.

The board advised Mr. Jennings that the changes would not have an economic impact on small business.

Mr. Jennings asked the board if the proposed rule amendment is likely to directly or indirectly increase regulatory costs to any entity, including government, in excess of two hundred thousand dollars (\$200,000.00) in Florida within one (1) year of implementation.

The board answered no to an increase in regulatory costs.

Rule 61G18-15.0022, F.A.C. Minimum Standards for Permanent Locations Where Agricultural Medicine is Practiced.

Mr. Jennings advised the board that the following change was made to sub paragraph (2) (a) 5 d:

d. Segregated area or container for the storage of expired drugs.

MOTION: Dr. Maxwell made a motion to accept the change to Rule 61G18-15.0022, F.A.C.

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

Mr. Jennings asked the board if the rule changes would have an adverse effect on small business.

The board stated no, the changes would not have an adverse effect on small business.

Mr. Jennings asked the board if the proposed rule amendment is likely to directly or indirectly increase regulatory costs to any entity, including government, in excess of two hundred thousand dollars (\$200,000.00) in Florida within one (1) year of implementation.

The board answered no to an increase in regulatory costs.

Rule 61G18-15.0025, F.A.C. Minimum Standards for a Mobile Veterinary Practice for Agricultural Animals

Mr. Jennings advised the board that the following changes were made to Rule 61G18-15.0025 (1) (b) 6, 7, F.A.C.

6. An American Veterinary medical Association approved chemical method of euthanasia.

7. Segregated area for the storage of expired drugs.

MOTION: Dr. Helm made a motion to accept the changes to Rule 61G18-15.0025, F.A.C.

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

Mr. Jennings asked the board if the rule changes would have an adverse effect on small business.

The board stated no, the changes would not have an adverse effect on small business.

Mr. Jennings asked the board if the proposed rule amendment is likely to directly or indirectly increase regulatory costs to any entity, including government, in excess of two hundred thousand dollars (\$200,000.00) in Florida within one (1) year of implementation.

The board answered no to an increase in regulatory costs.

Rule 61G18-11.002 (1), F.A.C. Examination and Licensure

Mr. Jennings advised the board that the following change was made to rule 61G18-11.002 sub paragraph (1), F.A.C.:

This application will remain valid for twenty four (24) months.

Ms. Chastain advised the board that applications for a license were valid for one (1) year and the laws and rules score was valid for two (2) years and the change

would make the validation the same for the application and the laws and rules scores.

MOTION: Dr. Helm made a motion to accept the change to rule 61.G18-11.002 (1), F.A.C.

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

Mr. Jennings asked the board if the rule changes would have an adverse effect on small business.

The board stated no, the changes would not have an adverse effect on small business.

Mr. Jennings asked the board if the proposed rule amendment is likely to directly or indirectly increase regulatory costs to any entity, including government, in excess of two hundred thousand dollars (\$200,000.00) in Florida within one (1) year of implementation.

The board answered no to an increase in regulatory costs.

Mr. Jennings stated that rule 61G18-11.003, F.A.C. and 13.002, F.A.C. were repealed as of March 4, 2012. He advised the board that Rule 61G18-16.002, F.A.C. Continuing Education Requirements for Active Status License Renewal was in rule development and moving along.

Prosecuting Attorney – Elizabeth Henderson

Ms. Henderson reviewed the report with the board.

Board Chair – Dr. Robert O’Neil

Dr. O’Neil advised the board that Juanita received a certificate for forty (40) years of service with the department and Ms. Henderson had received one for fifteen (15) years of service.

OLD BUSINESS

No old business.

NEW BUSINESS

Art Malernee, DVM asked to address the board. He was sworn in by the court reporter.

Dr. Malernee stated that he had concerns about the continuing education statute which states that fifty (50) minutes is equal to one hour of continuing education. He advised the board that the board issues credit for five (5) hours of continuing education for attending a meeting and the meeting is over in less than five (5) hours. He stated that he wanted to make the board aware of the issue.

Dr. O'Neil thanked Dr. Malernee for his comments.

ELECTION OF OFFICERS

MOTION: Dr. Maxwell made a motion to nominate Dr. O'Neil for Chair.

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

MOTION: Dr. Figarola nominated Dr. Helm for Vice Chair.

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

Dr. O'Neil stated that he was going to re-appoint committee members. He stated that Dr. Helm was back on the continuing education committee and Dr. Jones and Cynthia Lewis were back on the probable cause panel.

Dr. O'Neil advised the board that he needed a motion to allow him to continue to review/approve licensure applications that have discipline.

MOTION: Dr. Figarola made a motion to have Dr. O'Neil review/approve licensure application with discipline.

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

Dr. O'Neil stated that he needed a motion to allow him to continue to approve a request for a continuance for a hearing.

MOTION: Dr. Maxwell made a motion to allow Dr. O'Neil to approve requests for a continuance.

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

Dr. O'Neil stated that he needed a motion to allow Dr. Helm to approve a request for a continuance for a hearing when she would be serving as Chair.

MOTION: Dr. Figarola made a motion to allow Dr. Helm to approve a request for a continuance.

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

Dr. O'Neil asked Ms. Tinsley to call the probation roll. All were present.

MOTION: Dr. Helm made a motion to adjourn.

SECOND Dr. Figarola seconded the motion and the motion passed unanimously.

The meeting adjourned at 11.50 a.m.