

MINUTES

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

March 5, 2013

CALL TO ORDER

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

MEMBERS PRESENT

Dr. Robert O'Neil, Chair
Dr. Joann Helm, Vice Chair
Dr. Raul Figarola
Dr. Nanette Parratto- Wagner
Ms. Cynthia Lewis
Ms. Connie Johnson

MEMBERS ABSENT

Dr. Guy Maxwell (excused)

OTHERS PRESENT

Juanita Chastain, Executive Director
Clark Jennings, Board Counsel
Elizabeth Henderson, Prosecuting Attorney
Linda Tinsley, Government Analyst
Daisey Amador, Court Reporter, Apex Reporting, 954.467.8204
Phil Hinkle, FVMA
Scott Gregory, DVM
Daniel Otero, DVM
D.E. Huber, DVM
Edd Jordan, DVM
Riadh Atmani, DVM
Rick Gallo, DVM
Dan Bachi
Dina Contri
Amy Gentsch, DVM
Cara Oliver, DVM

Lisa Ciucci, DVM
Pierre Bischel, DVM
Caroline Gall
Donald Denoff, DVM
Denise Vondrasek, DVM
James Kanzler, DVM
Maria Serra, DVM
C. Everett Moore, Jr., DVM
Dr. & Mrs Kenneth Garber
Albert Inglesias, DVM

Dr. O'Neil stated that Dr. Maxwell's absence was excused due to military service.

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

APPROVAL OF MEETING MINUTES

December 4, 2012 Meeting Minutes

MOTION: Ms. Johnson made a motion to approve the minutes as presented.

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

February 1, 2013 (Telephone Conference Call) Meeting Minutes

MOTION: Ms. Lewis made a motion to approve the minutes as presented.

SECOND: Dr. Parratto-Wagner seconded the motion and the motion passed unanimously.

DISCIPLINARY HEARINGS

Dr. My Pet: Case number 2011-05877

Dr. Murray was present at the meeting and was represented by counsel, Ed Bayo. Dr. Murray was sworn in by the court reporter.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as an informal Hearing.

Mr. Bayo advised the board that this was the exact same case that was on Dr. Murray's final order case number 2011-032213.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to table the case temporarily.

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

Cecil Moore, DVM: Case number 2012-020176

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

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as an informal hearing. Ms. Henderson advised the board that the administrative complaint alleges the respondent failed to report to the board within thirty (30) days that he was convicted of a crime. Ms. Henderson advised the board that the penalty recommendation was two hundred and sixteen dollars and twenty cents (\$216.20) in costs.

MOTION: Ms. Johnson made a motion to accept the conclusions of law as the board's conclusions of law.

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

MOTION: Dr. Helm made a motion to accept the findings of fact as the findings of fact of the board.

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

MOTION: Dr. Helm made a motion to impose two hundred and sixteen dollars and twenty cents (\$216.20) in costs.

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

Pet Caravan/Pet Car a Van/ Jacqueline Smith: Case numbers 2010-014899, 2010-034705, 2010-013677, 2010-015446, 2012-020133, 2012 -020117

Ms. Smith was not present at the meeting she was represented by counsel, Bryan W. Reynolds.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as an informal hearing. Ms. Henderson advised the board that there were several violations and the limited service

licenses are no longer valid. Ms. Henderson advised the board that the department recommended a twenty five hundred dollar (\$2,500.00) fine and two thousand eight hundred and ninety five dollars and twenty eight cents (\$2,895.28) in costs.

After discussion by the board the following motions were made.

MOTION: Dr. Helm made a motion to accept the findings of fact as the findings of fact of the board.

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

MOTION: Dr. Helm made a motion to accept the conclusions of law as the board's conclusions of law.

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

MOTION: Ms. Johnson made a motion to impose a twenty thousand dollar (\$20,000.00) fine and two thousand eight hundred and ninety five dollars and twenty eight cents (\$2,895.28) in costs.

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

Pierre Samuel Bichsel, DVM: Case number 2009-017318

Dr. Bichsel was present at the meeting he was represented by counsel, Dina Contri. Dr. Bichsel was sworn in by the court reporter.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges that the respondent was charged with a standard of care issue and a medical records violation. Ms. Henderson advised the board that the department recommended eighteen (18) month probation, a fifteen hundred dollar (\$1,500.00) fine and six hundred and twenty three dollars and one cent (\$623.01) 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. Figarola seconded the motion and the motion passed unanimously.

Lisa Ciucci, DVM: Case number 2009-061462

Dr. Ciucci was present at the meeting and was represented by counsel, Dina Contri. Dr. Ciucci was sworn in by the court reporter.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges that the respondent failed to address the pathological heart rate or properly dose atropine sulfate, failed to record the concentration in the medical record and failed to record her statements in the medical record. Ms. Henderson advised the board that the department recommended dismissal of count one (1) and two (2) a two hundred and fifty dollar (\$250.00) fine, seven hundred and twenty six dollars and twenty nine cents (\$726.29) in costs and ten (10) hours of continuing education.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. Helm made a motion to offer a counter settlement of a one thousand dollar (\$1,000.00) fine, seven hundred and twenty six dollars and twenty nine cents (\$726.29) in costs and five (5) hours of continuing education in records and five (5) hours in anesthesia continuing education approved by Dr. Helm

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

Ms. Contri advised the board that Dr. Ciucci accepted the counter offer.

Declan Humber, DVM: Case number 2011-023843

Dr. Huber was present at the meeting he was represented by counsel, Natalie Peles. Dr. Huber was sworn in by the court reporter.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges that the respondent

failed to keep contemporaneous medical records, failed to practice veterinary medicine with that level of care, skill and treatment which is recognized by a reasonably prudent veterinarian and failed to have a premise permit for his practice. Ms. Henderson advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, three hundred and sixty seven dollars and forty one cents (\$367.41) in costs and one (1) year probation.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. O'Neil made a motion to offer a counter settlement of a two thousand dollar (\$2,000.00) fine, three hundred and sixty seven dollars and forty one cents (\$367.41) in costs and one (1) year probation and one board appearance.

SECOND: Dr. Parratto-Wagner seconded the motion and the motion passed unanimously.

Mr. Bachi advised the board that Dr. Huber accepted the counter offer.

Haynes Stevens, DVM: case numbers 2011-037634, 2011-037622

Dr. Stevens was present at the meeting and was represented by counsel, Dan Bachi. Dr. Stevens was sworn in by the court reporter.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges that the respondent failed to keep a contemporaneous medical record and had a standard of care charge in both cases. Ms. Henderson advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, three hundred and sixty seven dollars and forty one cents (\$367.41) in costs and one (1) year probation.

After discussion by the board the following motions were made.

MOTION: Dr. Parratto- Wagner made a motion to reject the settlement stipulation.

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

MOTION: Dr. Helm made a motion to offer a counter settlement of a five thousand dollar (\$5,000.00) fine, one thousand four hundred eighty dollars and forty cents (\$1,488.40) in costs, five (5) hours of continuing education in record keeping, approved by Dr. Helm, and five (5) year probation with annual board appearances. In addition, annual surprise inspection and the inspector will collect twenty (20) medical records to be reviewed.

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

Mr. Dan Bachi advised the board that Dr. Stevens would accept the counter offer if one of the department experts reviewed Dr. Stevens records and not the Chair of the board.

The board agreed to Dr. Stevens's request.

MOTION FOR RECONSIDERATION FOR LIMITED PURPOSE

Susan Skelding, DVM: Case number 2007-051111

Dr. Skelding was not present at the meeting she was represented by counsel, Dina Contri.

Ms. Contri advised the board that Dr. Skelding had declared bankruptcy and was asking the board to nullify her investigative costs in her final order.

After discussion by the board the following motion was made.

MOTION: Dr. Figarola made a motion to discharge the investigative costs in the final order.

SECOND: Dr. Parratto-Wagner seconded the motion and the motion passed unanimously.

DISCIPLINARY HEARINGS

Lawrence L. Wallace, DVM: Case number 2011-039897

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

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges the respondent

committed the crimes of three (3) counts of animal neglect. Ms. Henderson advised the board that the department recommended a five thousand dollar (\$5,000.00) fine, three hundred and twenty eight dollars and forty one cents (\$328.41) in costs and one (1) year probation.

After discussion by the board the following motions were made.

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

SECOND: Dr. Figarola seconded the motion.

The motion passed with Dr. Parratto-Wagner opposed.

MOTION: Dr. Helm made a motion to offer a counter settlement of a two thousand dollar (\$2,000.00) fine, three hundred and twenty eight dollars and forty one cents (\$328.41) in costs and one (1) year probation.

SECOND: Dr. Figarola seconded the motion.

The motion passed with Dr. Parratto-Wagner opposed.

Dr. Wallace advised the board that he would accept the counter offer.

Thomas McPhail, DVM: Case number 2011-040325

Dr. McPhail was present and was represented by counsel, Bryan Reynolds. Dr. McPhail was sworn in by the court reporter.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges the respondent failed to practice veterinary medicine with that level of care, skill and treatment which is recognized by a reasonably prudent veterinarian and failed to keep contemporaneously written medical records. Ms. Henderson advised the board that the department recommended dismissal of count one (1) a two thousand dollar (\$2,000.00) fine, four hundred and seventy one dollars and fourteen cents (\$471.14) in costs, two (2) hours of CE in record keeping and six (6) 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. Parratto-Wagner seconded the motion and the motion passed unanimously.

MOTION: Dr. Helm made a motion to offer a counter settlement to increase the continuing education hours from two (2) hours in record keeping to five (5) hours and to incorporate all terms from the original settlement stipulation in the counter settlement. Dr. Parratto - Wagner to approve the continuing education.

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

Dr. My Pet: Case number 2011-05877

Dr. Murray was present at the meeting and was represented by counsel, Ed Bayo. Dr. Murray was sworn in by the court reporter.

Ms. Lewis was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as an informal Hearing. Ms. Henderson advised the board that the administrative complaint alleges the respondent failed to comply with the rules to conduct a limited service clinic.

After discussion by the board the following motions were made.

MOTION: Dr. Helm made a motion to accept the conclusions of law as the board's conclusions of law.

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

MOTION: Dr. Figarola made a motion to impose one hundred and one dollar and seventeen cents (\$101.17) in costs.

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

REQUEST TO VACATE FINAL ORDER AND VOLUNTARILY RELINQUISH LICENSE

Roy L. Joyce, DVM: Case number 2011-020041

Dr. Joyce was not present at the meeting and was not represented by counsel. Dr. O'Neil advised the board that Dr. Joyce is asking the board to vacate his order and he wants to relinquish his license.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to deny Dr. Joyce's request.

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

PETITION FOR REINSTATEMENT

Gregory Murray, DVM

Dr. Murray was present at the meeting and was represented by counsel, Ed Bayo. Dr. Murray was sworn in by the court reporter.

Dr. Rivenbark from Professional Resource Network (PRN) was present at the meeting to speak on Dr. Murray's behalf.

Mr. Bayo advised the board that the meeting materials contained medical evaluations and several letters regarding Dr. Murray's dedication to his clients. Mr. Bayo stated that Dr. Murray was ready to have his license reinstated so he could go back to practicing veterinary medicine.

Dr. Rivenbark advised the board that Professional Resource Network (PRN) is in support of Dr. Murray going back into practice.

After discussion by the board the following motion was made.

MOTION: Ms. Johnson made a motion to deny Dr. Murray's request to reinstate his license.

SECOND: Dr. Parratto-Wagner seconded the motion.

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

DISCUSSION

Rule 61G18-16.002, Florida Administrative Code Continuing Education Requirements for Active Status License Renewal

Mr. Jennings advised the board that Dr. Helm had proposed amending the rule to limit continuing education hours for alternative medicine to five (5) hours per biennium.

After discussion by the board the following motion was made.

MOTION: Dr. O'Neil made a motion to direct board counsel to notice Rule 61G18-16.002, Florida Administrative Code for rule development and for rule making.

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

Mr. Jennings asked the board if the rule changes for Rule 61G18 – 16.002, F.A.C. would 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, in excess of two hundred thousand dollars (\$200,000.00) in the aggregate within one (1) year of implementation.

Dr. O'Neil asked Ms. Tinsley to call the roll and the board answered no to an increase in regulatory costs.

Mr. Jennings advised the board that no action was needed on Rules 61G18-15.007, 15.0071, 15.0072, Florida Administrative Code. He stated that they would be filed for adoption.

REVIEW/APPROVAL OF VETERINARY SUPERVISOR'S QUARTERLY REPORT

Dr. Philip Aleong

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

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

PROBATION APPEARANCES

Dr. Riadh Atmani

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

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

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

Dr. Donald Denoff

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

MOTION: Ms. Lewis made a motion to accept Dr. Denoff's probation appearance.

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

Dr. Amy Gentsch

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

MOTION: Ms. Johnson made a motion to approve Dr. Gentsch's probation appearance.

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

Dr. Scott Anthony Gregory

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

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

SECOND: Dr. Parratto-Wagner seconded the motion and the motion passed unanimously.

Dr. Mark Huff

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

MOTION: Ms. Lewis made a motion to accept Dr. Huff's probation appearance.

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

Dr. Cara Lynn Oliver

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

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

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

Dr. Daniel Otero

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

MOTION: Ms. Lewis made a motion to accept Dr. Otero's probation appearance.

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

Dr. Maria Serra

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

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

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

Dr. Richard Gallo

Ms. Henderson advised the board that Dr. Gallo was not on the agenda but was at the meeting and asked that the board accept his appearance as his board appearance as required in his final order.

Dr. Gallo was represented by counsel, Ed Bayo. Dr. Gallo was sworn in by the court reporter.

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

SECOND: Dr. Parratto-Wagner seconded the motion and the motion passed unanimously.

RATIFICATION OF APPLICATIONS

Licenses

MOTION: Dr. Helm made a motion to accept the licenses.

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

Continuing Education

MOTION: Ms. Lewis 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 financial report was in their folders and she would answer any questions they had.

Board Counsel – Clark Jennings

Mr. Jennings reviewed the rules report with the board.

Mr. Jennings advised the board that at the request of the prosecuting attorney and staff the following amendment was added to Rule 61G18-15.0025, Florida Administrative Code, Minimum Standards for a Mobile Veterinary Practice for Agricultural Animals, (5) For the purpose of this Chapter, local is defined as within thirty (30) minutes or thirty (30) miles, whichever is greater, from the location of the clinic at the time the veterinary services are provided.

After discussion by the board the following motion was made.

MOTION: Dr. O'Neil made a motion to direct board counsel to notice the rule for development.

SECOND: Dr. Parratto – Wagner seconded the motion and the motion passed unanimously.

Mr. Jennings advised the board that the following amendment was added to Rule 61G18-15.001, Florida Administrative Code, Permit Requirements, (4) No veterinary services shall be provided beyond the confines of a permitted premise except in the case of a house call practice, mobile veterinary practice for

agricultural animals, limited service clinics, emergency rabies clinic or exigent circumstance where immediate veterinary medical care is required.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to direct board counsel to notice the rule for development.

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

Prosecuting Attorney – Elizabeth Henderson

Ms. Henderson reviewed her report with the board.

OLD BUSINESS

No old business.

NEW BUSINESS

No new business.

ELECTION OF OFFICERS

MOTION: Ms. Lewis made a motion to nominate Dr. O'Neil as Chair.

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

MOTION: Dr. Parratto-Wagner made a motion to nominate Dr. Helm as vice Chair.

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

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

The meeting adjourned at 1:00 p.m.