

MINUTES

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

March 4, 2014

CALL TO ORDER

Dr. O'Neil called the meeting to order at 8:01 a.m.

MEMBERS PRESENT

Dr. Robert O'Neil, Chair
Dr. Robert B. Leonard, Jr.
Dr. Terry Spencer
Dr. Nanette Parratto-Wagner
Dr. Robert R. Hase, Jr.
Suzanne S. Inzina
Connie Johnson

MEMBERS ABSENT

None

OTHERS PRESENT

Juanita Chastain, Executive Director
Clark Jennings, Board Counsel
Elizabeth Henderson, Prosecuting Attorney
Linda Tinsley, Government Analyst
Fernando Subirats, Court reporter, Apex Reporting, 954.467.8204
Jerry Rayburn, DVM
Phil Hinkle, DVM
Daniel Selvin, DVM
Al Paredes, DVM
James Hughes, DVM
Patricia Marquis, DVM
Marcus Cheny, DVM
Ben Franklin, DVM
Patricia Ries, DVM
Andrew Newman, DVM
Hiram Pomales, DVM

Michele Congelosi, DVM
Kim Voisine, DVM
Aurelio Roa, DVM
Leonardo Siger, DVM
Scott Gregory, DVM
Stacey Bradley, DVM
William Watson, DVM
Brandon Cox, DVM
Mitch Crystal, DVM
Richard Jaffe, DVM

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

Dr. O'Neil introduced the new board members, Dr. Leonard, Dr. Hase and Dr. Spencer.

APPROVAL OF DECEMBER 3, 2013 MEETING MINUTES

MOTION: Dr. Parratto-Wagner made a motion to approve the minutes as presented.

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

DISCIPLINARY HEARINGS

Stacey Elizabeth Bradley, DVM: Case number 2012-027279

Dr. Bradley was present and was not represented by counsel. She was sworn in by the court reporter.

Dr. Parratto-Wagner 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 that the respondent was negligent when she failed to practice veterinary medicine with that level of care, skill and treatment which is recognized by a veterinarian as being acceptable and failed to keep contemporaneously written medical records. The recommended penalty was a four thousand dollar (\$4,000.00) fine one thousand eight hundred and sixty two dollars and eighty two cents (\$1862.84) in costs and two (2) years' probation.

After discussion by the board the following motion was made.

MOTION: Ms. Johnson made a motion to accept the findings of fact as the finding of facts of the board.

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

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

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

MOTION: Ms. Johnson made a motion to impose a two thousand dollars (\$2,000.00) fine, one thousand eight hundred and sixty two dollars and eighty two cents (\$1862.84) in costs, two (2) years' probation with two (2) board appearances per year and five (5) hours of continuing education in record keeping and five (5) hours of continuing education in abdominal /soft tissue surgery. Dr. Hase will approve the continuing education.

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

Brandon Cox, DVM: Case number 2012-015992

Dr. Cox was present at the meeting and was represented by counsel Tabitha Blackmon. Dr. Cox was sworn in by the court reporter.

Dr. Parratto-Wagner 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 negligent and failed to keep contemporaneously written medical records. Ms. Henderson advised the board that the department recommended a five hundred dollar (\$500.00) fine, one thousand seven hundred and ninety seven dollars and twelve cents (\$1,797.12) in costs, six (6) months probation and five hours of continuing education.

After discussion by the board the following motions were made.

MOTION: Ms. Johnson made a motion to reject the settlement stipulation.

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

MOTION: Ms. Johnson made a motion to offer a counter settlement of two thousand dollar (\$2,000.00) fine, one thousand seven hundred and ninety seven dollars and twelve cents (\$1,797.12) in costs, one (1) year probation with two (2) board appearances and five hours of continuing education in medical record keeping. Continuing education approved by Dr. Spencer.

SECOND: Dr. Spencer seconded the motion.

Dr. O'Neil asked Ms. Tinsley to call the roll and the motion passed with Ms. Inzina and Dr. Hase opposed.

Dr. Cox accepted the counter settlement.

Patricia Susan Ries, DVM: Case number 2012-025195

Dr. Ries was present at the meeting and was represented by counsel, Tabitha Blackmon. Dr. Ries was sworn in by the court reporter.

Dr. Parratto-Wagner 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 was negligent and failed to keep contemporaneously written medical records. Ms. Henderson advised the board the department recommended a five hundred dollar (\$500.00) fine, one thousand five hundred and fifteen dollars and nine cents (\$1,515.09) in costs, six (6) months probation and ten (10) hours of continuing education.

After discussion by the board the following motion was made.

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

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

MOTION: Ms. Johnson made a motion to offer a counter settlement of a two thousand dollar (\$2,000.00) fine, one thousand five hundred and fifteen dollars and nine cents (\$1,515.09) in costs, one (1) year probation with one (1) board appearance and five (5) hours of continuing education in record keeping, two (2) hours in pharmacy and five (5) hours of continuing education in high quality high volume spay and neuter. Count one (1) will not be dismissed.

SECOND: Ms. Inzina seconded the motion.

Dr. O'Neil asked Ms. Tinsley to call the roll and the motion passed with Dr. Hase opposed.

Dr. Ries accepted the counter settlement.

James Hughes, DVM; Case number 2011-060541

Dr. Hughes was present at the meeting. Dr. Hughes dismissed his counsel. He was sworn in by the court reporter.

Dr. Hase was recused due to personal knowledge of the case.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges that the respondent failed to maintain controlled substances and an accurate drug log. Ms. Henderson advised the

board that the department recommended a three thousand dollar (\$3,000.00) fine, eighty nine dollars and sixty one cents (\$89.61) in costs.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. Parratto-Wagner made a motion to offer a counter settlement of a twenty five hundred dollar (\$2,500.00) fine, eighty nine dollars and sixty one cents (\$89.61) in costs and one (1) year probation and stay for the rest of the meeting that would count for one board appearance.

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

Dr. Hughes accepted the counter settlement.

Richard Mark Jaffe, DVM: Case number 2013021639

Dr. Jaffe was present at the meeting and waived the appearance of his attorney. He was sworn in by the court reporter.

Dr. Parratto-Wagner 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 report a conviction to the board within thirty (30) days. Ms. Henderson advised the board that the department recommended a five hundred dollar (\$500.00) fine, two hundred and seven dollars and ten cents (\$207.10) in costs.

After discussion by the board the following motion was made.

MOTION: Dr. Hase made a motion to accept the settlement stipulation.

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

Aurelio Roa, DVM: Case number 2012-018111

Dr. Roa was present at the meeting and was represented by counsel, Sherryll Martens Dunaj. Dr. Roa 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 that the respondent failed to maintain an accurate drug log, to renew his DEA certificate and failed to segregate expired drugs. Ms. Henderson advised the board that the department recommended a

five hundred dollar (\$500.00) fine, and three hundred and nine dollars and ninety six cents (\$309.96) in costs.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. Parratto-Wagner made a motion to offer a counter settlement of a fifteen hundred dollar (\$1,500.00) fine, three hundred and nine dollars and ninety six cents (\$309.96) in costs, two (2) years probation and attend 2 board meetings annually for a total of four (4) meetings and take and pass the laws and rules exam in six (6) months. Today's appearance counts as one appearance.

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

Dr. Roa accepted the counter settlement.

The board advised Dr. Roa that he had until December 31, 2014 to pay the fine and costs.

Meredith Lynne Sammons, DVM: Case number 2013-006393

Dr. Sammons was not present at the meeting and was not represented by counsel.

Dr. Parratto-Wagner was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as a motion for waiver of rights and final order. Ms. Henderson advised the board that the administrative complaint alleges the respondent failed to pay her fines on previous final orders. Ms. Henderson advised the board that her license had been revoked. The recommended penalty was a six thousand dollar (\$6,000.00) fine and one hundred and fifty seven dollars and fifty one cents (\$157.51) in costs.

After discussion by the board the following motions were made.

MOTION: Ms. Johnson made a motion that Dr. Sammons was properly served.

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

MOTION: Ms. Johnson made a motion to adopt the findings of fact and conclusions of law as the board's findings of fact and conclusions of law.

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

MOTION: Dr. Hase made a motion to impose a six thousand dollar (\$6,000.00) fine and one hundred and fifty seven dollars and fifty one cents (\$157.51) in costs.

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

Ted Joseph Oroski, DVM: Case number 2013-009438

Dr. Oroski was not present at the meeting and was not represented by counsel.

Dr. Parratto-Wagner was recused due to her participation on the probable cause panel.

Ms. Henderson presented the case as a motion for waiver of rights and final order. Ms. Henderson advised the board that the administrative complaint alleges the respondent failed to comply with a final order. Ms. Henderson advised the board that the recommended penalty was a two thousand dollar (\$2,000) fine and two hundred and sixty dollars and sixty three cents (\$260.63) in costs.

After discussion by the board the following motions were made.

MOTION: Dr. Hase made a motion that Dr. Oroski waived his right to a hearing.

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

MOTION: Dr. Hase made a motion to adopt the findings of fact and conclusions of law as the board's findings of fact and conclusions of law.

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

MOTION: Ms. Johnson made a motion to impose a two thousand dollar (\$2,000.00) fine, two hundred and sixty dollars and sixty three cents (\$260.63) in costs and five (5) year suspension until he pays all outstanding fines and costs and appears before the board.

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

REVIEW/APPROVAL OF APPLICATION

Kimberly Ann Voisine, DVM – Endorsement Application

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

Mr. Bayo advised the board that Dr. Voisine had pending discipline in North Carolina and the matter was resolved and she paid her fine.

Mr. Jennings advised the board that the board could approve her application with conditions but they must state why they are approving with conditions.

After discussion by the board the following motion was made.

MOTION: Dr. Parratto-Wagner made a motion to approve with the following conditions, four (4) years' probation, and during the probationary period shall attend two (2) meetings the first two (2) years and one (1) meeting the last two (2) years and the employer shall submit a standard of care report by November 15 each year during probation. Dr. Voisine's attendance at the meeting counted as one board appearance.

SECOND: Dr. Hase seconded the motion and the motion.

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

Motion passed with Dr. O'Neil opposed.

PETITION FOR REINSTATEMENT OF LICENSE

Gregory Murray, DVM

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

Dr. Ziegler from Professional Resource Network (PRN) was sworn in by the court reporter.

Ms. Henderson advised the board that the department was not in favor of reinstatement.

Mr. Bayo advised the board that PRN had not received Dr. Murray's evaluation and they were not in a position to recommended reinstatement of his license.

After discussion by the board the following motion was made.

MOTION: Dr. Parratto-Wagner made a motion if upon receipt of a letter from PRN stating Dr. Murray was safe to practice the board should only approve Dr. Murray with the following conditions: satisfactory letter from PRN and lifetime monitoring with PRN, five (5) years on site licensed veterinarian supervision and surprise inspections. After five (5) years if no probable cause is found an annual review of medical records and semi-annual inspections. Monitor to appear with Dr. Murray at the June 2014 meeting. No final decision shall be made in the matter and no Order issued until Dr. Murray presents to the board a letter from PRN stating he is safe to practice.

SECOND: Dr. Hase seconded the motion.

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

Motion passed with all in favor.

NEW BUSINESS

Patricia Marquis, DVM

Dr. Marquis was sworn in by the court reporter.

Dr. O'Neil advised the board that Dr. Marquis worked for a major corporation as custodian of medical records. He stated that she had a question about ownership of medical records.

After discussion by the board the board directed staff to place the issue on the June 2014 board agenda.

DISCUSSION

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

Mr. Jennings advised the board that the change to the rule will require agricultural veterinarians to have refrigeration in their vehicles.

MOTION: Dr. Hase made a motion to direct board counsel to notice Rule 61G18-15.0025, F.A.C. for rule development and rulemaking.

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

Mr. Jennings asked the board if the rule changes for Rule 61G18-15.0025, F.A.C, would have an adverse effect on small business.

The board answered no.

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.

The board answered no.

Rule 61G18-30.003, F.A.C. Citations

Mr. Jennings advised the board that the rule allows the department to issue a citation for a violation of issuing a false health certificate.

MOTION: Dr. Parratto-Wagner made a motion to direct board counsel to open the rule for development and rulemaking.

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

Mr. Jennings asked the board if the rule changes for Rule 61G18-30.003, F.A.C, would have an adverse effect on small business.

The board answered no.

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.

The board answered no.

2014-2015 Regulatory Plan

Mr. Jennings advised the board that the legislature would like to know what rules the board would like to amend during the next fiscal year.

Dr. Spencer advised the board that she would like to add Rule 61G18-16.005, F.A.C. on euthanasia standards. She stated she would like to add continuing education requirements and a new review process for the euthanasia course.

Dr. Parratto-Wagner advised the board that she would like to add medical record ownership.

Mr. Jennings advised the board that the February rules report was in their material folders for their information.

Attorney General's Office

Dr. O'Neil advised the board that board counsel cannot advise the board on crafting legislative language according to the contract between the department and the Attorney General's office.

Ms. Chastain stated that she would take the request back to the department.

After discussion by the board the following motion was made.

MOTION: Ms. Johnson made a motion to request that board counsel have the ability to craft legislative language at the board's request.

SECOND: Suzanne Inzina seconded the motion and the motion passed unanimously.

PROBATION APPEARANCES

Scott Gregory, DVM

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

Dr. Ziegler advised the board that Dr. Gregory was in complete compliance with his PRN contract.

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

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

Andrew Michael Newman, DVM

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

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

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

Alfonso Paredes, DVM

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

MOTION: Ms. Johnson made a motion to accept Dr. Paredes probation appearance.

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

Hiram Matias Pomales, DVM

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

MOTION: Dr. Parrato-Wagner made a motion to accept Dr. Pomales probation appearance.

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

Haynes Stevens, DVM

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

After discussion by the board the following motion was made.

MOTION: Dr. Parratto-Wagner made a motion to accept Dr. Stevens probation appearance.

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

RATIFICATION OF APPLICATIONS

Licenses

MOTION: Dr. Parratto-Wagner made a motion to accept the licensure list.

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

Continuing Education

MOTION: Dr. Parratto-Wagner made a motion to accept the continuing education list.

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

REPORTS

Executive Director – Juanita Chastain

Ms. Chastain reviewed the financial report with the board.

Board Counsel – Clark Jennings

Mr. Jennings had no report.

Prosecuting Attorney – Elizabeth Henderson

Ms. Henderson reviewed her report with the board.

Board Chair- Dr. Robert O'Neil

Dr. O'Neil advised the board that he and Dr. Parratto-Wagner were in Tallahassee for a board chair and vice chair training on February 27. He stated the department did a nice job.

Dr. O'Neil advised the board that he wanted to get permission from the board to send a letter supporting a bill going through congress regarding transporting and dispensing controlled substances wherever the patient is located.

MOTION: Dr. Hase made a motion to send a letter from the board endorsing the bill.

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

OLD BUSINESS

No old business.

NEW BUSINESS

Cindy Rigg asked to address the board and she was sworn in by the court reporter. She advised the board she had questions about opening a clinic. Ms. Chastain advised her to contact the board office and she or Ms. Tinsley would assist her.

Dr. Ben Franklin asked to address the board and he was sworn in by the court reporter. He addressed the board with concerns about the record keeping rule and stated the exam may be different at the racetracks and he felt it needed to be clarified for different types of practitioners.

Ms. Henderson advised him that the rule defining a physical exam applied to every practitioner.

ELECTION

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

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

MOTION: Dr. O'Neil nominated Dr. Parratto-Wagner as Vice Chair.

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

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

Clark Jennings advised the board that they had to vote on delegation of authority.

MOTION: Dr. Hase made a motion to delegate authority to the board chair to sign orders.

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

MOTION: Dr. Parratto-Wagner made a motion to delegate authority to the board chair to grant a continuance.

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

MOTION: Ms. Johnson made a motion to delegate authority to the board chair to review/approve licensure applications with minor violations.

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

The meeting adjourned at 2:15 p.m.