

1 **MINUTES**

2
3 **Board of Veterinary Medicine**
4 **General Business Meeting**
5 **The Shores Resort & Spa**
6 **2637 S. Atlantic Avenue**
7 **Daytona Beach Shores, Florida 32118**
8 **March 13, 2020**
9

10
11 **CALL TO ORDER**

12
13 Dr. Leonard, Chair called the meeting to order at 9:00 a.m.
14

15 **Pledge of Allegiance**

16
17 **MEMBERS PRESENT**

18 Dr. Robert B. Leonard, Jr., Chair
19 Ms. Connie Johnson- Vice Chair
20 Dr. Christopher Smith
21 Dr. Mario Cabrera
22 Dr. Sharon Powell
23 Dr. Rudd Nelson
24 Ms. Suzanne Inzina
25

26 **MEMBERS ABSENT**

27 None
28

29 **OTHERS PRESENT**

30 Ruthanne Christie, Executive Director
31 Rachelle Munson, Board Counsel
32 Elizabeth Henderson, Prosecuting Attorney
33 Amanda Senn, Government Analyst
34 Volusia Court Reporting- 386-255-2150

35 **PROBATION ROLL CALL**

36
37 Dr. Leonard asked Ms. Senn to call the roll.
38

39 The following probationers were present;

40 Richard D'Amico, DVM
41 Sammy Emara, DVM
42 Stuart James, DVM
43

44 **APPROVAL OF December 13, 2019 MEETING MINUTES**

45

46 **MOTION:** Dr. Powell made a motion to approve the minutes from December 13,
47 2019 with corrections.

48

49 **SECOND:** Dr. Nelson.

50

51 Motion passed unanimously.

52

53 **DISCIPLINARY HEARINGS**

54

55 **Roman Pilip, DVM**

56 **Case number 2018-058989**

57 **VM 6900**

58

59 Dr. Pilip was present and sworn in by the court reporter. Attorney Romanik was no
60 present at the board meeting and Dr. Pilip indicated that he would like to continue
61 without his legal representation present.

62

63 Dr. Powell was recused from this case due to her participation on the Probable Cause
64 Panel.

65

66 Dr. Pilip was charged with violation of 474.214 (1)(r), "Being guilty of incompetence or
67 negligence by failing to practice medicine with that level of care, skill, and treatment
68 which is recognized by a reasonably prudent veterinarian as being acceptable under
69 similar conditions and circumstances."

70 And 474.214 (1)(ee) "Failing to keep contemporaneously written medical records as
71 required by rule of the board."

72

73 After discussion by the board the following motions were made.

74

75 **MOTION:** Dr. Leonard made a motion to reject the settlement stipulation and
76 continue this case until the June board meeting so Attorney Romanik could be present.

77

78 **SECOND:** Ms. Johnson.

79

80 The board chairman called a vote.

81

82 Dr. Leonard- yes, Dr. Nelson- yes, Dr. Smith-yes, Dr. Cabrera- yes, Ms. Inzina-yes, Ms.
83 Johnson- yes

84

85 Motion passed unanimously.

86

87 **Alicia Gutierrez, DVM**

88 **Case number 2019-050394**
89 **VM 10239**

90
91 Dr. Gutierrez was present with Attorney Bayo and Dr. Brown from PRN and they were
92 sworn in by the court reporter.

93
94 Dr. Gutierrez was charged with violation of 474.214(2)(b), F.S., "Having a license or the
95 authority to practice veterinary medicine revoked, suspended, or otherwise acted
96 against, including the denial of licensure, by the licensing authority of any jurisdiction,
97 including any agency or subdivision thereof. The licensing authority's acceptance of a
98 veterinarian's relinquishment of a license, stipulation, consent order, or other settlement,
99 offered in response to or in anticipation of the filing of administrative charges against the
100 veterinarian's license or authority to practice, shall be construed as action against the
101 veterinarian's license or authority to practice."

102
103 After discussion by the board the following motions were made.

104
105 **MOTION:** Dr. Nelson made a motion to accept the settlement stipulation as
106 presented with probation to run in concurrence with the DEA probation.

107
108 **SECOND:** Dr. Cabrera.

109
110 Motion passed unanimously.

111
112 **Mohammad Hassan, DVM**
113 **Case number 2018-004156**
114 **VM 9495**

115
116 Dr. Hassan was present with Attorney Ed Bayo and sworn in by the court reporter.

117
118 Dr. Powell was recused due to her participation on the probable cause panel.

119
120 **Dr. Hassan** was charged with violation of 474.214 (1)(r) "Being guilty of incompetence
121 or negligence by failing to practice medicine with that level of care, skill, and treatment
122 which is recognized by a reasonably prudent veterinarian as being acceptable under
123 similar conditions and circumstances."

124 And 474.214 (1)(ee) "Failing to keep contemporaneously written medical records as
125 required by rule of the board."

126
127 After discussion by the board the following motions were made.

128
129 **MOTION:** Dr. Smith made a motion to accept the settlement stipulation as presented
130 with the dismissal of count I, \$2000.00 in fines and \$583.34 in costs to be paid within 30
131 days of the filing of the final order.

132
133 **SECOND:** Dr. Cabrera.
134
135 The board chairman called a vote.
136
137 Dr. Leonard- yes, Dr. Nelson- yes, Dr. Smith-yes, Dr. Cabrera- yes, Ms. Inzina-yes, Ms.
138 Johnson- yes
139
140 Attorney Ed Bayo accepted the counter stipulation on the record.
141
142 Motion passed unanimously.
143
144 **Phillip Hammock, DVM**
145 **Case number: 2018-052019**
146 **VM 8383**
147
148 Dr. Hammock was present with Attorney Bayo and sworn in by the court reporter.
149
150 Dr. Powell was recused due to her participation on the probable cause panel.
151
152 Dr. Hammock was charged with violation of 474.214 (1)(ee), F.S. "Failing to keep
153 contemporaneously written medical records as required by rule of the board."
154
155 After discussion by the board the following motions were made.
156
157 **MOTION:** Dr. Nelson made the motion to accept the settlement stipulation as
158 presented with \$1500.00 in fines and \$522.05 in costs to be paid within 30 days of the
159 filing of the final order. The addition of 2 records pulls to contain 5 records to be
160 completed within the one year of probation.
161
162 **SECOND:** Ms. Inzina
163
164 Motion passed unanimously.
165
166 **Michael Spirito, DVM**
167 **Case number: 2019-019878**
168 **VM 3122**
169
170 Dr. Spirito was not present.
171
172 Dr. Powell was recused due to her participation on the probable cause panel.
173

174 **Dr. Spirito** was charged with violation of 474.214 (1)(b), F.S. " Having a license or the
175 authority to practice veterinary medicine revoked, suspended, or otherwise acted
176 against, including the denial of licensure, by the licensing authority of any jurisdiction,
177 including any agency or subdivision thereof. The licensing authority's acceptance of a
178 veterinarian's relinquishment of a license, stipulation, consent order, or other settlement,
179 offered in response to or in anticipation of the filing of administrative charges against the
180 veterinarian's license or authority to practice, shall be construed as action against the
181 veterinarian's license or authority to practice."
182

183 After discussion by the board the following motions were made.
184

185 **MOTION:** Ms. Johnson made the motion to accept the settlement stipulation as
186 presented with \$2500.00 in fines and \$193.30 in costs to be paid within 30 days of the
187 filing of the final order. No probation is required.
188

189 **SECOND:** Ms. Inzina
190

191 Motion passed unanimously.
192

193 **Michael Hore, DVM**
194 **Case number: 2019/020017**
195 **VM 10129**
196

197 Dr. Hore was not present.
198

199 Dr. Powell was recused due to her participation on the probable cause panel.
200

201 Dr. Hore was was charged with violation of 474.214 (1)(b), F.S. " Having a license or the
202 authority to practice veterinary medicine revoked, suspended, or otherwise acted
203 against, including the denial of licensure, by the licensing authority of any jurisdiction,
204 including any agency or subdivision thereof. The licensing authority's acceptance of a
205 veterinarian's relinquishment of a license, stipulation, consent order, or other settlement,
206 offered in response to or in anticipation of the filing of administrative charges against the
207 veterinarian's license or authority to practice, shall be construed as action against the
208 veterinarian's license or authority to practice."
209

210 After discussion by the board the following motions were made.
211

212 **MOTION:** Dr. Nelson made the motion to accept the settlement stipulation as
213 presented with \$2500.00 in fines and \$193.29 in costs to be paid within 30 days of the
214 filing of the final order. No probation is required.

215
216 **SECOND:** Ms. Inzina

217
218 Motion passed unanimously.

219
220 **Robert Hunt, DVM**
221 **Case number: 2019-020072**
222 **VM 12137**

223
224 Dr. Hunt was not present.

225
226 Dr. Powell was recused due to her participation on the probable cause panel.

227
228 was charged with violation of 474.214 (1)(b), F.S. " Having a license or the authority to
229 practice veterinary medicine revoked, suspended, or otherwise acted against, including
230 the denial of licensure, by the licensing authority of any jurisdiction, including any
231 agency or subdivision thereof. The licensing authority's acceptance of a veterinarian's
232 relinquishment of a license, stipulation, consent order, or other settlement, offered in
233 response to or in anticipation of the filing of administrative charges against the
234 veterinarian's license or authority to practice, shall be construed as action against the
235 veterinarian's license or authority to practice."

236
237 After discussion by the board the following motions were made.

238
239 **MOTION:** Ms. Inzina made the motion to accept the settlement stipulation as
240 presented with \$2500.00 in fines and \$174.75 in costs to be paid within 30 days of the
241 filing of the final order. No probation is required.

242
243 **SECOND:** Dr. Cabrera.

244
245 Motion passed unanimously.

246
247 **Jessica Drish, DVM**
248 **Case number: 2019-001767**
249 **VM 12072**

250
251 Dr. Drish was not present.

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

254 Dr. Drish was charged with violation of 474.214 (1)(l) "Failing to respond within 60 days
255 after receipt of a request to provide satisfactory proof of having participated in approved
256 continuing education programs."

257
258 After discussion by the board the following motions were made.

259
260 **MOTION:** Dr. Leonard made a motion to rescind the **previous** order.

261
262 **SECOND:** Dr. Smith.

263
264 **MOTION:** Dr. Nelson made a motion to approve the settlement stipulation with
265 \$250.00 in fines and \$15.83 in costs to be paid within 30 days of the filing of the final
266 order.

267
268 **SECOND:** Ms. Johnson.

269
270 Motion passed unanimously.

271
272 **Michelle MacDougall, DVM**
273 **Case number: 2018-026922**
274 **VM**

275
276 This case was continued to the June board meeting.

277
278 **David Green, DVM**
279 **Case number: 2018-044652**
280 **VM 1548**

281
282 Dr. Green was not present or represented at the board meeting by legal counsel.

283
284 Dr. Powell was recused due to her participation on the probable cause panel.

285
286 Dr. Green was charged with violation of 474.214 (1)(r), F.S., "Being guilty of
287 incompetence or negligence by failing to practice medicine with that level of care, skill,
288 and treatment which is recognized by a reasonably prudent veterinarian as being
289 acceptable under similar conditions and circumstances."

290 And 474.214 (1)(ee), F.S. "Failing to keep contemporaneously written medical records
291 as required by rule of the board."

292
293 After discussion by the board the following motions were made.

294
295 Attorney Henderson will amend the Administrative Complaint and continue this case to
296 the June meeting.

297

298 **Richard Miller, DVM**
299 **Case number 2019-003587**
300 **VM 1831**

301
302 Dr. Miller was not present or represented at the board meeting by legal counsel.
303

304 Dr. Miller was charged with violation of 474.214(1)(b) F.S.,
305

306 After discussion by the board the following motions were made.
307

308 **MOTION:** Dr. Powell made a motion to accept Dr. Miller's Voluntary Relinquishment
309 of his license.

310
311 **SECOND:** Dr. Nelson

312
313 Motion passed unanimously.
314

315 **Paula Bemis, DVM**
316 **Case number 2019-024646**

317
318 Case was continued to the June board meeting.
319

320 **Review/Approval of Applications**

321
322 **Robert Fitzpatrick, DVM –License by Endorsement**

323
324 Dr. Fitzpatrick was not present.
325

326 After discussion by the board the following motions were made.
327

328 **MOTION:** Dr. Leonard made the motion to approve the application.
329

330 **SECOND:** Ms. Johnson.
331

332 Motion passed unanimously.
333

334 **Erin Chastain, DVM, - Licensure by Endorsement**

335
336 Dr. Chastain was present and sworn in by the court reporter.
337

338 After discussion by the board the following motions were made.
339

340 **MOTION:** Dr. Powell made a motion to approve this application.
341

342 **SECOND:** Ms. Johnson.

343

344 Motion passed unanimously.

345

346 **Special Agenda Items**

347

348 **James Segota- Request for payment plan 2019-007595**

349

350 Attorney Bayo was present on behalf of Dr. Segota and sworn in by the court reporter.

351

352 After discussion by the board the following motions were made.

353

354 **MOTION:** Dr. Leonard made a motion to Dr. Segota to make payment for fines and
355 costs within 90 days of the filing of the order.

356

357 **SECOND:** Dr. Cabrera.

358

359 Motion passed unanimously.

360

361 **Mario Arellano- Request for payment plan 2018-015374**

362

363 Dr. Arellano was not present.

364

365 After discussion by the board the following motions were made.

366

367 **MOTION:** Ms. Johnson made a motion to approve the request as presented.

368

369 **SECOND:** Dr. Cabrera.

370

371 Motion passed unanimously.

372

373 **VCA- Retroactive Request for CE Credit**

374

375 There was not a representative for VCA present at the meeting.

376

377 After discussion by the board the following motions were made.

378

379 **MOTION:** Dr. Nelson made a motion to approve the request for retroactive credit.

380

381 **SECOND:** Ms. Inzina.

382

383 Motion passed unanimously.

384

385

386 **PROBATION**

387

388 **Richard D'Amico, DVM** **2017-015697**

389

390 Dr. D'Amico was present and sworn in by the court reporter.

391

392 **MOTION:** Dr. Powell made a motion to accept this final probation appearance.

393

394 **SECOND:** Ms. Johnson.

395

396 Motion passed unanimously.

397

398 **Sammy Emara, DVM** **2015-055766**

399

400 Dr. Emara was present and sworn in by the court reporter.

401

402 **MOTION:** Dr. Cabrera made a motion to accept this final probation appearance.

403

404 **SECOND:** Dr. Nelson.

405

406 Motion passed unanimously.

407

408 **MOTION:** Dr. Powell made a motion to reject **Dr. Emara's** request to end his
409 probation early.

410

411 **SECOND:** Dr. Nelson.

412

413 The board chairman called a vote.

414

415 Dr. Leonard- yes, Dr. Nelson- yes, Dr. Powell- yes, Dr. Cabrera- yes, Dr. Smith- yes,
416 Ms. Inzina- yes, Ms. Johnson- yes

417

418 Motion passed unanimously.

419

420 **Stuart James, DVM** **2017-056830**

421

422 Dr. James was present and sworn in by the court reporter.

423

424 **MOTION:** Ms. Johnson made a motion to accept this final probation appearance.

425

426 **SECOND:** Ms. Inzina.

427

428 Motion passed unanimously.

429

430 **RATIFICATION OF APPLICATIONS**

431 **Licenses**

432

433 **Dr. Smith is recused from voting on ratification of the licenses.**

434

435 **MOTION:** Dr. Powell made a motion to accept the licensure list.

436

437 **SECOND:** Dr. Cabrera.

438

439 Motion passed unanimously.

440

441 **Continuing Education**

442

443 **MOTION:** Dr. Powell made a motion to accept the continuing education list.

444

445 **SECOND:** Dr. Nelson.

446

447 Motion passed unanimously.

448

449 **REPORTS**

450

451 **Executive Director – Ruthanne Christie**

452 Executive Director Christie gave a verbal report on the financial/enforcement report and
453 future meeting dates.

454

455 **Board counsel – Rachelle Munson**

456

457 Attorney Munson provided the board with a verbal update on the CE rules being
458 published.

459

460 **Prosecuting Attorney – Elizabeth Henderson**

461

462 Ms. Henderson reviewed her report with the board.

463

464 **MOTION:** Ms. Johnson made a motion to continue prosecution of year old cases.

465

466 **SECOND:** Dr. Nelson.

467

468 Motion passed unanimously.

469

470 **OLD BUSINESS**

471

471 **None**

472

473 **NEW BUSINESS**

474 **Delegation to the chair for authority to approve applications requiring review**

475

476 After discussion by the board the following motions were made.

477

478 **MOTION:** Ms. Johnson made a motion to approve.

479

480 **SECOND:** Dr. Cabreara.

481

482 The motion passed unanimously.

483

484 **PUBLIC COMMENT**

485 John Clark- Telemedicine question

486

487 **PROBATION ROLL CALL**

488

489 Ms. Senn called the probation roll and all were present.

490

491 Richard D'Amico, DVM

492 Sammy Emara, DVM

493 Stuart James, DVM

494

495 Alicia Gutierrez, DVM (was not present at final roll call and will need to appear in June)

496 Mohammad Hassan, DVM

497 Phillip Hammock, DVM (was not present at final roll call and will need to appear in June)

498

499

500 **ADJOURN**

501

502 The meeting adjourned at 11:37 A.M.