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MINUTES

**Board of Veterinary Medicine
General Business Meeting**

**Friday, March 18, 2022 at 9 A/M/
Holiday Inn
1250 W. University Ave
Gainesville, FL 32601**

CALL TO ORDER

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

MEMBERS PRESENT

Dr. Robert B. Leonard, Jr., Chair
Dr. Rudd Nelson- Vice Chair
Ms. Connie Johnson
Dr. Christopher Smith
Dr. Sharon Powell
Ms. Suzanne Inzina

MEMBERS ABSENT

Dr. Mario Cabrera (excused)

OTHERS PRESENT

Ruthanne Christie, Executive Director
Elizabeth Henderson, Prosecuting Attorney
Hunter McLendon, Government Analyst
Phipps Court Reporter

PROBATION ROLL CALL

Dr. Leonard asked Mr. McLendon to call the roll.

The following probationers were present;

Michael Elpert, DVM
William Lovett, Jr., DVM
Kathleen Prunier, DVM
Douglas Pernikoff, DVM (arrived late)

Approval of December 17, 2021 Meeting Minutes

44
45 **MOTION:** Ms. Inzina made a motion to approve the December 17, 2021 minutes
46 with the recommended corrections on lines 39, 110, 128, and 129.

47
48 **SECOND:** Dr. Smith

49
50 Motion passed unanimously.

51
52 **Applications for Review**

53
54 **Daniel Albert Franklin – Initial by Endorsement**

55
56 Dr. Franklin was present and sworn in by the court reporter.

57
58 After discussion by the board the following motions were made.

59
60 **MOTION:** Dr. Nelson made a motion to approve the application.

61
62 **SECOND:** Ms. Johnson

63
64 Motion passed unanimously.

65
66 Addendum

67
68 **Robert Paul Harper, DVM - Licensure by Endorsement**

69
70 Dr. Harper was present and sworn in by the court reporter.

71
72 After discussion by the board the following motions were made.

73
74 **MOTION:** Dr. Smith made the motion to approve the application.

75
76 **SECOND:** Dr. Nelson.

77
78 Motion passed unanimously.

79
80 **Elizabeth Howerton, DVM, - Licensure by Endorsement**

81
82 Dr. Howerton was present and sworn in by the court reporter.

83
84 After discussion by the board the following motions were made.

85
86 **MOTION:** Ms. Johnson made a motion to approve the application.

87 **SECOND:** Ms. Inzina.

88

89 The board chairman called a vote.

90

91 Motion passed unanimously.

92

93

94 **DISCIPLINARY HEARINGS**

95

96 **Evan Mitchell Blair, DVM**

97 **Case No. 2020-051652**

98

99 Continued.

100

101

102 **Dennis James Chiaro, DVM**

103 **Case No. 2020-025618**

104

105 Dr. Chiaro and Attorney Bayo were present and sworn in by the court reporter.

106

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

111

112

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

114

115 **MOTION:** Ms. Johnson made a motion to reject the settlement stipulation as
116 presented.

117

118 **SECOND:** Ms. Inzina

119

120 Motion passed unanimously.

121

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

123

124 **MOTION:** Dr. Leonard made a motion to have count one be reinstated, keep the
125 presented \$457.46 in costs, with \$3000.00 in fines to be paid within 30 days of the filing
126 order. 2 hours of Medical Record CE's, 2 hours of Management in Diabetic Patient, and
127 2 hours of Adrenal Disease CE's. 1 year of probation. This meeting counts as Dr.
128 Chiaro's first appearance and he will be required to attend one meeting before the end
129 of probation.

130
131 **SECOND:** Dr. Smith.

132
133
134 Motion passed unanimously.

135
136 **Lonnie L. Davis, DVM**
137 **Case number: 2021-033670**
138 **PC: Dr. Jones and Dr. Powell**

139
140 Dr. Davis was not present, nor represented by council.

141
142 Dr. Davis was charged charged with violation of 474.214 (1)(b) F.S., "Having a license
143 or the authority to practice veterinary medicine revoked, suspended, or otherwise acted
144 against, including the denial of licensure, by the licensing authority of any jurisdiction,
145 including any agency or subdivision thereof. The licensing authority's acceptance of a
146 veterinarian's relinquishment of a license, stipulation, consent order, or other settlement,
147 offered in response to or in anticipation of the filing of administrative charges against the
148 veterinarian's license or authority to practice, shall be construed as action against the
149 veterinarian's license or authority to practice."

150
151 **MOTION:** Dr. Nelson made a motion to accept the settlement stipulation as presented,
152 including \$166.87 in costs, and \$1500.00, no probation and no appearances.

153
154 **SECOND:** Dr. Smith.

155
156 Motion passed unanimously.

157
158 **James Robert Garcia, DVM**
159 **Case number: 2021-006856**
160 **PC: Dr. Jones and Dr. Powell**

161
162 Dr. Garcia was not present, nor represented by council.

163
164 Dr. Garcia was charged with violation of 474.214 (1)(b) F.S., "Having a license or the
165 authority to practice veterinary medicine revoked, suspended, or otherwise acted
166 against, including the denial of licensure, by the licensing authority of any jurisdiction,
167 including any agency or subdivision thereof. The licensing authority's acceptance of a
168 veterinarian's relinquishment of a license, stipulation, consent order, or other settlement,
169 offered in response to or in anticipation of the filing of administrative charges against the
170 veterinarian's license or authority to practice, shall be construed as action against the
171 veterinarian's license or authority to practice."

172

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

174

175 **MOTION:** Dr. Leonard made a motion that the respondent was properly served.

176

177 **SECOND:** Dr. Nelson.

178

179 Motion passed unanimously.

180

181 **MOTION:** Dr. Leonard made a motion to accept the allegations of facts as presented in
182 the administrative complaint.

183

184 **SECOND:** Dr. Nelson.

185

186 Motion passed unanimously.

187

188 **MOTION:** Dr. Leonard made a motion to accept the conclusions of law as stated in the
189 administrative complaint as those of the board.

190

191 **SECOND:** Dr. Nelson

192

193 Motion passed unanimously.

194

195 **MOTION:** Dr. Nelson made a motion to charge costs of \$132.96, and fines of \$1500.00.
196 Due within 30 days.

197

198 **SECOND:** Ms. Johnson

199

200 Motion passed unanimously.

201

202 **Duane Robert Wilcox, DVM**

203 **Case No. 2021-006856**

204 **PC: Dr. K. Jones and Dr. S. Powell**

205

206 Dr. Wilcox was present and sworn in by the court reporter.

207

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

216
217 And 474.214 (1)(jj) F.S., “Failing to report to the board within 30 days, in writing, any
218 action set forth in paragraph (b) that has been taken against the practitioner’s license to
219 practice veterinary medicine by any jurisdiction, including any agency or subdivision
220 thereof.”

221
222 After discussion by the board the following motions were made.

223
224 **MOTION:** Dr. Smith made a motion to accept findings of fact.

225
226 **Second:** Dr. Nelson.

227
228 Motion passed unanimously.

229
230 **Motion:** Ms. Inzina made a motion to adopt conclusions of law.

231
232 **Second:** Dr. Smith.

233
234 Motion passed unanimously.

235
236 **MOTION:** Dr. Leonard made a motion for \$2000.00 in fines and \$69.91 in costs to be
237 paid within 30 days of the filing of the final order. 5 years of probation, with 2
238 appearances. This meeting counts as Dr.Wilcox’s first appearance and he will be
239 required to attend one meeting before the end of probation.

240
241 **SECOND:** Dr. Nelson.

242
243 Motion passed unanimously.

244
245
246 **Daniel P. Bowen, DVM**

247 **Case number: 2021-001054**

248 **PC: Dr. K. Jones and Dr. S. Powell**

249
250 Dr. Bowen was present and sworn in by the court reporter.

251
252 Dr. Bowen was charged with violation of 474.214 (1)(r)F.S., “Being guilty of
253 incompetence or negligence by failing to practice medicine with that level of care, skill,
254 and treatment which is recognized by a reasonably prudent veterinarian as being
255 acceptable under similar conditions and circumstances.”

256

257 And was charged with violation of 474.214 (1)(ee), F.S. "Failing to keep
258 contemporaneously written medical records as required by rule of the board."
259

260
261 **Motion:** Ms. Johnson made a motion to accept the findings of fact.
262

263 **Second:** Dr. Nelson.
264

265 Motion passed unanimously.
266

267 **Motion:** Dr. Leonard made a motion to adopt the conclusions of law to apply to Count II
268 only and to dismiss Count I.
269

270 **Second:** Dr. Smith.
271

272 **Motion:** Dr. Leonard made the motion for the penalty phase to include \$589.95 in costs,
273 \$2000.00 in fines, 2 hours of continuing education in Dentistry Pain Management and 2
274 hours in Medical Records, and 1 year of probation. This meeting counts as Dr. Bowen's
275 first appearance and he will be required to attend one meeting before the end of
276 probation.
277

278 **Second:** Ms. Inzina.
279

280 Motion passed unanimously.
281

282 **WAIVERS**

283
284 **Prentiss K. Madden, DVM**

285 **Case No.2021-014012**

286 **PC: Dr. K. Jones and Dr. S. Powell**
287

288 Dr. Madden was not present.
289

290 Dr. Madden was charged with violation of 474.214(l)(c), "Being convicted or found
291 guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to
292 the practice of veterinary medicine or the ability to practice veterinary medicine. Any
293 crime which demonstrates a lack of regard for animal life relates to the ability to practice
294 veterinary medicine. In addition, crimes relating to the ability to practice veterinary
295 medicine shall include, but not be limited to, crimes involving any violation of state or
296 federal drug laws."
297

298 And of 474.214(l)(p) "Conviction on a charge of cruelty to animals."
299

300 **Motion:** Dr. Nelson made a motion to adopt the findings of fact and conclusions of law
301 and find that the conclusions of law constitute a violation of the practice act as alleged in
302 the Administrative Complaint.

303
304 **Second:** Ms. Johnson.

305
306 Motion passed unanimously.

307
308 **Motion:** Ms. Johnson made a motion for revocation of Dr. Madden's license, with a fine
309 of \$9000.00 and \$218.00 cost.

310
311 **Second:** Ms. Inzina.

312
313 Motion passed unanimously.

314
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316 **PROBATION**

317
318
319 **Larry Arlington Britt, DVM**

2019-063229

320
321 Dr. Britt was not present.

322
323 **MOTION:** Ms. Johnson made a motion to continue to future meeting.

324
325 **SECOND:** Dr. Nelson.

326
327 Motion passed unanimously.

328
329 **Douglas Steven Pernikoff, DVM**

2018-013490

330
331 Dr. Pernikoff was present and sworn in by the court reporter.

332
333 After discussion by the board the following motions were made.

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335 **MOTION:** Dr. Nelson made a motion to accept this appearance.

336
337 **SECOND:** Dr. Powell

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340 **Kathleen Prunier, DVM**

Condition of Licensure

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342 Dr. Prunier was present and sworn in by the court reporter.

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After discussion by the board the following motions were made.

MOTION: Dr. Nelson made a motion to accept this appearance.

SECOND: Ms. Johnson.

Motion passed unanimously.

William H. Lovett, Jr., DVM **2016-01828**

Dr. Lovett Jr. was present and sworn in by the court reporter.

After discussion by the board the following motions were made.

MOTION: Dr. Nelson

SECOND: Ms. Inzina.

Motion passed unanimously.

Michael Elpert, DVM **2018-040702**

Dr. Elpert was present and sworn in by the court reporter.

After discussion by the board the following motions were made.

MOTION: Dr. Nelson made a motion to accept this appearance.

SECOND: Dr. Powell.

Motion passed unanimously.

RULES- Report

Board Counsel Report- Ed Tellechea

Attorney Tellechea updated the board on the rules currently in development.

Executive Director – Ruthanne Christie

Executive Director Christie updated the board on future meeting dates and locations.
The board was also provided with the exam reports for 2021.

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Prosecuting Attorney – Elizabeth Henderson

Ms. Henderson reviewed her report with the board.

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

SECOND: Dr. Nelson.

Motion passed unanimously.

Ratification of Applications

Licenses

Dr. Smith was recused.

MOTION: Dr. Powell made a motion to approve the list of applications.

SECOND: Dr. Nelson.

Motion passed unanimously.

Continuing Education

Motion: Dr. Powell made a motion to approve the list of courses, with the exception of University of Miami’s courses- Dr. Leonard will review the courses before final ratification.

Second: Ms. Inzina.

OLD BUSINESS

None

PUBLIC COMMENT

Florida Veterinary Technicians provided a report of their recent activities.

NEW BUSINESS

None

PROBATION ROLL CALL

Mr. Mclendon called the probation roll and all were present.

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Michael Elpert, DVM
William Lovett, Jr., DVM
Kathleen Prunier, DVM
Douglas Pernikoff, DVM
Dr. Dennis Chiaro, DVM
Dr. Duane Wilcox, DVM
Dr. Daniel Bowen, DVM

Next Meeting- June 24, 2022 The Shores Resort and Spa; Daytona Beach Shores

ADJOURN

The meeting adjourned at 11:43 A.M.