

MINUTES

**Board of Veterinary Medicine
General Business Meeting
Bohemian Hotel Celebration
700 Bloom Street
Celebration, FL 34747**

May 30, 2013

CALL TO ORDER

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

MEMBERS PRESENT

Dr. Robert O'Neil, Chair
Dr. Raul Figarola
Dr. Nanette Parratto – Wagner
Ms. Cynthia Lewis
Ms. Connie Johnson

MEMBERS ABSENT

Dr. Guy Maxwell (excused)
Dr. Joann Helm (excused)

OTHERS PRESENT

Juanita Chastain, Executive Director
Clark Jennings, Board Counsel
Elizabeth Henderson, Prosecuting Attorney
Linda Tinsley, Government Analyst
Diana Garcia, Court Reporter, American Court Reporting, 407.896.1813
Stephen Shores, DVM, FVMA
Elizabeth Thurman, DVM
David R. Malone, DVM
Larry A. Britt, DVM
Lavinia Tulcan, DVM
Michael E. McNulty, DVM
Donald Denoff, DVM
Donald Rex Gordon, DVM
Paul S. Hayman, DVM
Scott Gregory, DVM
Jerry Rayburn, DVM
David Turner, DVM

Michael Gallo, DVM
Geneva Acor, DVM
Ernest Balogh, DVM
Laura Earle, DVM

Dr. O'Neil advised the board that he wanted to introduce a special guest Ken Lawson, Secretary for the Department of Business and Professional Regulation.

Secretary Lawson thanked the board for their service to the State of Florida. He stated that he and the staff were there to support them. Secretary Lawson stated that he truly appreciated Dr. O'Neil's service and what he has done for the State. He advised the board that if there is anything he can do to be helpful to please call him.

APPROVAL OF MEETING MINUTES

March 5, 2013 Meeting Minutes

Dr. Parratto-Wagner advised the board that her name was misspelled through out the minutes and on line 628 there was a typo the number three (3) in parenthesis should be thirty (30).

MOTION: Ms. Johnson made a motion to approve the minutes with corrections.

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

November 28, 2012 – PCP Reconsideration Minutes

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

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

March 20, 2013 – PCP Reconsideration 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.

April 17, 2013 – PCP Reconsideration Minutes

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

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

DISCIPLINARY HEARINGS

Jamie Mcanly, DVM: Case number 2012-022893

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

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 she was convicted of a crime. Ms. Henderson advised the board that the recommended penalty was a five hundred dollar (\$500.00) fine and two hundred and forty eight dollars and seventy cents (\$248.70) in costs.

After discussion by the board the following motions were made.

MOTION: Dr. Parratto-Wagner 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. Figarola made a motion to accept the conclusions of law as the board's conclusions of law.

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

MOTION: Dr. Parratto-Wagner made a motion to impose a one thousand dollar (\$1,000.00) fine and two hundred and forty eight dollars and seventy cents (\$248.70) in costs.

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

Hiram Pomales, DVM: Case number 2011-060915

The hearing was continued until the September 3, 2013 meeting in St. Augustine.

David Malone, DVM: case number 2012-014529

Dr. Malone 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 was practicing without a limited service permit. Ms. Henderson advised the board that the department recommended a one thousand dollar (\$1,000.00) fine, five hundred and ten dollars and sixty cents (\$510.60) in costs and retake the Florida laws and rules exam within eighteen (18) months.

After discussion by the board the following motion was made.

MOTION: Ms. Johnson made a motion to accept the settlement stipulation as presented.

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

Meredith Sammons, DVM: Case numbers 2011-045979 & 2011-045984

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

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

Ms. Henderson advised the board that Dr. Sammons had sent a fax to the hotel the day before the meeting May 29, 2013 asking the board for a continuance. Ms. Henderson advised the board that Dr. Sammons had not addressed the two (2) orders that were filed two (2) years ago. Ms. Henderson asked if she had contacted the Professional Resource Network (PRN). Ms. Henderson advised the board that her license was currently suspended.

Dr. Martha Brown, Associate Medical Director from the Professional Resource Network (PRN), was sworn in by the court reporter. Dr. Brown advised the board that Dr. Sammons was sent a certified letter in 2011 and it was returned because it was never picked up and they had not heard from her up to this point.

Ms. Henderson advised the board that her office had heard nothing from Dr. Sammons and she advised the board it was up to them if they wanted to grant the continuance or hear the case at the meeting today.

MOTION: Dr. Figarola made a motion to deny Dr. Sammons' request for a continuance.

SECOND: Ms. Johnson seconded the motion.

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

Ms. Henderson presented the case as a Motion for Waiver and Final Order. Ms. Henderson advised the board that the administrative complaint alleges that Dr. Sammons failed to comply with a final order issued by the board. Ms. Henderson advised the board that the respondent failed to file an election of rights form.

MOTION: Dr. Parratto-Wagner made a motion that Dr. Sammons' waived her right to a hearing.

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

MOTION: Dr. Figarola made a motion to accept the findings of fact and conclusions of law as the findings of fact and conclusions of law of the board.

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

Ms. Henderson advised the board that the recommended penalty was a four thousand dollar (\$4,000.00) fine, five hundred and forty three dollars (\$543.00) in costs and to maintain her suspension and to reactivate her license should she come into compliance with Professional Resource Network (PRN).

After discussion by the board the following motion was made.

MOTION: Dr. Wagner made a motion to revoke Dr. Sammons' license.

Motion failed due to lack of a second.

Dr. O'Neil asked Ms. Henderson to read the mitigating circumstances.

Ms. Henderson read the following:

Danger to the public.

Length of time since the original violation.

The number of times the licensee had been disciplined by the board.

The actual damage physical or otherwise caused by the violation.

The deterrent affect of the penalty imposed.

The affect of the penalty upon the licensee's livelihood.

Any effort of rehabilitation by the licensee.
The actual knowledge of the licensee pertaining to the violation.
Attempts by licensee to correct or stop violation or refusal by licensee to correct or stop violation.
Actual negligence of the licensee pertaining to any violation.

MOTION: Dr. Figarola made a motion to impose a four thousand dollar (\$4,000.00) fine, five hundred and forty three dollars (\$543.00) in costs and an evaluation by PRN.

SECOND: Ms. Johnson seconded the motion.

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

The board requested that Dr. Sammons' order be hand delivered.

Richard Gallo, DVM: Case number 2011-006491

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

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

Dr. Figarola and Dr. Parratto-Wagner stated that they knew Dr. Gallo personally.

Dr. Gallo's attorney advised the board that Dr. Gallo had no problem with Dr. Figarola or Dr. Parratto-Wagner participating in the hearing.

Mr. Bayo advised the board that Dr. Gallo filed a motion for modification of his final order. Mr. Bayo advised the board that Dr. Gallo received a letter that his case was closed and later received a letter to appear at the December 4, 2012 board meeting that was misplaced. The board heard the case and he was sent a final order. He has since completed his continuing education and made his appearance at the March 5, 2013 meeting that were requirements in the final order. Mr. Bayo asked the board to modify the order to reduce the fine from three thousand dollars (\$3,000.00) to fifteen hundred dollars (\$1,500.00).

After discussion by the board the following motions were made.

MOTION: Ms. Johnson made a motion to accept the modification of the final order.

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

MOTION: Dr. Figarola made a motion to grant the reduction of Dr. Gallo's fine from three thousand dollars (\$3,000.00) to fifteen hundred dollars (\$1,500.00).

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

REVIEW/APPROVAL OF APPLICATIONS

Jan Henriksen, DVM – Licensure by Endorsement

Dr. Henriksen was not present at the meeting he was represented by counsel, Edwin Bayo.

Mr. Bayo advised the board that Dr. Henriksen would like to withdraw his application at this time.

MOTION: Dr. Parratto-Wagner made a motion to accept the withdrawal of Dr. Henriksen's licensure application.

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

Rachel Lauren Witt, DVM – Licensure by Examination

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

Dr. O'Neil advised the board that Dr. Witt had applied for a license and had answered yes to background question number one (1).

Dr. Witt addressed the board and explained her charges.

After discussion by the board the following motion was made.

MOTION: Ms. Lewis made a motion to impose an evaluation by PRN and if she has a favorable report Dr. Witt can take the exam. If the evaluation is not favorable the application will be reviewed by the board at the September 4, 2013 meeting and Dr. Witt will have to agree to follow Professional Resource Network's (PRN) recommendations.

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

Dr. O'Neil introduced Mr. Jim Patton from the Gainesville DBPR field office.

Mr. Patton introduced his staff and stated that they were attending the board meeting and the investigative training being conducted the following day by the department.

DISCUSSION

61G18-30.001 (1) (x) Disciplinary Guidelines

Mr. Jennings advised the board that Rule 61G18-30.001 (1) (x), F.A.C. was part of the Regulatory Plan for 2014. He stated that there were two (2) items on the Regulatory Plan one was to modify Rule 61G18-30.001 (1) (x), F.A.C. to allow the inspection of work vehicles.

Ms. Chastain advised the board the second item on the Regulatory Plan was Rule 61G18-11.002 (6), F.A.C. Ms., Chastain advised the board that the sentence stating the national exam must have been taken within five (5) years prior to the administration of the laws and rules exam. She stated that the laws and rules exam is available daily and this is no longer a valid statement.

MOTION: Dr. Parratto-Wagner made a motion to approve the proposed Regulatory Plan as the plan for 2014.

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

61G18-16.002 (3) Continuing Education Requirements For Active Status License Renewal.

Mr. Jennings advised the board that this was a housekeeping issue for this rule. He stated that the word board in the last sentence "The board will audit at random" should be the department will audit.

Mr. Jennings asked the board to make a motion for rule development.

MOTION: Dr. O'Neil made a motion to direct board counsel to notice Rule 61G18-16.002 (3) for development and notice for adoption.

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

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

MOTION: Dr. Figarola made a motion that the rule would have no economic impact.

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

REVIEW /APPROVAL OF VETERINARY SUPERVISOR'S QUARTERLY REPORT

Dr. Philip Aleong

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

Dr. O'Neil was recused and Dr. Figarola conducted the review.

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

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

REQUEST TO ATTEND REQUIRED BOARD MEETING OUTSIDE OF PROBATION PERIOD

Sandra L'Amie, DVM

Ms. Chastain advised the board that Dr. L'Amie was out of the country and she had to make two (2) board appearances and was asking the board if she could appear in September and in December. Ms. Chastain stated that the December meeting was after her probation ends.

MOTION: Dr. Parratto-Wagner made a motion to extend Dr. L'Amie's probation to December 4, 2013.

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

MOTION: Ms. Johnson made a motion to grant Dr. L'Amie's request to appear at the September 4, 2013 and December 3, 2013 board meetings.

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

PROBATION APPEARANCES

Ernest Balogh, DVM

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

Dr. Brown from the Professional Resource Network (PRN), advised the board that Dr. Balogh was in complete compliance with his contract.

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

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

Larry A. Britt, DVM

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

MOTION: Ms. Johnson made a motion to accept Dr. Britt's probation appearance.

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

Donald Denoff, DVM

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.

MOTION: Dr. Figarola made a motion to end Dr. Denoff's probation.

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

Scott Anthony Gregory, DVM

Dr. Gregory was present at the meeting he 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: Ms. Lewis seconded the motion and the motion passed unanimously.

Donald Gordon, DVM

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

Dr. Gordon asked the board for six (6) more months to pay his fine.

MOTION: Ms. Johnson made a motion to extend Dr. Gordon's payment period for his fine and his probation to December 27, 2013.

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

Paul S. Hayman, DVM

Dr. Hayman 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. Hayman's probation appearance and to end his probation.

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

Declan E. Huber, DVM

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

MOTION: Dr. Parratto-Wagner made a motion to accept Dr. Huber's probation appearance.

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

Michael E. McNulty, DVM

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

MOTION: Ms. Johnson made a motion to accept Dr. McNulty's probation appearance.

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

Elizabeth Thurman, DVM

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

Dr. Brown, from the Professional Resource Network (PRN), advised the board that Dr. Thurman was in complete compliance with her contract.

MOTION: Ms. Johnson made a motion to accept Dr. Thurman's probation appearance.

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

Lavinia Marta Tulcan, DVM

Dr. Tulcan 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 accept Dr. Tulcan's probation appearance.

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

David L. Turner, DVM

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

Dr. Brown, from the Professional Resource Network (PRN), advised the board that Dr. Turner was in complete compliance with his contract.

MOTION: Ms. Johnson made a motion to accept Dr. Turner's probation appearance.

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

RATIFICATION OF APPLICATIONS

Licenses

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

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

Continuing Education

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

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

CONTINUING EDUCATION APPLICATION REVIEW

Mr. Jennings advised the board that Dr. Helm had some concerns about the continuing education courses in the agenda materials. He stated that a memo from Dr. Helm was in their material folder that contained comments on each course.

Mr. Jennings advised the board that they would review the Onlinecontinuinged,LLC courses individually.

After discussion by the board the following motions were made.

MOTION: Dr. O'Neil made a motion to cut the hours for the Onlinecontinuinged, LLC courses.

The motion died due to lack of a second.

MOTION: Dr. Parratto-Wagner made a motion to deny Veterinary Acupuncture 201 -204 and Natural Medicine 201-204.

The motion died due to lack of a second.

MOTION: Dr. Parratto-Wagner made a motion to send Veterinary Acupuncture 201 -204 and Natural Medicine 201-204 back for more information.

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

MOTION: Ms. Johnson made a motion to send Diagnosis and Treatment in Equine medicine 201-208 back for additional course material and provider qualifications to teach the courses.

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

**Surgi –Care Center for Horses – Provider
Multimodal, Non-Invasive Treatment of Non-Displaced Distal Radial
Fracture in an Adult Horse**

After discussion by the board the following motion was made.

MOTION: Dr. Parratto-Wagner made a motion to send the course back and ask if there was someone with more experience to answer questions.

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

**Palm Beach Veterinary Society, Inc. – Provider
The Feline Diabetic: I am not a small dog**

MOTION: Dr. Parratto-Wagner made a motion to send the course back to ask if there was another instructor available.

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

REPORTS

Executive Director- Juanita Chastain

No Report

Board Counsel – Clark Jennings

Mr. Jennings advised the board the rules report was in their materials and asked if there were any questions.

The board had no questions.

Prosecuting Attorney – Elizabeth Henderson

No Report

Board chair – Dr. Robert O’Neil

Dr. O’Neil advised the board that he met with the Governor and the Governor thanked the board for all of their hard work.

OLD BUSINESS

No old business.

NEW BUSINESS

No new business.

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

The meeting adjourned at 11:09 a.m.