

MINUTES

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

June 3, 2014

CALL TO ORDER

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

MEMBERS PRESENT

Dr. Robert O'Neil, Chair
Dr. Nanette Parratto-Wagner, Vice Chair
Dr. Robert B. Leonard, Jr.
Dr. Terry Spencer
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
American Court Reporting, 407.896.1813
Phil Hinkle, FVMA
Stephen Shores, DVM
Penelope Ziegler, PRN
Al Paredes, DVM
Ted Oroski, DVM
Roger Botelson, DVM
Greg Murray, DVM
Jennifer Moller, DVM
David Sun, DVM

Donald H. Morgan, DVM
Brandon Cox, DVM
Catherine L. Deptula, DVM
Elizabeth Thurman, DVM
Pat Ries, DVM
Justine A. Mikolaitis
Sandy Gosselin
Dina Contri
Stacy Furgang, DVM
Pierre B. Bland, DVM
Amy K. Gentsch, DVM
John Wight, DVM
Amie Patty
Richard Jaffe, DVM
Linda Rubin, DVM

PROBATION ROLL CALL

Dr. O'Neil asked Ms. Tinsley to call the probation roll. Dr. Pomales was absent.

APPROVAL OF MARCH 4, 2014 MEETING MINUTES

MOTION: Dr. Spencer made a motion to approve the minutes as amended.

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

DISCIPLINARY HEARINGS

Ram Prasad, DVM: Case number 2012-003489

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

Ms. Henderson presented the case as an informal hearing. Ms. Henderson advised the board that the administrative complaint alleges that the respondent practiced veterinary medicine below the standard of care, failed to keep contemporaneous medical records and prescribed inappropriately. Ms. Henderson advised the board that the recommended penalty was a two thousand dollar fine (\$2,000.00), five hundred and fifty four dollars and nine cents (\$554.09) 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 accept the findings of fact as the findings of facts of the board.

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

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

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

MOTION: Dr. Hase made a motion to impose a forty five hundred dollar (\$4,500), fine, five hundred and fifty four dollars and nine cents (\$554.09) in costs, two (2) years probation, five (5) hours of continuing education in record keeping, two (2) hours of continuing education in pharmacology and three hours of continuing education in laws and rules. The respondent shall take the Florida laws and rules exam within ninety (90) days.

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

Ram Prasad, DVM: Case numbers 2013-005150 & 2013 - 027678

Dr. Prasad was present at the meeting and was represented by counsel, Bryan Reynolds. Dr. Prasad 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 fraudulently issued a health certificate and failed to keep contemporaneously written medical records. Ms. Henderson advised the board that the recommended penalty was eight thousand dollars (\$8,000.00) in fines and four hundred and ninety eight dollars and thirty one cents (\$498.31) in costs.

After discussion by the board the following motions were made.

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

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

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

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

MOTION: Dr. Hase made a motion to impose four hundred and ninety eight dollars and thirty-one cents (\$498.31) in costs, five (5) years probation, during the first year respondent shall attend four (4) board meetings and shall attend two (2) meetings for the remainder of probation. Respondent shall be required to have consulting supervision for five (5) years with consultations on a monthly basis and shall abstain from issuing health certificates. Respondent's license shall be suspended for five (5) years with suspension stayed for as long as Respondent is in compliance with probation.

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

Richard Jaffe, DVM: Case number 2013-017284

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

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

Ms. Henderson stated that Dr. Jaffe was represented by counsel.

Dr. Jaffe stated that he intended to go forward without counsel.

Ms. Henderson presented the case as an informal hearing. 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 prudent veterinarian as being acceptable under similar circumstances and failed to keep accurate and complete medical records. Ms. Henderson advised the board that the recommended penalty was a ten thousand dollar (\$10,000) fine, one thousand four hundred and seventy two dollars and sixty six cents (\$1,472.66) in costs, thirty (30) days suspension, and two (2) years probation.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. Spencer made a motion to impose one thousand four hundred and seventy two dollars and sixty six cents (\$1,472.66) in costs, and revocation of license.

SECOND: Ms. Johnson seconded the motion.

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

Roger Botelson, DVM: Case number 2012-044556

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

Dr. Parratto-Wagner was recused due to 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 prudent veterinarian as being acceptable under similar circumstances and failed to keep contemporaneously written medical records. Ms. Henderson advised the board that the department recommended a one thousand dollar (\$1,000.00) fine, seven hundred and twenty four dollars and twenty four cents (\$724.24) in costs, and one year probation.

After discussion by the board the following motion was made.

MOTION: Dr. Leonard made a motion to accept the settlement stipulation as presented.

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

Carmen Lucena-Shaw, DVM: Case number 2012-040592

Dr. Lucena-Shaw was present at the meeting and was represented by counsel, Bryan Reynolds. Dr. Lucena-Shaw was sworn in by the court reporter.

Dr. Parratto-Wagner was recused due to 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 prudent veterinarian as being acceptable under similar circumstances and failed to keep contemporaneously written medical records. Ms. Henderson advised the board that the department recommended a two thousand dollar (\$2,000) fine, nine hundred and twelve dollars and forty nine cents (\$912.49) in costs, and one (1) year probation.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. Hase made a motion to dismiss the administrative complaint.

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

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

The motion passed unanimously.

James Edward Steffes, DVM: Case number 2012-025281

Dr. Steffes was present at the meeting and was represented by Bryan Reynolds. Dr. Steffes was sworn in by the court reporter.

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

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board the administrative complaint alleges the respondent failed to practice veterinary medicine with that level of care, skill and treatment which is recognized by a prudent veterinarian as being acceptable under similar circumstances and failed to keep contemporaneously written medical records. Ms. Henderson advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, nine hundred and twenty three dollars and fifty eight cents (\$923.58) in costs, and one (1) year probation.

After discussion by the board the following motion was made.

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

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

Stacy Furgang, DVM: Case number 2012-001787

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

Dr. Parratto-Wagner was recused due to 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 prudent veterinarian as being acceptable under similar circumstances 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 eight hundred and eighty nine dollars and twenty one cents (\$1,889.21) in costs, six (6) months probation, and ten (10) hours of continuing education.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. Hase made a motion to dismiss the case.

The motion failed due to lack of a second.

MOTION: Dr. Spencer made a motion to offer a counter settlement of a five hundred dollar (\$500.00) fine, one thousand eight hundred and eighty nine dollars and twenty one cents (\$1,889.21) in costs and six (6) months probation. No continuing education will be required.

SECOND: Dr. Leonard seconded the motion.

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

The motion passed with Dr. Hase opposed.

Dr. Furgang accepted the counter settlement.

Alison Lurie, DVM: Case number 2012-038213

The case was tabled until the September 2014 board meeting.

Jennifer Moller, DVM: Case number 2011-057683

Dr. Moller was present at the meeting and was represented by counsel, Amie Patty. Dr. Moller was sworn in by the court reporter.

Dr. Parratto-Wagner was recused due to 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 practice veterinary medicine with that level of care, skill and treatment which is recognized by a prudent veterinarian as being acceptable under similar circumstances and failed to keep contemporaneously written medical records. Ms. Henderson advised the board that the department recommended a four thousand dollar (\$4,000.00) fine, one thousand two hundred and forty seven dollars and fifty one cents (\$1247.51) in costs, and eight (8) hours of continuing education.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. Spencer made a motion to offer a counter settlement of four thousand dollar (\$4,000.00) fine, one thousand two hundred and forty seven dollars and fifty one cents (\$1247.51) in costs, one (1) year probation, one board appearance and four (4) hours of continuing education in medical records and four hours of continuing education in surgery.

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

The Chair asked Dr. Hase to approve Dr. Moller's continuing education prior to attendance.

Dr. Moller accepted the counter settlement.

Daniel Otto, DVM: Case number 2012-052779

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

Dr. Parratto-Wagner was recused due to 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 disciplined by the State of Nebraska. Ms. Henderson advised the board that the department recommended a one hundred and seventy six dollars and three cents (\$176.03) in costs and probation.

After discussion by the board the following motion was made.

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

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

Walter Swanson, DVM: Case number 2011-056079

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

Dr. Parratto-Wagner was recused due to 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 contemporaneously written medical records and failed to keep an accurate controlled

substance log. Ms. Henderson advised the board that the department recommended five hundred and ninety six dollars and seventy two cents (\$596.72) in costs.

After discussion by the board the following motion was made.

MOTION: Dr. Spencer made a motion to accept the settlement stipulation as presented.

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

REVIEW/APPROVAL OF APPLICATIONS

Michael Edward Jacobs, DVM-Endorsement Application

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

Dr. O'Neil advised the board that there were two letters of reference in their folders for Dr. Jacobs.

Mr. Bayo advised the board that Dr. Jacobs was before them because he answered yes to the background question on the licensure application. Mr. Bayo stated that Dr. Jacobs had been disciplined by the Maryland Board of Veterinary Medicine.

After discussion by the board the following motion was made.

MOTION: Dr. Hase made a motion to approve Dr. Jacobs application for licensure.

SECOND: Ms. Inzina seconded the motion and the motion passed with Dr. Parratto-Wagner opposed.

David Sun, DVM – Exam Application

Dr. Sun was present and was not represented by counsel. He was sworn in by the court reporter.

Dr. Sun advised the board that he had answered yes to a background question on the application.

After discussion by the board the following motion was made.

MOTION: Dr. Parratto-Wagner made a motion to approve Dr. Sun's application with the condition that he is evaluated by Professional Resource Network (PRN) and PRN must determine if Dr. Sun is able to practice veterinary medicine with skill and safety.

SECOND: Dr. Hase 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.

Mr. Jennings advised the board that in their folder was a draft order regarding Dr. Murray. He stated that a letter from PRN was in their folder and after a review of the letter the board could make changes to the order. Mr. Jennings advised the board that Dr. Murray was to appear with his monitor.

Mr. Bayo stated that the monitor had an emergency and was not present.

MOTION: Dr. Parratto-Wagner made a motion to table the issue until the monitor could appear.

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

REQUEST FOR EXTENSION TO PAY FINE

James E. Hicks, DVM – Case number 2009-002893

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

Ms. Chastain advised the board that Dr. Hicks had paid five hundred dollars (\$500.00) on the fine and he is asking for an extension to pay the balance of the fine and the costs.

After discussion by the board the following motion was made.

MOTION: Dr. Hase made a motion to grant the extension.

SECOND: Ms. Johnson seconded the motion and the motion passed with Dr. Parratto-Wagner opposed.

DISCUSSION

Emergency Response by Practitioner

Dr. O'Neil advised the board that he feels someone should be present at the racetrack if they have a patient at the track.

Ms. Henderson stated that she feels that should be a track rule not a board rule.

Records Owner

Dr. Hase addressed the board regarding a veterinarian keeping copies of the records.

Ms. Henderson stated that the owner of the practice has the records and it is the responsibility of the veterinarian to provide the records to the client.

Mr. Jennings stated that statutorily the veterinarian owns the records.

Dr. Hase stated that he would volunteer to work on rule language and report back to the board at the next meeting.

PROBATION APPEARANCES

Ernest Balogh, DVM

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

Dr. Ziegler from PRN advised the board that Dr. Balogh was doing well.

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

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

Brandon Cox, DVM

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

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

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

Amy Gentsch, DVM

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

MOTION: Ms. Johnson made a motion to accept Dr. Gentsch'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: Ms. Inzina seconded the motion and the motion passed unanimously.

Patricia Susan Ries, DVM

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

Dr. Ries asked for an extension to pay her fine.

After discussion by the board the following motions were made.

MOTION: Dr. Parratto-Wagner made a motion to extend the time to pay her fine by three (3) months.

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

MOTION: Dr. Hase made a motion to accept Dr. Ries probation appearance.

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

Elizabeth Thurman, DVM

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

Dr. Ziegler from PRN advised the board that Dr. Thurman was doing well.

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

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

David Turner, DVM

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

Dr. Ziegler from PRN advised the board that Dr. Turner was doing well.

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

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

RATIFICATION OF APPLICATIONS

Licensure List

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

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

REPORTS

Executive Director – Juanita Chastain

Ms. Chastain reviewed the financial report with the board and stated that the board would be in the black by the next quarter due to the license renewal. Ms. Chastain advised the board that it was the end of the fiscal year and to please send in their travel reimbursement forms as soon as possible.

Dr. O'Neil advised the board that investigators from the department were in the audience.

Mr. Patton addressed the board and explained the investigative process and answered questions from the board.

Prosecuting Attorney – Elizabeth Henderson

Ms. Henderson reviewed her report with the board.

Board Counsel-Clark Jennings

Mr. Jennings reviewed the rules report with the board.

Mr. Jennings advised the board that Rule 61G18-30.003 (4) (d) was obsolete and needed to be repealed.

MOTION: Dr. Parratto-Wagner made a motion to direct board counsel to repeal the rule as requested.

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

Board Chair- Dr. Robert O'Neil

No report.

OLD BUSINESS

Petition for Reinstatement

Gregory Murray, DVM

Mr. Bayo addressed the board and asked the board to allow the chair to approve the monitor.

Dr. Ziegler, from PRN, advised the board that Dr. Murray was ready to return to work on a part time basis.

After discussion by the board the following motion was made.

MOTION: Dr. Hase made a motion to allow Dr. O'Neil, Chair, to give temporary approval for the monitor and the agreement for Dr. Murray.

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

NEW BUSINESS

Dr. Ted Oroski, DVM

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

Ms. Henderson advised the board that Dr. Oroski informed her that he had not received his Final Order or the notices for his appearance, and he had no idea his license was suspended. Ms. Henderson gave an overview of the penalties in the Final Order. She stated that Dr. Oroski asked if he could address the board.

Dr. Oroski addressed the board.

After discussion by the board the following motion was made.

MOTION: Dr. Hase made a motion to make modifications to the penalties imposed by the March 26, 2014 Order, suspension lifted immediately and stayed, two (2) years probation and attend eight (8) board meetings during probation, shall pay all monies due from previous orders by paying five hundred dollars (\$500.00) within one week followed by one hundred (\$100.00) per month, take and pass the laws and rules exam in six (6)

months. As a condition of probation he must submit two (2) days worth of medical records once a month for six (6) months then once every six (6) months for remainder of probation, all continuing education due to be completed within six (6) months and an evaluation by PRN within sixty (60) days.

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

PUBLIC COMMENT

No public comment.

PROBATION ROLL CALL

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

The meeting adjourned at 3:15 p.m.