

## **MINUTES**

**Board of Veterinary Medicine  
General Business Meeting  
Casa Monica Hotel  
95 Cordova Street  
St. Augustine, FL**

**September 4, 2013**

### **CALL TO ORDER**

Dr. O'Neil called the meeting to order at 8:08 a.m.

### **MEMBERS PRESENT**

Dr. Robert O'Neil, Chair  
Dr. Raul Figarola  
Dr. Nanette Parratto- Wagner  
Dr. Joanne Helm  
Ms. Connie Johnson  
Ms. Suzanne Inzina

### **MEMBERS ABSENT**

Dr. Guy Maxwell (excused)

### **OTHERS PRESENT**

Juanita Chastain, Executive Director  
Clark Jennings, Board Counsel  
Elizabeth Henderson, Prosecuting Attorney  
Linda Tinsley, Government Analyst  
Paul Waters, Deputy General Counsel, DBPR  
Erica White, Chief Attorney, Professions, DBPR  
Pam Underwood, Court reporter, Volusia Reporting, 386.255.2150  
Stephen Shores, DVM, FVMA  
Phil Hinkle, FVMA  
Jerry Rayburn, DVM  
Abraham G. Robinson, DVM  
Gene A. Rinderknecht, DVM  
Scott Gregory, DVM  
Courtney Whelan  
Ted Oroski, DVM  
Walter Kallenbach, DVM

Barb Reitz, DVM  
Sandra L'Amie, DVM

Dr. O'Neil advised the board that there was a new consumer board member in the audience Ms. Suzanne Inzina, appointed by Governor Scott. Ms. Inzina will be replacing Ms. Lewis and will participate in the December meeting.

Dr. O'Neil introduced guests from the department, Paul Waters, Deputy General Counsel and Erica White, Chief Prosecuting Attorney for Professions.

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

### **APPROVAL OF MAY 30, 2013 MEETING MINUTES**

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

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

### **DISCIPLINARY HEARINGS**

#### **Jamie DeRoin, DVM: Case number 2012-046327**

Dr. DeRoin was not present at the meeting. Dr. Derooin was represented by counsel, David Romanik.

Dr. O'Neil recused himself from the hearing due to the fact that he worked at the same race track as the respondent.

Dr. Helm, Vice Chair, conducted the hearing.

Ms. Henderson presented the case as an informal hearing. Ms. Henderson advised the board that the administrative complaint alleges the Respondent was disciplined by PMW and she failed to report the discipline to the board within thirty (30) days. Ms. Henderson advised the board that the recommended penalty was a twelve hundred dollar (\$1,200.00) fine and costs.

After discussion by the board the following motions were made.

**MOTION:** Dr. Parratto-Wagner made a motion to accept the material facts as the board's material facts.

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

**MOTION:** Dr. Parratto-Wagner made a motion that Pari- Mutuel Wagering is a licensing agency.

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

**MOTION:** Dr. Figarola made a motion to not consider the profers.

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

**MOTION:** Dr. Parratto-Wagner made a motion to impose a \$100.00 fine, no costs and re-take the laws and rules exam.

Motion failed due to lack of a second.

**MOTION:** Dr. Parratto-Wagner made a motion to impose for count one (1) a one hundred dollar (\$100.00) fine, count two (2) a five hundred dollar (\$500.00) fine, waive the costs and take and pass the laws and rules examination within one (1) year.

**SECOND:** Ms. Johnson seconded the motion.

Dr. Helm asked Ms. Tinsley to take the roll, tie vote the motion failed

**MOTION:** Dr. Figarola made a motion to impose a one thousand dollar (\$1,000.00) fine and take and pass the laws and rules exam within one (1) year.

**SECOND:** Ms. Johnson seconded the motion.

Dr. Helm asked Ms. Tinsley to call the roll and the motion passed three (3) to one (1).

**MOTION:** Dr. Figarola made a motion that the board could not address attorney fees.

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

**MOTION:** Dr. Parratto-Wagner made a motion that the fine was to be paid in ninety (90) days.

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

**MOTION:** Dr. Parratto-Wagner made a motion to deny Mr. Romanik's request for a stay on the enforcement of the final order until the appellate court rules.

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

**Andrew Newman, DVM: Case number 2010-030451**

The case was continued until the December 3, 2013 meeting.

**Alfonso Paredes, DVM: Case number 2011-058827**

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

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 and allowed a veterinary technician to administer a rabies vaccination. Ms. Henderson advised the board that the recommended penalty was a four thousand dollar (\$4,000.00) fine, three hundred and four dollars and seven cents (\$304.07) in costs and one (1) year probation.

After discussion by the board the following motions were made.

**MOTION:** Dr. Helm 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. Helm 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. O'Neil made a motion to impose a five thousand dollar (\$5,000.00) fine, two (2) years probation and attend every board meeting, take

and pass the laws and rules exam at his own expense in ninety (90) days. The fine is due in one (1) year.

**SECOND:** Ms. Johnson seconded the motion.

Dr. O'Neil asked Ms. Tinsley to call the roll motion passed three (3) to two (2).

**Marc Stephen Elie, DVM: Case number 2012-023780**

Dr. Elie was not present and was not represented by counsel.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the settlement stipulation required the respondent to be present. Ms. Henderson asked the board if they wished to continue the case until the December 2013 meeting.

After discussion by the board the following motion was made.

**MOTION:** Dr. Parratto-Wagner made a motion to table the case until Dr. Elie can appear.

**SECOND:** Ms. Johnson seconded the motion.

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

**Hiram Pomales, DVM: Case number 2011-060915**

Dr. Pomales was present and was represented by counsel, Marcia Davis. Dr. Pomales 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 the respondent made drugs available for use other than treating animal patients for which he had a documented client patient relationship. Ms. Henderson advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, one thousand two hundred and twenty dollars and ninety two cents (\$1220.92) in costs and one (1) year probation.

After discussion by the board the following motions were made.

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

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

**MOTION:** Dr. O'Neil made a motion to offer a counter settlement of a three thousand dollar (\$3,000.00) fine, one thousand two hundred and twenty dollars and ninety two cents (\$1220.92) in costs, take and pass the laws and rules exam at his own expense in six (6) months, and one (1) year probation and attend every board meeting during the one (1) year.

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

Dr. Pomales accepted the counter settlement.

**Ted Oroski, DVM: case number 2010-028154**

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

Ms. Henderson presented the case as a recommended order.

Mr. Jennings made a statement to the board.

After discussion by the board the following motions were made.

**MOTION:** Dr. Parratto-Wagner made a motion that the motion to extend the time to file exceptions was timely filed.

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

**MOTION:** Dr. Parratto-Wagner made a motion to accept the department's exception to allow the board to set terms of probation and to accept the recommended order.

**SECOND:** Dr. Helm seconded the motion and the motion passed unanimously.

**MOTION:** Dr. O'Neil made a motion to impose the following terms of probation: eight (8) hours of continuing education in record keeping, two (2) board appearances per year and take and pass the laws and rules exam at his expense in six (6) months.

**SECOND:** Dr. Helm seconded the motion and the motion passed unanimously.

Dr. O'Neil presented a plaque to past consumer board member Ms. Cynthia Lewis for her service to the board.

## **REVIEW/APPROVAL OF APPLICATION**

### **Abraham Gay Robinson, DVM – Licensure by Examination**

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

Dr. O'Neil advised the board that Dr. Robinson had applied for licensure by examination. He answered yes to background question number one (1) on the application.

After discussion by the board the following motion was made.

**MOTION:** Dr. Parratto-Wagner made a motion to approve Dr. Robinson's application for licensure.

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

## **PETITION FOR DECLARATORY STATEMENT**

### **Nestor Urrutia, DVM**

Dr. Urrutia withdrew his petition.

### **Barbara L. Reitz, DVM**

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

Mr. Jennings advised the board that the letter submitted was sufficient and the board could answer Dr. Reitz's question.

Dr. Reitz's asked the board for exemption from licensure as stated in Chapter 474.203, Florida Statutes.

After discussion by the board the following motion was made.

**MOTION:** Dr. Parratto-Wagner made a motion to deny Dr. Reitz's request for an exemption.

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

## **DISCUSSION**

### **Veterinary Accreditation – Continuing Education**

Ms. Chastain advised the board that the United States Department of Agriculture (USDA) was asking the board to approve for continuing education the certification courses to maintain accreditation. Ms. Chastain stated that the USDA wanted to be an automatic provider.

After discussion by the board the following motion was made.

**MOTION:** Dr. Parratto-Wagner made a motion to approve the USDA as an automatic continuing education provider.

**SECOND:** Dr. Helm seconded the motion and the motion passed unanimously.

### **PROBATION APPEARANCES**

#### **Scott Anthony Gregory, DVM**

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

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

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

#### **Walter Kallenbach, DVM**

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

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

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

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

**SECOND:** Dr. Helm seconded the motion and the motion passed unanimously.

#### **Sandra L'Amie, DVM**

Dr. L'Amie was present at the meeting and was represented by counsel, Don Doy. Dr. L'Amie was sworn in by the court reporter.



**MOTION:** Dr. Figarola made a motion to accept Dr. L'Amie's probation appearance.

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

**Gene Rinderknecht, DVM**

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

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

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

**RATIFICATION OF APPLICATIONS**

**Licenses**

**MOTION:** Ms. Johnson made a motion to accept the licensure list.

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

**Continuing Education**

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

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

**CONTINUING EDUCATION SECOND REVIEW**

**ONLINECONTINUINGED, LLC – Provider**

Dr. Helm reviewed eight (8) courses re-submitted to the board with additional information that was submitted for a second review.

After discussion by the board the following motion was made.

**MOTION:** Dr. Parratto - Wagner made a motion to deny Veterinary Acupuncture 201,202, 203, 204 and Natural Veterinary Medicine 201, 202, 203 and 204 due to the fact that they are below the standard of care for the State of Florida.

**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 that a rules report was in their material folders for their review.

Mr. Jennings directed the board to Rule 61G18-10.008 (2), F.A.C., Probable Cause Panel. Mr. Jennings advised the board that the concept of changing the rule would be to allow more than one member be a lay member. He advised the board that the sentence "Not more than one (1) member of the panel may be a lay member." would be taken out of the rule. He stated that at least one member would be a practitioner would be added to the rule language.

After discussion by the board the following motion was made.

**MOTION:** Dr. Parratto-Wagner made a motion to direct board counsel to initiate rule making.

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

Mr. Jennings stated that rule 61G18-15.005 (1), F. A.C. Periodic Inspections, the suggested language was to add at least every two years to the rule language.

After discussion by the board the following motion was made.

**MOTION:** Dr. Parratto-Wagner made a motion to direct board counsel to open Rule 61G18-15.005, F.A.C. for development.

**SECOND:** Dr. Helm seconded the motion and the motion passed unanimously.

Mr. Jennings advised the board that Rule 61G18-16.003 (2), F.A.C. Continuing Education Standards, section (e) would be added to include USDA, APHIS as an automatic provider.

After discussion by the board the following motion was made.

**MOTION:** Dr. Parratto-Wagner made a motion to direct board counsel to open Rule 61G18-16.003 (2), F.A.C. for development.

**SECOND:** Dr. Helm seconded the motion and the motion passed unanimously.

Mr. Jennings advised the board that Rule 61G18-30.001 (2) (b), F.A.C. Disciplinary Guidelines, the following language would be added any agency or subdivision there of.

After discussion by the board the following motion was made.

**MOTION:** Dr. Parratto-Wagner made a motion to direct board counsel to open Rule 61G18-130.001(2) (b), F.A.C. for development.

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

#### **Prosecuting Attorney – Elizabeth Henderson**

Ms. Henderson reviewed the prosecuting attorney's report with the board.

#### **Vice Chair – Dr. Joann Helm AAVSB Annual Conference**

Dr. Helm advised the board that she would be attending the AAVSB annual conference. She advised the board that the agenda contained the information she would be voting on at the conference.

#### **Board Chair – Dr. Robert O'Neil**

Dr. O'Neil advised the board that he wanted to congratulate Dr. Helm for being nominated for the AAVSB NBVME committee. He stated that she was on the RACE committee and would be attending the AAVSB annual conference.

#### **OLD BUSINESS**

No old business

#### **NEW BUSINESS**

No new business

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

Mr. Hinkle stated that he had reviewed the complaint report that was in the material folders. He stated that he had questions about the unlicensed activity complaints.

Ms. Henderson answered Mr. Hinkle's questions and explained the unlicensed complaint process.

The meeting adjourned at 12:45 p.m.