

1 **MINUTES**

2
3 **Board of Veterinary Medicine**
4 **General Business Meeting**
5 **Small Animal Hospital, University of Florida-Banfield Room**
6 **2089 SW 16th Avenue**
7 **Gainesville, Florida 32608**
8 **September 10, 2019**
9

10 **CALL TO ORDER**

11
12 Dr. Leonard, Chair called the meeting to order at 9:16 a.m.
13

14 **Pledge of Allegiance**

15
16 **MEMBERS PRESENT**

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

25 **MEMBERS ABSENT**

26 None
27

28 **OTHERS PRESENT**

29 Ruthanne Christie, Executive Director
30 Rachele Munson, Board Counsel
31 Elizabeth Henderson, Prosecuting Attorney
32 Amanda Senn, Government Analyst
33 Johns, Stephenson & Biery, Advantage Court Reporters- (800) 261-0518

34 **PROBATION ROLL CALL**

35
36 Dr. Leonard asked Ms. Senn to call the roll.
37

38 The following probationers were present;

39 Abdel Hamci, DVM
40 Larry Britt, DVM
41 Thomas Fish DVM- Was not present but appearance was counted
42 Richard Jaffe, DVM
43

44 **APPROVAL OF June 14, 2019 MEETING MINUTES**

45

46 The minutes were pulled from the agenda for corrections to be made. They will be
47 added to the December agenda for review.

48

49 **DISCIPLINARY HEARINGS**

50

51 **Alan Jon Krause, DVM**

52 **Case number 2017-058367**

53 **VM 9427**

54

55 Dr. Krause was present and represented by Attorney Degailer.

56

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

59

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

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

66

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

68

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

71

72 **SECOND:** Ms. Inzina.

73

74 **MOTION:** Ms. Johnson made the motion for a counter offer of \$4000.00 in fines,
75 \$465.80 in costs to be paid within 30 days of receipt of the final order, 2 years of
76 probation with additional CE's to be completed including 1 hour of Addison's Disease, 2
77 hours of anesthesia/critical care including pain management, and 2 hours of medical
78 records. Dr. Krause is required to attend 2 more board meetings, middle and last to
79 satisfy terms of probation.

80

81 **SECOND:** Dr. Nelson.

82

83 The counter offer was accepted on the record by Attorney Degailer.

84

85 Motion passed unanimously.

86

87 **Cleon Hendricks, DVM**

88 **Case number 2019-003451**
89 **VM 3313**

90
91 Dr. Hendricks was not present or represented by legal counsel.

92
93 Dr. Powell was recused from this case due to her participation on the Probable Cause
94 Panel.

95
96 Dr. Hendricks was charged with violation of 474.214 (1)(II) " (II) "Failing to respond
97 within 60 days after receipt of a request to provide satisfactory proof of having
98 participated in approved continuing education programs."

99
100 After discussion by the board the following motions were made.

101
102 **MOTION:** Dr. Nelson made the motion to accept the settlement stipulation as
103 presented with a \$1000.00 in fines, \$22.36 in costs to be paid within 30 days of receipt
104 of the final order.

105
106 **SECOND:** Ms. Johnson.

107
108 Motion passed unanimously.

109
110 **Hector Diaz, DVM**
111 **Case number 2017-052210**
112 **VM 11063**

113
114 Dr. Diaz was present with attorney Bryan Reynolds and sworn in by the court reporter.

115
116 Dr. Powell was recused due to her participation on the probable cause panel.

117
118 Dr. Diaz was charged with violation of 474.214 (1)(r) "Being guilty of incompetence or
119 negligence by failing to practice medicine with that level of care, skill, and treatment
120 which is recognized by a reasonably prudent veterinarian as being acceptable under
121 similar conditions and circumstances."

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

124
125 After discussion by the board the following motions were made.

126
127 **MOTION:** Ms. Johnson made a motion to reject the settlement stipulation as
128 presented.

129
130 **SECOND:** Dr. Nelson.

131

132 **MOTION:** Ms. Johnson made a motion for \$4000.00 in fines, \$524.68 in costs to be
133 paid by the end of probation. 1 year of probation to begin at the end of Dr. Diaz's current
134 probation and to require 2 hours of perianal surgery and 2 hours of pain management to
135 be completed by the end of probation. Dr. Diaz will be required to attend the last
136 meeting prior to the end of this probation.

137
138 **SECOND:** Ms. Inzina.

139
140 Motion passed unanimously.

141
142 **Srinivasa Rao Nallapati, DVM**
143 **Case number: 2018-008890**
144 **VM 11063**

145
146 Dr. Nallapati was present with Attorney Bryan Reynolds and sworn in by the court
147 reporter.

148
149 Dr. Powell was recused due to her participation on the probable cause panel.

150
151 Dr. Nallapati was charges with violation of 474.214 (1)(r) "Being guilty of incompetence
152 or negligence by failing to practice medicine with that level of care, skill, and treatment
153 which is recognized by a reasonably prudent veterinarian as being acceptable under
154 similar conditions and circumstances."

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

157
158 After discussion by the board the following motions were made.

159
160 **MOTION:** Ms. Johnson made the motion to reject the settlement stipulation as
161 presented.

162
163 **SECOND:** Dr. Nelson.

164
165 Motion passed unanimously.

166
167 **MOTION:** Ms. Johnson made the motion for a counter offer of \$4000.00 in fines,
168 \$294.66 in costs to be paid within the 1 year of probation. 1 year of probation to include
169 the completion of 2 hours in medical record keeping CE. This is Dr. Nallapati's only
170 required appearance before the board for this case.

171
172 **SECOND:** Ms. Inzina.

173
174 Counter offer was accepted on the record by Attorney Reynolds.

175

176 Motion passed unanimously.

177

178 **Kevin Brophy, DVM**

179 **Case number: 2018-056756**

180 **VM 7747**

181

182 Dr. Brophy was present and sworn in by the court reporter.

183

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

185

186 Dr. Brophy was charged with violation of 474.214 (1)(b) " (b) Having a license or the
187 authority to practice veterinary medicine revoked, suspended, or otherwise acted
188 against, including the denial of licensure, by the licensing authority of any jurisdiction,
189 including any agency or subdivision thereof. The licensing authority's acceptance of a
190 veterinarian's relinquishment of a license, stipulation, consent order, or other settlement,
191 offered in response to or in anticipation of the filing of administrative charges against the
192 veterinarian's license or authority to practice, shall be construed as action against the
193 veterinarian's license or authority to practice."

194

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

196

197 **MOTION:** Dr. Nelson made the motion to accept the allegations of fact set forth in
198 the AC as findings of fact.

199

200 **SECOND:** Dr. Cabrera.

201

202 **MOTION:** Dr. Nelson made the motion to accept the conclusions of law.

203

204 **SECOND:** Dr. Smith.

205

206 **MOTION:** Dr. Cabrera made the motion for \$506.12 in costs to be paid within 30
207 days of the receipt of the final order and no probation.

208

209 **SECOND:** Ms. Johnson.

210

211 Motion passed unanimously.

212

213 **Thomas Campbell, DVM**

214 **Case number: 2017-034096**

215 **VM 1206**

216

217 Attorney Montague was present on behalf of Dr. Campbell and sworn in by the court
218 reporter.

219

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

221
222 Dr. Campbell was charged with violation of 474.214 (1)(r) "Being guilty of incompetence
223 or negligence by failing to practice medicine with that level of care, skill, and treatment
224 which is recognized by a reasonably prudent veterinarian as being acceptable under
225 similar conditions and circumstances."

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

228
229 After discussion by the board the following motions were made.

230
231 **MOTION:** Dr. Nelson made the motion to accept the allegations of fact set forth in
232 the AC as findings of fact.

233
234 **SECOND:** Ms. Inzina.

235
236 **MOTION:** Dr. Cabrera made the motion to accept the voluntary relinquishment of Dr.
237 Campbell's license.

238
239 **SECOND:** Dr. Nelson.

240
241 Motion passed unanimously.

242
243 **Declan Huber, DVM**
244 **Case number: 2017-055555**
245 **VM 3055**

246
247 Dr. Huber was present and sworn in by the court reporter.

248
249 Dr. Powell was recused due to her participation on the probable cause panel.

250
251 Dr. Huber was charged with violation of 474.214 (1)(r) "Being guilty of incompetence or
252 negligence by failing to practice medicine with that level of care, skill, and treatment
253 which is recognized by a reasonably prudent veterinarian as being acceptable under
254 similar conditions and circumstances."

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

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

259
260 **MOTION:** Dr. Nelson made the motion to accept the allegations of fact set forth in
261 AC as findings of fact.

262

263 **SECOND:** Dr. Cabrera.

264

265 **MOTION:** Dr. Nelson made the motion to adopt the conclusions of law.

266

267 **SECOND:** Ms. Inzina.

268

269 **MOTION:** Dr. Leonard made a motion for \$2000.00 in fines and \$501.96 in costs to
270 be paid within 30 days of receipt of the final order. 1 year of probation with 2 hours in
271 medical record keeping continuing education and a record pull containing 5 patient
272 records to be completed before the end of probation. This counts as his first
273 appearance. Dr. Huber is required to attend the board meeting proceeding the end of
274 his probation.

275

276 **SECOND:** Dr. Smith.

277

278 Motion passed unanimously.

279

280 **Review/Approval of Applications**

281

282 **Irwin Ruderman, DVM – Initial License by Endorsement**

283

284 Dr. Ruderman was not present.

285

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

287

288 **MOTION:** Dr. Leonard made the motion to approve the application with a copy being
289 provided by applicant correcting information contained on the initial application.

290

291 **SECOND:** Dr. Smith.

292

293 Motion passed unanimously.

294

295 **Jennifer Perusek, DVM, - Licensure by Endorsement**

296

297 Dr. Perusek was not present at the meeting.

298

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

300

301 **MOTION:** Dr. Leonard made the motion to deny this application per 455.227(1)(f)
302 F.S., "Having a license or the authority to practice the regulated profession revoked,
303 suspended, or otherwise acted against, including the denial of licensure, by the
304 licensing authority of any jurisdiction, including its agencies or subdivisions, for a
305 violation that would constitute a violation under Florida law. The licensing authority's
306 acceptance of a relinquishment of licensure, stipulation, consent order, or other

307 settlement, offered in response to or in anticipation of the filing of charges against the
308 license, shall be construed as action against the license.”

309 And, 474.214(1)(b) and (2) F.S., “Having a license or the authority to practice veterinary
310 medicine revoked, suspended, or otherwise acted against, including the denial of
311 licensure, by the licensing authority of any jurisdiction, including any agency or
312 subdivision thereof. The licensing authority’s acceptance of a veterinarian’s
313 relinquishment of a license, stipulation, consent order, or other settlement, offered in
314 response to or in anticipation of the filing of administrative charges against the
315 veterinarian’s license or authority to practice, shall be construed as action against the
316 veterinarian’s license or authority to practice.” And, “Be available or provide for follow up
317 care and treatment in case of adverse reactions or failure of the regimen of therapy.”

318
319 **SECOND:** Ms. Johnson.

320
321 Motion passed unanimously.

322
323 **Sergio Hernandez- Licensure by Endorsement**

324
325 Dr. Hernandez was present and sworn in by the court reporter.

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

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

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

332
333 Motion passed unanimously.

334
335 **Karl Nagle- Licensure by Endorsement**

336
337 Dr. Nagle was not present.

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

340
341 **MOTION:** Dr. Leonard made a motion to approve the application.

342
343 **SECOND:** Ms. Johnson.

344
345 Motion passed unanimously.

346
347 **Robert Deegan- Licensure by Endorsement**

348
349 Dr. Deegan was not present.

350

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

352

353 **MOTION:** Dr. Leonard made a motion to approve the application contingent on
354 receipt of the final order from Texas.

355

356 **SECOND:** Ms. Inzina.

357

358 Motion passed unanimously.

359

360 **Special Agenda Items**

361

362 **Allan Carb- Motion for reconsideration of notice of intent to deny**

363

364 Motion was withdrawn from the agenda for review at the request of the applicants
365 attorney.

366

367 **PROBATION**

368

369 **Abdel Hamici, DVM**

370

371 Dr. Hamici was present and sworn in by the court reporter.

372

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

374

375 **SECOND:** Dr. Smith.

376

377 Motion passed unanimously.

378

379 **Thomas Fish, DVM**

380

381 Dr. Fish was not present at the meeting and requested an excused absence in advance
382 of the meeting, approved by Dr. Leonard. Dr. Polles from PRN was in attendance and
383 spoke on behalf of Dr. Fish.

384

385 Motion passed unanimously.

386

387 **Larry Britt, DVM**

388

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

390

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

392

393 **SECOND:** Dr. Smith.

394

395 Motion passed unanimously.

396

397 **Richard Jaffe, DVM**

398

399 Dr. Jaffe was present with Dr. Polles from PRN and they were sworn in by the court
400 reporter.

401

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

403

404 **SECOND:** Ms. Inzina.

405

406 Motion passed unanimously.

407

408 **RATIFICATION OF APPLICATIONS**

409 **Licenses**

410

411 **MOTION:** Dr. Nelson made a motion to accept the licensure list.

412

413 **SECOND:** Dr. Powell.

414

415 Motion passed unanimously.

416

417 **Continuing Education**

418

419 **MOTION:** Ms. Inzina made a motion to accept the continuing education list.

420

421 **SECOND:** Dr. Powell.

422

423 Motion passed unanimously.

424

425 **REPORTS**

426

427 **Executive Director – Ruthanne Christie**

428 Executive Director Christie gave a verbal report on the enforcement report, future
429 meeting dates, and the update on processing travel vouchers.

430

431 **Board counsel – Rachelle Munson**

432

433 Attorney Munson reviewed the rules report.

434

435 **MOTION:** Dr. Cabrera made a motion to delegate authority for the Annual
436 Regulatory Plan to the board chairman.

437

438 **SECOND:** Ms. Inzina.

439
440 Motion passed unanimously.
441
442 **Review of 61G18-20.001- Impaired veterinarians**
443
444 Discussed, no action taken.
445
446 **Prosecuting Attorney – Elizabeth Henderson**
447
448 Ms. Henderson reviewed her report with the board.
449
450 **MOTION:** Dr. Nelson made a motion to continue prosecution of year old cases.
451
452 **SECOND:** Dr. Smith.
453
454 Motion passed unanimously.
455
456 **OLD BUSINESS**
457 **None**
458
459 **NEW BUSINESS**
460 **None**
461
462 **PUBLIC COMMENT**
463
464 Dave Heine and Dr. Nanette Parratto-Wagner made a brief presentation to the board for
465 Allie's Law. Phil Hinkle briefly addressed the board on behalf of AAVSB.
466
467 **PROBATION ROLL CALL**
468
469 Ms. Senn called the probation roll and all were present.
470
471 Abdel Hamici, DVM
472 Larry Britt, DVM
473 Thomas Fish, DVM
474 Richard Jaffe, DVM
475 Alan Krause, DVM
476 Hector Diaz, DVM
477 Srinivasa Nallapati, DVM
478 Declan Huber, DVM
479
480 **ADJOURN**
481
482 The meeting adjourned at 1:30 P.M.