

MINUTES

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

December 3, 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. Joann Helm, Vice Chair
Dr. Raul Figarola
Dr. Nanette Parratto-Wagner
Dr. Guy Maxwell
Ms. Connie Johnson
Ms. Suzanne Inzina

MEMBERS ABSENT

None

OTHERS PRESENT

Juanita Chastain, Executive Director
Clark Jennings, Board Counsel
Elizabeth Henderson, Prosecuting Attorney
Linda Tinsley, Government Analyst
Mary Graybosch, Court Reporter, Volusia Reporting, 386.255.2150
Jerry Rayburn, DVM
Phil Hinkle, FVMA
Stephen Shores, DVM
Mitch Crystal, DVM
Brian Martin, DVM
Annie Penn, DVM
Scott Gregory, DVM
Walter Swanson, DVM
Nathan Heidbrink
Hiram Pomales, DVM

Elton Gissendanner, DVM
Walter Kallenbach, DVM
Larry Britt, DVM
Kim Voisine, DVM
Sandra L'Amie, DVM
Penelope Ziegler, PRN
Kelly Sloan-Wade, DVM
J. Scott Fleming, DVM
John A. Jones Jr., DVM

APPROVAL OF SEPTEMBER 4, 2013 MEETING MINUTES

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

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

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

DISCIPLINARY HEARINGS

Walter Swanson, DVM: Case number 2012-004975

Dr. Swanson was present at the meeting and was represented by counsel, Edwin Bayo. Dr. Swanson 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 failed to keep his clinic clean and orderly and failed to maintain an accurate controlled substance log. Ms. Henderson advised the board that the department recommended a two hundred and fifty dollar (\$250.00) fine, four hundred and twenty eight dollars and thirty seven cents (\$428.37) 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. Helm made a motion to offer a counter settlement of one thousand dollar (\$1,000.00) fine, seven hundred and fifty dollars (\$750.00) to be held in abeyance and shall only be due should the respondent fail to comply with the terms of probation. Four hundred and twenty eight dollars and thirty seven cents (\$428.37) in costs and one (1) year probation respondent shall attend one (1) board meeting during probation and his clinic shall be inspected.

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

Dr. Swanson accepted the counter settlement.

Elton Gissendanner, DVM: Case number 2012-19592

Dr. Gissendanner was present at the meeting and was represented by counsel, Edwin Bayo. Dr. Gissendanner 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 that the respondent was negligent 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, six hundred and sixteen dollars and nineteen cents (\$616.19) in costs and six (6) month probation.

After discussion by the board the following motion was made.

MOTION: Dr. Parratto-Wagner made a motion to accept the settlement stipulation.

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

Brian Keith Martin, DVM: Case number 2011-018290

Dr. Martin was present at the meeting and was represented by counsel, Bryan Reynolds. Dr. Martin 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 failed to keep contemporaneously written medical records. Ms. Henderson advised the board that the recommended penalty was a two thousand dollar (\$2,000.00) fine, one thousand ninety dollars and thirty six cents (\$1090.36) in costs and one (1) year probation.

After discussion by the board the following motions were made.

MOTION: Dr. Figarola made a motion to accept the findings of fact as the finding of facts of the board.

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

MOTION: Dr. Parratto-Wagner made a motion to impose a seven hundred and fifty dollar (\$750.00) fine, three hundred and forty dollars and thirty five cents (\$340.35) in costs and six (6) month probation.

SECOND: Ms. Johnson seconded the motion.

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

MOTION: Dr. Parratto-Wagner made a motion to impose one thousand ninety dollars and thirty six cents (\$1090.36) in costs.

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

Andrew Michael Newman, DVM: Case number 2010-030451

Dr. Newman 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 failed to correctly interpret or address laboratory results and failed to maintain accurate medical records. The recommended penalty was an eight thousand dollar (\$8,000.00) fine, one thousand four hundred and sixty five dollars and eighty three cents (\$1465.83) in costs, four (4) year probation and one (1) year stayed suspension.

After discussion by the board the following motions were made.

MOTION: Dr. Helm made a motion that there were no disputed issues of material fact.

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

MOTION: Dr. Helm made a motion to accept the facts of the case as the board's facts.

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

MOTION: Dr. Maxwell made a motion to impose an eight thousand dollar (\$8,000.00) fine, one thousand four hundred and sixty five dollars and eighty three cents (\$1465.83) in costs, four (4) year probation and shall

attend every board meeting held in the counties of Palm Beach, Broward Dade and Monroe and one (1) year stayed suspension for as long as respondent is in compliance with terms of probation. Respondent shall pay costs in one (1) year and pay two thousand dollars (\$2,000.00) per year for four (4) years on the fine.

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

Nathan Heidbrink, DVM: Case number 2012-026539

Dr. Heidbrink was present at the meeting and advised the board his counsel could not be present at the meeting. He 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 that the respondent failed to report his criminal offense. Ms. Henderson advised the board that the department recommended a five hundred dollar (\$500.00) fine, four hundred and thirty five dollars and ninety four cents (\$435.94) in costs.

After discussion by the board the following motion was made.

MOTION: Dr. Maxwell made a motion to accept the settlement stipulation.

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

Marc Stephen Elie, DVM: Case number 2012-023780

Dr. Elie 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 the respondent failed to report his criminal offense. Ms. Henderson advised the board that the penalty guidelines were a five hundred dollar (\$500.00) fine and two hundred and thirty three dollars and ninety cents (\$233.90) 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 and conclusions of law as those of the board.

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

MOTION: Dr. Helm made a motion to impose a five hundred dollar (\$500.00) fine and two hundred and thirty three dollars and ninety cents (\$233.90) in costs.

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

REVIEW/APPROVAL OF APPLICATION

Kimberly Ann Voisine, DVM – Endorsement Application

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

Mr. Jennings advised Dr. Voisine that if there was pending discipline in another state the board is required as a matter of law to deny the application.

Dr. Voisine advised the board that she was working on resolving the issue.

Mr. Jennings advised Dr. Voisine that until the order is issued by North Carolina and she has complied with the terms and conditions and her appellate rights have expired, the matter is not deemed closed. The statute prohibits the board from approving the license. He stated that once all of that is resolved there is no guarantee the board will approve the application.

Dr. Voisine asked the board to continue the matter until the March 2014 meeting.

After discussion by the board the following motion was made.

MOTION: Dr. Parratto-Wagner made a motion to accept Dr. Voisine's request to hold the matter until March 2014 meeting.

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

DISCUSSION

Professional Resource Network – Dr. Penelope Ziegler

Dr. Ziegler was sworn in by the court reporter.

Dr. O'Neil advised the board that he asked Dr. Ziegler to address the board to explain the timeline for the evaluation process.

Dr. Ziegler addressed the board and explained the PRN evaluation process from the beginning to entering of the PRN contract.

Public Comment- Clark Jennings

Mr. Jennings advised the board that there was a change to Senate Bill 50 regarding general public comments. He explained to the board the purpose of the change and stated the Attorney General's office came up with a general rule for all the boards. Mr. Jennings asked the board to review the rule and make any changes necessary.

After discussion by the board the following motion was made.

MOTION: Ms. Johnson made a motion to add five (5) minutes, two (2) or more persons and strike the last sentence.

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

MOTION: Dr. Helm made a motion to direct board counsel to initiate rulemaking and notice the rule for development.

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

Rachel Lauren Witt, DVM

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

Dr. Ziegler advised the board that Dr. Witt was in compliance with her PRN contract.

MOTION: Dr. Helm made a motion to approve Dr. Witt's application for licensure.

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

PROBATION APPEARANCES

Larry A. Britt, DVM

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

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

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

Scott Anthony Gregory, DVM

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

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

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

SECOND: Dr. Figarola 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 advised the board that Dr. Kallenbach was in complete compliance with his PRN contract.

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

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

Sandra L'Amie, DVM

Dr. L'Amie was present at the meeting and was sworn in by the court reporter.

MOTION: Ms. Johnson made a motion to accept Dr. L'Amie's probation appearance and end her probation.

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

Alfonso Paredes, DVM

Dr. Paredes was not present at the meeting.

Hiram Matias Pomales, DVM

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

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

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

RATIFICATION OF APPLICATIONS

Licenses

MOTION: Dr. Helm made a motion to accept the licensure list.

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

Continuing Education

MOTION: Ms. Johnson made a motion to approve the continuing education list.

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

REPORTS

Executive Director – Juanita Chastain

Ms. Chastain reviewed the financial report with the board and stated the board was currently in a negative situation. She stated in 2014 the licensees would renew and cure the deficit. Ms. Chastain advised the board that in their material folders were the laws and rules exam statistics for their information.

Board Counsel – Clark Jennings

Mr. Jennings advised the board that he wanted to review rule language for several rules that were provided by e-mail to the board members.

61G18-10.008, F.A.C. – Probable Cause Panel

Mr. Jennings advised the board that the following rule language would be added to sub section (2).

However, the probable cause panel must have at least one current member of the Board of Veterinary Medicine in attendance as a voting member in order to conduct business.

After discussion by the board the following motions were made.

MOTION: Dr. Parratto-Wagner made a motion to direct board counsel to notice for rulemaking.

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

Mr. Jennings asked the board if the rule changes for Rule 61G18-10.008, F. A. C., would have an adverse effect on small business.

The board answered no.

Mr. Jennings asked the board if the proposed rule amendment is likely to directly or indirectly increase regulatory costs to any entity, in excess of two hundred thousand dollars (\$200,000.00) in the aggregate within one (1) year of implementation.

MOTION: Ms. Johnson made a motion that the proposed rule amendment would not increase regulatory costs.

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

61G18-16.003, F.A.C. – Continuing Education Standards

Mr. Jennings advised the board that the following language would be added to subsection (2).

Approved courses are deemed scientific if continuing education courses provided by:

Mr. Jennings advised the board that the following language would be added to subsection (2) (e).

United States Department of Agriculture, Animal and Plant Health Inspection ‘ Service, Veterinary Services

After discussion by the board the following motions were made.

MOTION: Dr. Helm made a motion to approve the language for rulemaking.

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

Mr. Jennings asked the board if the rule changes for Rule 61G18-16.003, F. A. C., would have an adverse effect on small business.

The board answered no.

Mr. Jennings asked the board if the proposed rule amendment is likely to directly or indirectly increase regulatory costs to any entity, in excess of two hundred thousand dollars (\$200,000.00) in the aggregate within one (1) year of implementation.

MOTION: Dr. Helm made a motion that the proposed rule amendment would not increase regulatory costs.

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

61G18-30.001, F.A.C. Disciplinary Guidelines

Mr. Jennings advised the board that the following language would be added to subsection (2) (b).

any jurisdiction , including any agency or subdivision thereof

MOTION: Dr. Helm made a motion to approve the language for rulemaking.

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

Mr. Jennings asked the board if the rule changes for Rule 61G18-30.001, F. A. C., would have an adverse effect on small business.

The board answered no.

Mr. Jennings asked the board if the proposed rule amendment is likely to directly or indirectly increase regulatory costs to any entity, in excess of two hundred thousand dollars (\$200,000.00) in the aggregate within one (1) year of implementation.

MOTION: Dr. Parratto-Wagner made a motion that the proposed rule amendment would not increase regulatory costs.

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

61G18-15.005, F.A.C., - Periodic Inspections

Mr. Jennings advised the board that the following language would be added to subsection (1) and (3).

at least every two (2) years

for the purpose of this section "veterinary premise" is defined as all locations where a premise permit is required or where a licensee stores veterinary pharmaceutical supplies or veterinary medical equipment, whether said location is fixed or mobile.

MOTION: Dr. Parratto-Wagner made a motion to approve the language for rulemaking.

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

Mr. Jennings asked the board if the rule changes for Rule 61G18-30.001, F. A. C., would have an adverse effect on small business.

The board answered no.

Mr. Jennings asked the board if the proposed rule amendment is likely to directly or indirectly increase regulatory costs to any entity, in excess of two hundred thousand dollars (\$200,000.00) in the aggregate within one (1) year of implementation.

MOTION: Dr. Helm made a motion that the proposed rule amendment would not increase regulatory costs.

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

Prosecuting Attorney – Elizabeth Henderson

Ms. Henderson reviewed her report with the board.

Board Chair – Dr. Robert O’Neil

Dr. O’Neil recognized two (2) members in the audience for attending the meeting to acquire continuing education credits.

Vice Chair – Dr. Joann Helm

Dr. Helm advised the board that she attended the American Association of Veterinary State Board’s annual conference in September. She advised the board that the PAVE program no longer had a hands on exam just a written exam. She advised the board that the 2014 meeting would be at the Vinoy in St. Petersburg, Florida.

Dr. O’Neil welcomed new consumer board member Suzanne Inzina to the board. He extended condolences to Dr. Figarola on the loss of his father.

OLD BUSINESS

No old business.

NEW BUSINESS

No new business.

Dr. O’Neil asked Ms. Tinsley to call the probation roll, Dr. Paredes was absent.

The meeting adjourned at 11:20 a.m.