

MINUTES

**Board of Veterinary Medicine
General Business Meeting
Embassy Suites
1100 SE 17th Street
Ft. Lauderdale, FL 33316**

March 1, 2011

CALL TO ORDER

Dr. O'Neil called the meeting to order at 8:03 a.m.

MEMBERS PRESENT

Dr. Robert O'Neil
Dr. Raul Figarola
Dr. Guy Maxwell
Dr. George Simmons
Dr. Joann Helm
Ms. Cynthia Lewis

MEMBERS ABSENT

None

OTHERS PRESENT

Deborah Loucks, Board Counsel
Elizabeth Henderson, Prosecuting Attorney
Juanita Chastain Executive Director
Apex Reporting – 954.467.8204
Phil Hinkle, Executive Director, FVMA
Jan Hasse, DVM, President FVMA
L.J. Mathews, DVM
Cara Erwin-Oliver, DVM
Michael Coughlin, DVM
James Wilson, DVM
Amy Gentsch, DVM
Mouwih Wassef, DVM
Ausberto Tauguinod, DVM
Ted Oroski, DVM
Otfried Guhrt, DVM
Carmen A. Vazquez, DVM
Elsa Onate, DVM

Sarah Blain Kennedy, DVM
Drew Winters
Ruben Nasio, DVM
Andrew Newman, DVM
Janet Van Dyke, DVM

APPROVAL OF MEETING MINUTES

December 7, 2010

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

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

January 26, 2011

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

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

Dr. O'Neil asked Ms. Chastain to call the probation roll. All were present.

DISCIPLINE

Michael Coughlan, DVM: Case number 2010-021430

Dr. Coughlan was present at the meeting and 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 an informal hearing. Ms. Henderson advised the board that the administrative complaint alleges that the Respondent failed to report within thirty (30) days a consent agreement and order for operating a veterinary hospital without a valid hospital permit. Ms. Henderson advised the board that the recommended penalty was a twelve hundred and fifty dollar fine (\$1250.00) and one hundred and sixty one dollars and fifty one cents (\$161.51) in costs.

MOTION: Dr. Maxwell made a motion to accept the findings of fact.

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

MOTION: Dr. Helm made a motion to accept the conclusions of law.

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

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to impose a one thousand and two hundred and fifty dollar (\$1,250.00) fine and one hundred sixty one dollars and fifty one cents (\$161.51) in costs.

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

Otfried Guhrt, DVM: Case number 2009-056065

Dr. Guhrt was present at the meeting and 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.

Dr. Simmons recused himself from the case stating that Dr. Guhrt was a colleague of his from Tallahassee.

Ms. Henderson presented the case as an informal hearing. Ms. Henderson advised the board that the Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a prudent veterinarian and he failed to fully maintain medical records. Ms. Henderson advised the board that the recommended penalty was a four thousand dollar (\$4,000.00) fine, nine hundred and ten dollars and ninety nine cents (\$910.99) in costs, two (2) years probation and continuing education.

MOTION: Dr. Helm made a motion to accept the findings of fact.

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

MOTION: Dr. Helm made a motion to accept the conclusions of law.

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

After discussion by the board the following motion was made.

MOTION: Dr. Maxwell made a motion to impose a four thousand dollar (\$4,000.00) fine, nine hundred and ten dollars and ninety nine cents

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(\$910.99) in costs, two (2) years probation with an annual appearance and five (5) hours of continuing education in record keeping approved by Dr. Maxwell.

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

The board stated that Dr. Guhrt had ninety (90) days to pay the fine and costs and one (1) year to complete the continuing education.

Michelle Congelosi, DVM: Case number 2009-021118

Dr. Congelosi was present at the meeting and was not represented by counsel. She 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 motion for waiver of rights and final order. Ms. Henderson advised the board that the administrative complaint alleges that the Respondent failed to store expired drugs in the proper area. Ms. Henderson advised the board that the recommended penalty was a fifteen hundred dollar (\$1,500.00) fine and fifty eight dollars and thirty seven cents (\$58.37) in costs.

MOTION: Dr. Figarola made a motion that Dr. Congelosi was properly served.

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

MOTION: Dr. Helm made a motion that Dr. Congelosi did not respond in a timely manner to the election of rights form.

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

MOTION: Dr. Maxwell made a motion to accept the findings of fact.

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

MOTION: Dr. Simmons made a motion to accept the conclusions of law.

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

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to impose a fifteen hundred dollar (\$1,500.00) fine and fifty eight dollars and thirty seven cents (\$58.37) in costs.

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

Jeffrey Woods, DVM: Case number 2009-023188

The case was tabled until the June 2011 meeting.

Mueller Animal Clinic, DVM: Case number 2009-055114

Dr. Adrianna Martinez Lopez was present at the meeting she was represented by counsel, Mr. Barney Avchen. Dr. Lopez 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 that the Respondent failed to display their premises license. Ms. Henderson advised the board that the department recommended a five hundred dollar (\$500.00) fine and twenty two dollars and ninety three cents (\$22.93) in costs.

After discussion by the board the following motion was made.

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

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

Sarah B. Kennedy, DVM: Case number 2009-019375

Dr. Kennedy was present at the meeting and was represented by counsel, Drew Winters. Dr. Kennedy was sworn in by the court reporter.

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

Dr. Maxwell recused himself from the case.

Ms. Henderson presented the case as a settlement stipulation. Ms. Henderson advised the board that the administrative complaint alleges that the Respondent attempted to operate a limited service veterinary clinic at a location not provided to the board. Ms. Henderson advised the board that the department

recommended four hundred and twenty four dollars and twenty eight cents (\$424.28) in costs and two (2) hours of continuing education.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. Helm made a motion to impose a one thousand dollar (\$1,000.00) fine, and four hundred and twenty four dollars and twenty eight cents (\$424.28) in costs.

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

Ms. Loucks informed Dr. Kennedy that she had seven (7) days to accept the counter settlement.

Fred B. Gill, DVM: Case number 2010-025966

The case was tabled.

Kristen Meyerer, DVM: Case number 2009-026917

The case was tabled to the June 2011 meeting.

Ruben Nasio, DVM: Case number 2009-003277

Dr. Nasio was present at the meeting and 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 that the Respondent performed a wing clipping which left a bird unable to fly and he failed to provide substantive care to a squirrel. Ms. Henderson advised the board that the department recommended a one thousand dollar (\$1,000.00) fine, two hundred and forty five dollars and ninety cents 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. Simmons seconded the motion and the motion passed unanimously.

MOTION: Dr. Helm made a motion to impose a one thousand dollar (\$1,000.00) fine, two hundred and forty five dollars and ninety cents in costs.

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

Dr. Nasio accepted the counter settlement. The board advised Dr. Nasio that he had ninety (90) days to pay the costs and fine.

Cara Erwin Oliver, DVM: Case number 2009-009436

Dr. Oliver was present at the meeting and was represented by counsel, Kenneth Glaspey. Dr. Oliver 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 that the Respondent provided medication only approved for dogs on a cat and administered a dosage three (3) times the recommended dosage and failed to maintain accurate records. Ms. Henderson advised the board that the department recommended nine hundred and fourteen dollars and thirty nine cents (\$914.39) in costs, two (2) years probation and four (4) hours of continuing education in record keeping and prescription medications.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. Simmons made a motion to impose a three thousand five hundred dollar (\$3,500.00) fine, nine hundred and fourteen dollars and thirty nine cents (\$914.39) in costs, two (2) years of probation with an annual board appearance during each year of probation and ten (10) hours of continuing education. Six (6) hours in the area of feline internal medicine and four (4) hours in recordkeeping.

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

Dr. Oliver accepted the counter settlement. The board advised Dr. Oliver that she had two (2) years to pay the fine and costs.

Andrew Newman, DVM: case number 2009-016575

Dr. Newman was present at the meeting and 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 that the Respondent failed to accurately diagnose two (2) dogs and provided expired vaccinations to the dogs, who subsequently died. Ms. Henderson advised the board that the department recommended a seven hundred and fifty dollar (\$750.00) fine, ninety four dollars and twenty cents (\$94.20) in costs and one 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. Simmons seconded the motion and the motion passed unanimously.

MOTION: Dr. Maxwell made a motion to impose a fifteen hundred dollar (\$1,500.00) fine, ninety four dollars and twenty cents (\$94.20) in costs, and one year probation and attendance at one (1) board meeting.

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

Dr. Newman accepted the counter settlement. The board advised Dr. Newman that he had six (6) months to pay the fine and costs.

Philip J. Aleong, DVM: Case number 2006-022640

The case was tabled until the June 2011 board meeting.

MOTION: Dr, Hem made a motion that the case file was not a complete file.

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

Dr. O'Neil was recused from the case.

APPLICATION REVIEW/APPROVAL

Leslie J. Mathews, DVM

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

Ms. Chastain advised the board that Dr. Mathews had submitted an application to reinstate a null & void license.

Dr. Mathews advised the board that he would like to withdraw his application and apply for a license by endorsement.

After discussion by the board the following motion was made.

MOTION: Dr. Figarola made a motion to accept Dr. Mathews' request to withdraw his application.

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

DISCUSSION

Reduction for Renewal Fee

Dr. O'Neil advised the board that he had asked Ms. Chastain to look into a reduction of the renewal fee.

Ms. Chastain advised the board that after discussion with the department the board could have a partial fee holiday of fifty dollars (\$50.00). Ms. Chastain advised the board that the department would notice the rule.

After discussion by the board the following motion was made.

MOTION: Dr. Figarola made a motion to accept the fifty dollar (\$50.00) fee holiday.

SECOND: Dr. Maxwell 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.

Dr. Groper advised the board that Dr. Balogh was doing fine with his contract with PRN.

Dr. Balogh asked the board if he could have more time to pay his fine.

MOTION: Ms. Lewis made a motion to extend Dr. Balogh's time to pay his fine until the end of June 2011.

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

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

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

Amy Gentsch, DVM

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

MOTION: Dr. Simmons made a motion to accept Dr. Gentsch's probation appearance.

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

Elsa Onate, DVM

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

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

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

Ted Joseph Oroski, DVM

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

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

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

Ausberto Buza Taguinod, DVM

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

MOTION: Dr. Figarola made a motion to accept Dr. Taguinod's probation appearance.

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

Carmen Annette Vazquez, DVM

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

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

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

James S. Wilson, DVM

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

Dr. Wilson asked the board if he could skip the June 2011 meeting and make his appearance at the September 2011 meeting.

MOTION: Dr. Maxwell made a motion to accept Dr. Wilson's probation appearance and allow him to skip the June 2011 meeting and attend the September 2011 meeting.

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

RATIFICATION OF APPLICATIONS

Continuing Education

MOTION: Dr. O'Neil made a motion to ratify the continuing education list.

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

Licensure Candidates

MOTION: Dr. Simmons made a motion to ratify the licensure candidate list.

SECOND: Dr. O'Neil seconded the motion and the motion passed unanimously.

REPORTS

Executive Director – Juanita Chastain

Ms. Chastain had no report.

Board Counsel – Deborah Loucks

Ms. Loucks provided the board with a copy of Governor Scott's Executive Order suspending rulemaking. She explained that all rules must be reviewed and approved by the Governor's Office of Fiscal Accountability and Regulatory reform.

Prosecuting Attorney – Elizabeth Henderson

Ms. Henderson advised the board that currently there were thirty four (34) cases in legal, fifty nine (59) cases were set for probable cause, ten (10) were awaiting outside action and eleven (11) went to expert witness.

MOTION: Dr. O'Neil made a motion to continue prosecuting year old cases.

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

Board chair – Dr. Robert O'Neil

Dr. O'Neil advised the board that the letters to staffs' supervisors were in their folders.

OLD BUSINESS

No old business.

NEW BUSINESS

No new business.

ELECTION OF OFFICERS

MOTION: Ms. Lewis made a motion to elect Dr. O'Neil Chair and Dr. Helm Vice-Chair.

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

The meeting adjourned at 10:50 a.m.