

MINUTES

**Board of Veterinary Medicine
General Business Meeting
Hampton Inn & Suites
19 South Second Street
Fernandina Beach, FL 32084**

December 1, 2009

CALL TO ORDER

Dr. O'Neil, chair called the meeting to order at 8:05 a.m.

MEMBERS PRESENT

Dr. Robert O'Neil, Chair
Henry Dover, Vice Chair
Dr. Sergio Vega
Dr. Guy Maxwell
Dr. Joann Helm
Dr. George Simmons
Cynthia Lewis

MEMBERS ABSENT

None

OTHERS PRESENT

Deborah Loucks, Board Counsel
Elizabeth Duffy, Prosecuting Attorney
Linda Tinsley, Government Analyst
Maleana B. Mann, Legacy Reporting, 904.310.6716
Jennifer Smith, DVM
David L. Turner, DVM
John Plant, DVM
Bradford Beilly
Philip Aleong, DVM
Lisa Bump, DVM
Annette Poirier
Dawn Waltonbaugh, DVM
Ken Glaspey
Wade Crankshaw, DVM
Amy Charlton, DVM

Phil Hinkle, FVMA
Stephen Shores, DVM
Vienna Slava, DVM
Yvette Vinton, DVM
Edwin Bayo
Veronica Bayo
Other Interested Parties

APPROVAL OF MEETING MINUTES

August 3, 2009 Meeting Minutes

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

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

September 1, 2009 Meeting Minutes

MOTION: Mr. Dover made a motion to approve the minutes as presented.

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

DISCIPLINE

Philip J. Aleong, DVM: Case number 2003-093234

Dr. Aleong was present at the meeting and was represented by counsel, Bradford Beilly. Dr. Aleong was sworn in by the court reporter.

Dr. O'Neil recused himself due to prior knowledge of the case.

Dr. O'Neil turned the meeting over to Mr. Dover, Vice Chair.

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

Ms. Loucks stated that Mr. Beilly had filed a motion to continue the case. She asked Mr. Beilly if he was withdrawing the motion.

Mr. Beilly advised the board that he was withdrawing his motion to continue the case.

Ms. Duffy presented the case as a Motion to amend the Final Order According to District Court of Appeal decision. Ms. Duffy advised the board that the case was

on appeal and the case is back before the board on a remand from the Fourth District Court of Appeal. She stated that the Fourth district issued an opinion affirming the Final Order of the board that was effective April 7, 2008, but remanded for the board to correct finding of fact number four (4) in its Amended Final Order. She advised the board that the Amended Final Order required the Respondent to pay costs of five hundred and forty two dollars and forty two cents (\$ 542.42), a three thousand dollar (\$3,000.00) fine, take and pass the laws and rules exam, take five (5) hours of continuing education in record keeping and suspend the Respondent's license for thirty (30) days.

Ms. Loucks advised the board that on page one thousand five hundred and seventy three (1573) in the agenda materials paragraph number four (4) in the Amended Final Order states the Respondent was on probation at the time the instant case came before the board for action. She stated that that was an incorrect statement of fact. Ms. Loucks advised the board the Respondent was not on probation at the time and had been on probation previously. She stated that the board could correct that finding that the Respondent had been on probation in the past or eliminate that paragraph all together.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to strike item number four (4) in the second Amended Final Order that states the Respondent was on probation.

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

MOTION: Dr. Helm made a motion to allow sixty days for Dr. Aleong to pay the fine and costs.

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

Philip J. Aleong, DVM: Case number 2008-029108

Dr. Aleong was present at the meeting and was represented by counsel, Bradford Beilly. Dr. Aleong was sworn in by the court reporter.

Dr. O'Neil recused himself due to prior knowledge of the case.

Ms. Loucks stated that Mr. Beilly had filed a motion to continue the case. She asked Mr. Beilly if he was withdrawing the motion.

Mr. Beilly advised the board that he was withdrawing his motion to continue the case.

Ms. Loucks read a statement to the board on the record.

Ms. Duffy presented the case as a Recommended Order. Ms. Duffy advised the board that Dr. Aleong was practicing veterinary medicine with a suspended license. Ms. Duffy advised the board that the Department recommended a five thousand dollar (\$5000.00) fine, two hundred and eleven dollars and six cents (\$211.06) in costs and revocation.

After discussion by the board the following motions were made.

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. Maxwell made a motion to accept the conclusions of law except fifty (50) and fifty one (51).

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

MOTION: Dr. Helm made a motion to re-consider the prior motion.

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

MOTION: Dr. Maxwell made a motion to accept the conclusions of law except number fifty one (51).

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

Dr. Vega was opposed.

MOTION: Dr. Maxwell made a motion to reject in the conclusions of law section fifty one (51) based on Rule 61G18-30.001 (2) (g), Florida Administrative Code.

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

MOTION: Dr. Maxwell made a motion to reject the penalty in the Recommended Order.

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

MOTION: Dr. Maxwell made a motion to accept the penalty by Rule 61G18 and the reason being page twenty three twenty (2320) items one (1) and two (2) in the agenda materials, and the prior actions and the repeated violation to keep medical records. The recommended penalty would be a five thousand dollar (\$5000.00) fine, two hundred and eleven dollars and six cents (\$211.06) in costs and revocation of the license and licensee could not re-apply for one hundred and eighty (180) days.

SECOND: Dr. Simmons seconded the motion.

Mr. Dover asked Ms. Tinsley to call the roll.

Dr. Simmons, Dr. Maxwell and Mr. Dover voted yes and Dr. Vega, Dr. Helm and Ms. Lewis voted no.

The motion failed due to a tie vote.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to impose a ten thousand dollar (10,000.00) fine, two hundred and eleven dollars and six cents (\$211.06) in costs, six (6) months suspension one (1) year probation and appearance at four (4) board meetings during probation.

The motion failed due to lack of a second.

MOTION: Dr. Helm made a motion due to the Respondents priors and working on a suspended license, to impose six (6) months suspension to be concurrent with any prior suspensions, five thousand dollar (\$5000.00) fine, two hundred and eleven dollars and six cents (\$211.06) in costs, one (1) year probation and attend four (4) board meetings during probation. Respondent shall show he is in compliance with all Final Orders and shall pay the fine and costs prior to reinstatement of license.

SECOND: Dr. Vega seconded the motion and it passed unanimously.

Ms. Duffy advised the board that Dr. Dale Mitchell's case had been pulled from the agenda and will be moved to the March 2, 2010 meeting agenda.

Amy Lynn Charlton, DVM: Case number 2008-040349

Dr. Charlton was present at the meeting and was represented by counsel, Kenneth Glaspey. Dr. Charlton was sworn in by the court reporter.

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

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to perform a feline leukemia test on a kitten before signing the health certificate. Ms. Duffy advised the board that the department recommended two hundred and ninety one dollars and forty three (\$291.43) in costs and three (3) hours of continuing education.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to accept the Settlement Stipulation as presented and the three hours of continuing education shall be in infectious diseases.

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

Vienna Y. Slava, DVM: Case number 2008-020252

Dr. Slava was present and was represented by counsel, Kenneth Glaspey. Dr. Slava was sworn in by the court reporter.

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent administered a controlled substance without permission from the owner and failed to record the drug in the controlled substance log. Ms. Duffy advised the board that the department recommended a one thousand dollar (\$1,000.00) fine, one thousand thirty dollars and ninety nine cents (\$1,030.99) in costs and three (3) hours of continuing education.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to reject the Settlement Stipulation.

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 one thousand dollar (\$1,000.00) fine, one thousand thirty dollars and ninety nine cents (\$1,030.99) in costs and six (6) hours of continuing education, three (3) hours in anesthesia and three (3) hours in internal medicine and take and pass the laws and rules exam in sixty (60) days at her expense.

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

Dr. Slava accepted the Counter Settlement Stipulation.

David L. Turner, DVM: Case number 2008-055021

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

Dr. Pomm, from Professional Resource Network (PRN), was present at the meeting as a spoke person for Dr. Turner. Dr. Pomm was sworn in by the court reporter.

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent had alcohol and drug dependency issues and failed to comply with the terms of the treatment program offered by the Professional Resource Network (PRN). Ms. Duffy advised the board that the department recommended two hundred and sixty six dollars and eighty eight cents (\$266.88) in costs, treatment by Professional Resource Network (PRN), one year probation and apply for reactivation of his license.

Dr. Pomm advised the board that he recommended that the board accept the Settlement Stipulation as presented.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to reject the Settlement Stipulation.

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

After discussion by the board the following motion was made.

MOTION: Dr. O'Neil made a motion to impose two hundred and sixty six dollars and eighty eight cents (\$266.88) in costs, probation to run concurrent with the PRN contract and during term of probation he must attend every meeting the first year, two (2) meetings the second year and yearly appearances for the remainder of the contract.

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

MOTION: Mr. Dover made a motion to reactivate Dr. Turner's license.

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

Arthur Cutter, DVM: Case number 2008-017073 & 2008-026741

Dr. Cutter was not present and was represented by counsel, Bryan Reynolds.

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

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent's license was disciplined in another state and failed to report his discipline. Ms. Duffy advised the board that the department recommended one hundred forty dollars and seventy nine cents (\$140.79) in costs and voluntary relinquishment of the license.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to reject the Settlement Stipulation.

SECOND: Mr. Dover 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 one hundred forty dollars and seventy nine cents (\$140.79) in costs and sixty (60) days to pay the fine and costs.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

Ms. Loucks advised Mr. Reynolds that Dr. Cutter had seven (7) days to accept the Counter Settlement Stipulation.

Richard Charles Mather, DVM: Case number 2008-064109

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

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

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent had his authority to practice veterinary medicine acted upon in another jurisdiction. Ms. Duffy advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, one hundred and nine dollars and thirteen cents (\$109.13) in costs and six (6) months probation.

After discussion by the board the following motion was made.

MOTION: Dr. Maxwell made a motion to reject the Settlement Stipulation.

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

The motion passed with Dr. Vega opposed.

MOTION: Dr. Maxwell made a motion to impose a five thousand dollar (\$5,000.00) fine, one hundred and nine dollars and thirteen cents (\$109.13) in costs and one (1) year probation and one (1) board meeting appearance.

SECOND: Dr. O'Neil seconded the motion.

The motion passed with Dr. Vega and Dr. Simmons opposed.

Ms. Loucks advised Mr. Reynolds that Dr. Mather had seven (7) days to accept the Counter Settlement Stipulation.

Richard Ryan Rothfuss, DVM: Case number 2008-064101

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

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

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent had his authority to practice veterinary medicine acted upon in another jurisdiction. Ms. Duffy advised the board that the department recommended a two thousand dollar

(\$2,000.00) fine, one hundred and fifty nine dollars and eighty five cents (\$159.85) in costs and six (6) months probation.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to reject the Settlement Stipulation.

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

MOTION: Dr. Helm made a motion to impose a five thousand dollar (\$5,000.00) fine, one hundred and fifty nine dollars and eighty five cents (\$159.85) in costs and one (1) year probation and one (1) board meeting appearance.

SECOND: Dr. Simmons seconded the motion.

The motion passed with Dr. Vega opposed.

Ms. Loucks advised Mr. Reynolds that Dr. Rothfuss had seven (7) days to accept the Counter Settlement Stipulation.

Alexander Ryland, III, DVM: Case number 2009 – 009956

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

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

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to apply acceptable veterinary practices to the treatment of the dog Brownie and he failed to properly annotate required information in the medical records. Ms. Duffy advised the board that the department recommended a one thousand seventeen dollars and ninety seven cents (\$1,017.97) in costs, and a fifteen hundred dollar (\$1,500.00) fine.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to accept the Settlement Stipulation.

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

Roy S. Udayamputhoor, DVM: Case number 2007-052151

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

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to properly test and treat Payton, the dog, with in the proper standards of care and failed to keep adequate medical records during treatment. Ms. Duffy advised the board that the department recommended two thousand thirty two dollars and eighty eight cents (\$2,032.88) in costs, a fifteen hundred dollar (\$1,500.00) fine and six (6) months probation.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to reject the Settlement Stipulation.

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

MOTION: Dr. Helm made a motion to impose a three thousand dollar (\$3,000.00) fine, two thousand thirty two dollars and eighty eight cents (\$2,032.88) in costs and six (6) months probation and three (3) hours of continuing education in record keeping and ten (10) hours in internal medicine. Continuing education to be approved by Dr. Helm

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

After discussion the board stated that Dr. Udayamputhoor had one (1) year to pay the fine and costs.

Ms. Loucks advised Mr. Reynolds that Dr. Udayamputhoor had seven (7) days to accept the Counter Settlement Stipulation.

Lisa Bump, DVM: Case number 2008-023204

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

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to maintain accurate records. Ms. Duffy advised the board that the department recommended a one hundred dollar (\$100.00) fine and nine hundred and seventy seven dollars and sixty six cents (\$977.66) in costs and three (3) hours of continuing education in record keeping.

MOTION: Mr. Dover made a motion to accept the Settlement Stipulation.

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

After discussion the board stated that Dr. Bump had one (1) year to complete the three (3) hours of continuing education in record keeping.

Ernest Balough, DVM: Case number 2004-040731

Dr. Balough was present at the meeting and was represented by counsel, Veronica Bayo. Mr. Balough was sworn in by the court reporter.

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

Ms. Duffy presented the case as Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to keep adequate medical records and to properly address weight loss, and symptoms in radiographs. Ms. Duffy advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, one thousand and one dollar and eighteen cents (\$1,001.18) in costs and five (5) years probation and he must attend four board meetings the first year and annual meetings for the remainder of the probation period.

Ms. Duffy advised the board that Dr. Balough was under contract with Professional Resource Network (PRN).

Dr. Pomm advised the board that Dr. Balough had been in recovery since September 2, 2008 and been monitored since March of 2009. Dr. Pomm advised the board that he was in support of the Settlement Stipulation.

MOTION: Dr. Helm made a motion to accept the Settlement Stipulation.

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

Dawn Waltonbaugh, DVM: Case number 2006-052547

Dr. Waltonbaugh 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. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to perform additional diagnostics and testing after receiving lab results and failed to properly complete medical records. Ms. Duffy advised the board that the department recommended a five hundred dollar (\$500.00) fine, one thousand one hundred and twenty nine dollars and seventy six cents (\$1,129.76) in costs and six (6) months probation.

After discussion by the board the following motion was made.

MOTION: Dr. Simmons made a motion to accept the Settlement Stipulation.

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

William Crankshaw, DVM: Case number 2008-020686

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

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

Ms. Duffy presented the case as an Informal Hearing. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to apply acceptable veterinary practices to the treatment of the dog "Pinkie". Ms. Duffy advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, eight hundred and fourteen dollars and ninety cents (\$814.90) in costs and one (1) year probation.

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

SECOND: Dr. Simmons 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. Simmons made a motion to impose a two thousand dollar (\$2,000.00) fine, eight hundred and fourteen dollars and ninety cents (\$814.90) in costs one (1) year probation and two (2) board

appearances, and ten (10) hours of continuing education in internal medicine approved by Dr. Simmons.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

Douglas Dampier, DVM: Case number 2008-068926

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

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

Ms. Duffy presented the case as an Informal Hearing. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to apply acceptable veterinary practices to the treatment of the dog "Pixie", performed a tooth extraction without receiving authorization from the owner, failed to properly document required information in the medical records and document the units of medication that were given to Pixie. Ms. Duffy advised the board that the department recommended a sixty five hundred dollar (\$6,500) fine, one thousand twenty dollars and sixty five cents (\$1020.65) in costs and three (3) years probation.

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

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

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

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

After discussion by the board the following motion was made.

MOTION: Dr. Simmons made a motion to impose a sixty five hundred dollar (\$6,500) fine, one thousand twenty dollars and sixty five cents (\$1020.65) in costs and three (3) years probation with four (4) board appearances the first year two (2) board appearances the second year and one (1) appearance the third year.

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

Riadh Atmani, DVM: Case number 2008-046530

Dr. Atmani 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. Duffy presented the case as a Motion for Waiver of Rights and Final Order. Ms. Duffy advised the board that the Respondent failed to properly complete medical records and performed a ovariohysterectomy without fully removing the ovaries and uterine horns. Ms. Duffy advised the board that the department recommended a four thousand dollar (\$4,000.00) fine, one thousand one hundred and twenty seven dollars and forty four cents (\$1,127.44) in costs, and two (2) years probation.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion that Dr. Atmani was properly served by the department and his election of rights had been waived.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

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

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

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to impose a four thousand dollar (\$4,000.00) fine, one thousand one hundred and twenty seven dollars and forty four cents (\$1,127.44) in costs, two (2) years of probation with four (4) board appearances the first year and ten (10) hours of continuing education, five (5) hours in medical records and five (5) hours in surgery.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

Candace Guyther, DVM: Case number 2008-055369

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

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

Ms. Duffy presented the case a Motion for Waiver of Rights and Final Order. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent had her veterinary license acted upon in another jurisdiction and she failed to report the incident to the Florida board.

After discussion by the board the following motions were made.

MOTION: Dr. Helm made a motion that Dr. Guyther was properly served and her election of rights had been waived.

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

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

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

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

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

MOTION: Dr. O'Neil made a motion to impose a one thousand two hundred and fifty dollar (\$1,250.00) fine, and one hundred and forty two dollars and forty nine cents (\$142.49) in costs.

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

Yvette I. Vinton, DVM: Case number 2009-010872

Dr. Vinton was present at the meeting and was represented by counsel, Kenneth Glaspy. Dr. Vinton was sworn in by the court reporter.

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

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent provided a controlled substance for the care of dogs without a client/patient relationship and she assisted a pet store in supplying prescription medication to people without a prescription. Ms. Duffy advised the board that the department recommended two hundred and twenty nine dollars and twenty cents (\$229.20) in costs.

After discussion by the board the following motions were made.

MOTION: Dr. Simmons made a motion to reject the Settlement Stipulation.

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

MOTION: Dr. Helm made a motion to impose two hundred and twenty nine dollars and twenty cents (\$229.20) in costs and six (6) months probation and attend the March 2010 and June 2010 board meetings.

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

Ms. Loucks advised Mr. Glaspey that his client had seven (7) days to accept the Counter Stipulation.

Susan Mary Thoma, DVM: Case number 2007-037987

Dr. Thoma was present at the meeting and was represented by counsel, Kenneth Glaspy. Dr. Thoma was sworn in by the court reporter.

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

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the Administrative Complaint alleges that the Respondent issued a certificate of veterinary inspection for sale of a dog or cat that was carrying a life threatening disease. Ms. Duffy advised the board that the department recommended three hundred and ten dollars and sixty one cents (\$310.61) in costs.

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to accept the Settlement Stipulation.

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

REPORTS

Prosecuting Attorney- Elizabeth Duffy

Ms. Duffy reviewed her report with the board.

Board Counsel – Deborah Loucks

No Report

Executive Director – Linda Tinsley for Juanita Chastain

Ms. Tinsley advised the board that their folders contained a letter from Human Resources for the board's review.

Board Chair – Dr. Robert O'Neil

Dr. O'Neil advised the board that they had done a great job on the cases at this meeting. He stated that there were a lot of cases and they moved quickly.

REVIEW OF APPLICATION

James Patrick Ebner, DVM – Application to Reinstate a Null & Void License

Dr. O'Neil advised the board that Dr. Ebner had submitted an application to reinstate a null & void license due to hardship.

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to grant Dr. Ebner's request to reinstate his null & void license.

SECOND: Dr. Helm seconded the motion.

The motion passed with Dr. O'Neil opposed.

PROBATION APPEARANCES

John H. Plant, DVM

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

After discussion by the board the following motion was made.

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

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

Jennifer Armstrong Smith, DVM

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

After discussion by the board the following motion was made.

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

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

DISCUSSION

Rule 61G18-15.002, F.A.C. – Minimum Standards for Premises Where Veterinary Medicine is Practiced

Ms. Loucks advised the board that the rule was before them because there were concerns that at the race tracks veterinarians will have controlled substances with them and they tell the inspectors the drug log is at their office. She stated that it is hard for the inspectors to check the controlled substances there and at the veterinarian's office. She stated the rule would require the veterinarian to have a drug log.

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to direct board counsel to notice the rule for development and bring rule language to the March 2010 meeting.

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

Registry of Approved Continuing Education (RACE) Dr. Joann Helm

Dr. Helm advised the board that the Registry of Approved Continuing Education (RACE) is an evolving program. She stated that they have a central database where the veterinarian can search for specific continuing education courses. She stated that the RACE committee was getting more complementary and alternative medicine courses. She stated that when the RACE committee reviews continuing education the committee decided to hold everyone to the same standard, scientific method, and the course builds upon what was learned in veterinary school. Dr. Helm advised the board that a continuing education course was submitted to the board by the Academy of Veterinary Homeopathy.

She asked the board to review the course and make a motion to approve or deny.

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to deny the course application for the Academy of Veterinary Homeopathy because the course offering was not scientific.

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

RATIFICATION OF APPLICATIONS

Continuing Education

MOTION: Mr. Dover made a motion to approve the following continuing education applications.

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

Affiliated Veterinary Specialists-Orange
Veterinary Arthroscopy – 2 hours

Alachua Veterinary Medical Association I
All Stressed Up and Nowhere to Go – 1- hour

Animal Eye Clinics of North Florida, Inc.
Pharmacy – 2 hours
Red Flags Rule – 2 hours
Feline Conjunctival Peripheral Nerve Sheat – 1 hour
Interstitial Lung Disease – 1 hour

Elite CME, Inc.
Dispensing Veterinary Prescription Drugs – 2 hours

Equine Medical Center of Ocala
New Developments in Equine Joint Therapy – 2 hours

Florida Department of Health/Epidemiology
Zoonotic Influenza – 2 hours
Rift Valley Fever – 2 hours

Mobile Veterinary Medical Association

Orthopedics & Physical Rehabilitation – 8 hours

National Veterinary Laboratory, Inc.
Bartonella: Feline & Canine Diseases – 2 hours

Northwest Florida Veterinary Medical Association
Practice Management and Flea Biology – 4 hours

Pasco Hernando Veterinary Medical
Canine Leptospirosis – 1 hour
Canine Influenza – 1 hour

Pfizer, Inc (AHG)
Advances in Equine Dentistry – 2 hours

Provetlogic
Welcome to Kennel Maintenance – 1 hour

South Florida Vet. Med. Assoc.- Pembroke
Practice Aspects of Clinical Immunology – 2 hours

South Florida Vet. Med. Assoc. – Miami
Flea Allergy Dermatitis in Dogs – 2 hours

South East Veterinary Referral Center
Direct & Indirect Ophthalmoscopy – 2 hours

Vet Med Consulting.com
Medical Record Keeping – Course One- 5 hours
Medical Record Keeping – Course Two- 5 hours

Veterinary Specialists of South Florida
Exam of the Ataxic/Paretic Lamé Patient – 1 hour
Management of Refractory Epilepsy in Dog – 1 hour
Diagnosis & Treatment of Heart Failure – 2 hours

Licensure Candidates

MOTION: Mr. Dover made a motion to accept the Veterinary Medicine licensure list.

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

MOTION: Mr. Dover made a motion to accept the premise permit licensure list.

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

NEW BUSINESS

Mr. Bayo advised the board that there are companies where you can send your dog's blood sample and they will run tests and give the results positive or negative for heart worms. He stated that the pet owner then takes the results to their veterinarian for the veterinarian to prescribe treatment.

Ms. Loucks stated that it is up to the veterinarian whether they wanted to accept the test or not.

Dr. Shores advised the board that he wanted to bring this issue to the board's attention. He thanked the board for listening to the issue.

The meeting adjourned at 2:10 p.m.