

MINUTES

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

June 2, 2009

CALL TO ORDER

Dr. O'Neil called the meeting to order at 8:00 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
Juanita Chastain Executive Director
Linda Tinsley, Government Analyst
Alexandra Ramirez, Official Reporting, 954.467.8204
Jose Falco, DVM
Phil Hinkle, FVMA
Stephan Shores, DVM
Annette Poirier, FVTA
Ronald Hamilton, DVM
Don Swerida, DVM
James Wilson, DVM
Nolton Patio, DVM
Patricia Marquis, DVM
Jerry Shank, DVM

Jan Bellows, DVM

APPROVAL OF MARCH 31, 2009 MINUTES

Dr. Vega stated that on page three (3) line one hundred and twelve (112) in the minutes number five (5) should be number four (4).

MOTION: Dr. Helm made a motion to approve the minutes with the change.

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

DISCIPLINE

Luis Miguel Gonzalez, DVM: Case number 2008-042769

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

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

Dr. O'Neil recused himself from the case and he stated that Mr. Dover, Vice Chairman, would conduct the hearing.

Ms. Duffy presented the case as an Informal Hearing. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to properly store, label and administer the controlled substances in his possession. Ms. Duffy stated that the department recommended a thirty five hundred dollar (\$3,500.00) fine, one hundred and thirty four dollars and thirty nine cents (\$134.39) in costs, one year probation and re-take the laws and rules or take additional continuing education. Ms. Duffy requested that the board adopt the findings of fact and conclusions of law as the findings of fact and conclusions of law of the board.

MOTION: Dr. Simmons made a motion to adopt the findings of fact as those of the board.

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

MOTION: Dr. Maxwell made a motion to accept the conclusions of law as those of the board.

SECOND: Dr. Helm 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 thirty five hundred dollar (\$3500.00) fine, one hundred and thirty four dollars and thirty nine cents (\$134.39) in costs, take and pass the laws and rules exam and an additional twelve hours of continuing education in record keeping.

SECOND: Dr. Simmons seconded the motion.

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

The board gave Dr. Gonzalez a year to pay his fine.

MOTION: Dr. Maxwell made a motion to re-consider the motion due to the fact that he failed to add probation.

The motion failed due to lack of a second.

Gregory Fowler, DVM: Case number 2008-057810

Dr. Fowler was present at the meeting and was represented by counsel, Robert S. Griscti. Dr. Fowler 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 veterinary license acted upon in another jurisdiction when the state of Georgia Board of Veterinary Medicine admonished him for practicing veterinary medicine without a valid state license. Ms. Duffy advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, and one hundred and ninety two dollars and seventy five cents (\$192.75) in costs.

After discussion by the board the following motions were 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 thirteen thousand five hundred dollar (\$13,500.00) fine and one hundred and ninety two dollars and seventy five cents (\$192.75) in costs.

SECOND: Mr. Dover seconded the motion.

Dr. O'Neil asked Ms. Tinsley to call the role and the motion failed due to a tie vote.

MOTION: Mr. Dover made a motion to impose a five thousand dollar (\$5000.00) fine and one hundred and ninety two dollars and seventy five cents (\$192.75) in costs.

SECOND: Dr. Vega seconded the motion.

Dr. O'Neil asked Ms. Tinsley to call the role. The motion passed with Dr. O'Neil and Dr. Helm opposed.

Dr. Fowler accepted the Counter Stipulation.

John H. Plant, DVM: Case number 2008-021208

Dr. Plant was not present 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 properly test and treat the animal within proper standards of care and failed to notify the pet's owner of a significant medical error. The respondent failed to keep contemporaneous and individual medical records. Ms Duffy advised the board that the department recommended a thirty five hundred dollar (\$3,500.00) fine, one thousand three hundred and sixty dollars and seventy four cents (\$1360.74) in costs and continuing education determined by the board.

After discussion by the board the following motions were made.

MOTION: Dr. Helm made a motion to adopt the findings of fact as those of the board.

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

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

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

MOTION: Dr. Vega made a motion to impose a five thousand dollar (\$5,000.00) fine, one thousand three hundred and sixty dollars and seventy four cents (\$1360.74) in costs, four (4) board appearances, two (2) years probation, ten (10) hours of continuing education in internal medicine, and ten (10) hours of continuing education in record keeping and take and pass the laws and rules exam in sixty (60) days.

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

Pet Care A Van: Case number 2008-001828/2008-034114

Ms. Jacqueline Smith was present at the meeting and was represented by counsel, Thomas Summerville. Ms. Smith 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 operated a limited service clinic in a location that was not registered with the department. Ms. Duffy advised the board that the department recommended a five hundred dollar (\$500.00) fine and one hundred and fifty dollars (\$150.00) in costs.

After discussion by the board the following motions were made.

MOTION: Mr. Dover 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 a two thousand dollar (\$2000.00) fine and one hundred and fifty dollars (\$150.00) in costs.

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

Mr. Summerville advised the board that Ms. Smith would accept the counter stipulation.

Jose M. Falco, DVM: Case number 2007-031963

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

Ms. Duffy presented the case as a Settlement Stipulation. She advised the board that the case was on the March 31, 2009 agenda. Dr. Falco had changed his address as required. She stated that the address in the investigative file was used rather than the new address. She stated that proper service was not made on Dr. Falco therefore he did not appear at the March 31, 2009 meeting. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to properly diagnose and treat a dog named Tootsie. Ms. Duffy advised the board that the department recommended a one thousand dollar (\$1,000.000) fine, one thousand two hundred and fourteen dollars and ninety six cents (\$1214.96) in costs and three (3) hours of continuing education.

Ms. Loucks advised the board that the board would have to make a motion to re-consider Dr. Falco's case.

MOTION: Mr. Dover made a motion to re-consider Dr. Falco's case.

SECOND: Dr. Helm 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 accept the Settlement Stipulation and the three (3) hours of continuing education would be in internal medicine.

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

PROBATION APPEARANCES

Ronald Alexander Hamilton, DVM

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

After discussion by the board the following motion was made.

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

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

Donald Swerida, DVM

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

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to accept Dr. Swerida's probation appearance and terminate his probation.

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

James S. Wilson, DVM

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

After discussion by the board the following motion was made.

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

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

REVIEW OF APPLICATION

Nolton Pattio, DVM

Dr. Pattio 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. Pattio had submitted an application for endorsement. She stated that Dr. Pattio's Florida license was revoked by the board in 1994. Ms. Chastain advised the board that he appeared before the board in 1996 to ask that the board reconsider his revocation. She stated that the board informed Dr. Pattio that he could submit an application by endorsement. She stated that Dr. Pattio chose not to apply at that time. Ms. Chastain advised the board that Dr. Pattio had a license in Pennsylvania that had expired and his California license had been revoked.

Dr. Pattio informed the board that he was in the process of getting his California license reinstated.

Dr. O'Neil stated that he should get his California license back and then apply to Florida.

Ms. Loucks advised the board that Dr. Pattio must get his California discipline resolved before he could apply for a Florida license.

Dr. Pattio advised the board that he would withdraw his application.

MOTION: Mr. Dover made a motion to accept Dr. Pattio's request to withdraw his application.

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

DISCUSSION

Veterinary Medicine – Dr. Jan Bellows

Dr. Bellows presented to the board a power point presentation on veterinary dentistry and the use of dental x-ray machines.

After discussion by the board the board directed Ms. Loucks to research if the board had statutory authority to require premise permit holders to have dental x-ray machines.

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

Ms. Loucks advised the board that the board had to make a motion to adopt the rule language for Rule 61G18-30.001, F.A.C. disciplinary guidelines.

MOTION: Mr. Dover made a motion to adopt the rule language as presented.

SECOND: Ms. Lewis 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.

North Florida Neurology/Andrew Hopkins
Veterinary Neurology – 2 hours

Licensure /Exam Candidates

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

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

REPORTS

Board Chair – Dr. Robert O’Neil

Dr. O’Neil advised the board that he had spoken to a Dr. Khare about ten (10) hours of continuing education in recordkeeping, practice management, communication and ethics. Dr. O’Neil advised the board that the courses were RACE approved and would be available to licensees who had to take additional continuing education to fulfill the requirements of their final order. He advised the board that the information was in the board’s material folders for their review.

Executive Director – Juanita Chastain

Ms. Chastain advised the board that the third quarter financial report was in their folders. She asked the board to please submit all of their travel reimbursements before the end of June.

Board Counsel –Deborah Loucks

Ms. Loucks stated that the only pending rule was 61G18-30.001, F.A.C., disciplinary guidelines.

Prosecuting Attorney – Elizabeth Duffy

Ms. Duffy had no report.

NEW BUSINESS

Ms. Chastain advised the board that the most recent newsletter was on the web.

MOTION: Dr. Vega made a motion to adjourn.

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

The meeting adjourned at 11:10 a.m.

