

MINUTES

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

March 2, 2010

CALL TO ORDER

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

MEMBERS PRESENT

Dr. Robert O'Neil, Chair
Dr. Sergio Vega
Dr. Guy Maxwell
Dr. Joann Helm
Ms. Cynthia Lewis

MEMBERS ABSENT

Dr. George Simmons (excused)
Henry Dover (excused)

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
Rita Montano
Eduardo F. Castellanos
Carlos R. Pereire
Stephen Selway, DVM
Ursula Dell, DVM
Chris Galeta
John Mounger, DVM
John Marshall
Annette Poirier, FVTA
Jim Wilson, DVM
Jerry Shank

Samantha Beck
Dawn Waltonbaugh, DVM
John Plant, DVM
Jennifer Smith, DVM
Wade Crankshaw, DVM
Julie Paulsen
Thomas Householder, DVM
Douglas Dampier, DVM
David Turner, DVM
William Lovett, DVM
Juana Brouwer
Rafael Garcia
Ernest Balough, DVM
Larry Bernstein
Susan Zabler
Dale Mitchell, DVM
Amy K. Gentsch, DVM

APPROVAL OF DECEMBER 1, 2010 MEETING MINUTES

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

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

ELECTION OF OFFICERS

MOTION: Dr. Helm made a motion to nominate Dr. O'Neil as Chair.

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

MOTION: Ms. Lewis made a motion to nominate Dr. Helm as Vice Chair.

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

DISCIPLINE

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

Ms. Loucks advised the board that Dr. Aleong's case would be tabled until the June, 2010 meeting due to quorum issues.

Stephen Selway, DVM: Case number 2009-019658

Dr. Selway 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 an Informal Hearing. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to store expired drugs in the proper area required by rule. Ms. Duffy advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, sixty three dollars and sixty three cents (\$63.63) in costs and one (1) year probation.

Dr. O'Neil advised the board that he had known Dr. Selway for thirty (30) years and stated it would not have an effect on his judgment in the case.

Dr. Selway stated that he had no problem with Dr. O'Neil hearing the case.

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

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

MOTION: Dr. Vega 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. Vega made a motion to impose a two thousand dollar (\$2,000.00) fine, sixty three dollars and sixty three cents (\$63.63) in costs and one (1) year probation.

SECOND: Dr. Helm seconded the motion.

The motion failed three to one.

MOTION: Dr. Helm made a motion to impose a two thousand dollar (\$2,000.00) fine, sixty three dollars and sixty three cents (\$63.63) in costs.

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

Kenneth Sundberg, DVM: Case number 2006-050349

The case was tabled until the June 2010 meeting.

Ted Oroski, DVM: Case number 2009-011330

Dr. Oroski 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 a Motion for Waiver. Ms. Duffy advised the board the Respondent never created or maintained medical records for any animal presented to him for health certification, he collected payment for services that were never completed and he refused to submit copies of test results when requested. Ms. Duffy advised the board that the department recommended a fifty five hundred dollar (\$5,500.00) fine, two hundred and forty eight dollars and thirty eight cents (\$248.38) and two (2) years and six (6) months probation.

MOTION: Dr. Helm made a motion that Dr Oroski was served properly.

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

MOTION: Dr. Helm made a motion that Dr. Oroski's rights had been waived.

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

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

SECOND: Dr. Vega 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. O'Neil made a motion to impose a fifty five hundred dollar (\$5,500.00) fine, two hundred and forty eight dollars and thirty eight cents (\$248.38) in costs and two (2) years and six (6) months probation and attendance at every board meeting during probation.

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

The board stated that Dr. Oroski had one (1) year to pay the fine and costs.

Ursula Dell, DVM: Case number 2009-030207

Dr. Dell was present at the meeting and was represented by counsel, Christopher Galeta. Dr. Dell 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 performed surgery on the wrong cat. Ms. Duffy advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, one thousand and nine dollars and nine cents (\$1009.09) in costs, six (6) months probation and three (3) hours of continuing education in hospital protocol.

After discussion by the board the following motion was made.

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

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

The board stated that Dr. Dell had one (1) year to complete the continuing education.

Amy Bosecker, DVM: Case numbers 2006-001296, 2006-014861, 2007-008338, 2008-056679, 2008-044282, 2008-068618

Dr. Bosecker was present at the meeting.

Dr. Bosecker asked the board for a continuance due to the fact that her attorney had a conflict and could not attend the meeting.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to grant Dr. Bosecker's request for a continuance.

Motion failed due to lack of a second. The board proceeded with the case.

Ms. Duffy presented the case as a Settlement Stipulation. She advised the board that probable cause was waived on the final three (3) cases due to the department and Dr. Bosecker wanting to settle all of the cases at the same time. Ms. Duffy advised the board that the department recommended a one thousand dollar (\$1,000.00) fine, three thousand thirty eight dollars and sixty eight cents (\$3,038.68) in costs, eighteen (18) months probation and the Respondent agrees not to employ Laurence Eugene Gentsch in any capacity at her Animal Hospital.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. O'Neil made a motion to impose a ten thousand dollar (\$10,000.00) fine, three thousand thirty eight dollars and sixty eight cents (\$3,038.68) in costs, five (5) years probation and the Respondent shall attend every board meeting the first two (2) years of probation and during the final three (3) years of probation the Respondent shall attend one board meeting each year. Respondent shall take forty two (42) hours of continuing education in the area of medicine and surgery by the next renewal cycle.

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

The board stated that Dr. Bosecker had five (5) years to pay the fine and costs and the continuing education would be approved by Dr. Maxwell.

Ms. Loucks advised Dr. Bosecker that she had seven days to accept the Counter Settlement Stipulation once she received the order in the mail.

Thomas W. Householder, DVM: Case number 2006-061855

Dr. Householder was present at the meeting and was represented by counsel, Christopher Galeta. Dr. Householder was sworn in by the court reporter.

Ms. Duffy presented the case as a Settlement Stipulation. She advised the board that the administrative complaint alleges that the Respondent failed to maintain medical records. Ms. Duffy advised the board that the department recommended a five hundred dollar (\$500.00) fine and three hundred and fifty four dollars and eighty nine cents (\$354.89) in costs.

Dr. Vega advised the board that he had known Dr. Householder for many years but it would not interfere with his judgment.

Dr. Householder advised the board that he had no problem with Dr. Vega hearing his case.

After discussion by the board the following motions were made.

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

SECOND: Dr. Maxwell seconded the motion.

Motion failed with Dr. Vega and Ms. Lewis for and Dr. O'Neil, Dr. Helm and Dr. Maxwell opposed.

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

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

MOTION: Dr. O'Neil made a motion to impose a fifteen hundred dollar (\$1,500.00) fine, three hundred and fifty four dollars and eighty nine cents (\$354.89) in costs and three (3) hours of continuing education in records.

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

Dr. Householder advised the board that he would accept the counter Stipulation.

The board advised Dr. Householder that he had six (6) months to pay the fine and costs and twelve (12) months to complete the continuing education.

Julie Santagata, DVM: Case number 2009-059683

Dr. Santagata was present at the meeting and was represented by counsel, Christopher Galeta. Dr. Santagata 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. She advised the board that the administrative complaint alleges that the Respondent failed to provide a cat its required treatment of insulin and failed to properly document required information in the medical records. Ms. Duffy advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, nine hundred

and fifty five dollars and sixty cents (\$955.60) in costs and one (1) year probation.

After discussion by the board the following motion was made.

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

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

Dale Mitchell, DVM: Case number 2007-037792

Dr. Mitchell 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. She advised the board that the administrative complaint alleges that the Respondent failed to provide a requested necropsy report that the complainant paid for. Ms. Duffy advised the board that the department recommended a five hundred dollar (\$500.00) fine and one hundred and seventy six dollars and thirty one cents (\$176.31) in costs.

After discussion by the board the following motions were made.

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

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

MOTION: Dr. Helm made a motion to impose a fifteen hundred dollar (\$1,500.00) fine, one hundred and seventy six dollars and thirty one cents (\$176.31) in costs and one (1) year probation.

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

Dr. Mitchell advised the board that she accepted the Counter Stipulation.

The board advised Dr. Mitchell that she had sixty (60) days to pay the fine and costs.

William H. Lovett, DVM: Case number 2009-026132

Dr. Lovett was present at the meeting and was represented by counsel, Edwin Bayo. Dr. Lovett 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 the Respondent failed to keep contemporaneous medical records and Respondent's technicians performed examinations and dispensed medication without his direct supervision. Ms. Duffy advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, two hundred and nineteen dollars and forty cents (\$219.40) in costs and six (6) hours of continuing education.

After discussion by the board the following motion was made.

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

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

The board advised Dr. Lovett that his six (6) hours of continuing education would be in practice management and would be approved by Dr. Vega.

Dr. Mounger, DVM: Case number 2006-052558

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

Ms. Duffy presented the case as a Settlement Stipulation. She advised the board that the administrative complaint alleges that the Respondent failed to properly complete the medical records. Ms. Duffy advised the board that the department recommended a two thousand dollar (\$2,000.00) fine and one thousand four hundred and twenty four dollars and twenty one cents (\$1424.21) in costs.

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.

MOTION: Dr. Helm made a motion to impose a fifteen hundred dollar (\$1,500.00) fine, one thousand four hundred and twenty four dollars

and twenty one cents (\$1424.21) in costs and six (6) months probation.

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

Mr. Bayo advised the board that Dr. Mounger would accept the Counter Stipulation.

PROBATION APPEARANCES

Ernest Balogh, DVM

Dr. Balogh was present at the meeting and was represented by counsel, Edwin Bayo. He 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. Balogh's probation appearance.

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

Douglas K. Dampier, DVM

Dr. Dampier 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. Helm made a motion to accept Dr. Dampier's probation appearance.

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

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. Helm made a motion to accept Dr. Plant's probation appearance.

SECOND: Dr. Vega 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. Maxwell made a motion to accept Dr. Smith's probation appearance.

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

David L. Turner, DVM

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

Dr. Groper from Professional Resource Network (PRN) advised the board that Dr. Turner was doing extremely well.

After discussion by the board the following motion was made.

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

SECOND: Dr. Maxwell 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. He was sworn in by the court reporter.

Dr. Wilson asked the board if he could be excused from the June meeting due to a vacation that was planned over a year ago.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to move Dr. Wilson's board appearance to the September 2010 meeting.

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

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

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

William Wade Crankshaw, DVM

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

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

**PETITION FOR VARIANCE OR WAIVER
RULE 61G18-15.002, F.A.C. – ON BEHALF OF RITA MONTANO**

Ms. Montano was present at the meeting and was represented by counsel, Edwin Bayo. Ms. Montano was sworn in by the court reporter.

Dr. Vega advised the board that he knew Ms. Montano but it would not influence his judgment.

Mr. Bayo reviewed the petition with the board and he stated that Ms. Montano had taken the North American Veterinary Licensing Exam (NAVLE) three (3) times and had failed the exam by one (1) point the third time. He stated that the board had not set a passing score by rule that the National Board of Veterinary Medical Examiners (NBVME) had set the passing score. He also stated that Ms. Montano's primary language was not English and one (1) point may have been lost, not due to lack of knowledge but instead due to a language barrier. Mr. Bayo stated that Ms. Montano was petitioning the board to allow her score to be deemed as a passing score.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to deny the request for variance or waiver.

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

RECONSIDERATION OF CONTINUING EDUCATION APPLICATION

Academy of Veterinary Homeopathy

Dr. Larry Bernstein addressed the board and asked them to re-consider the denial of the Academy of Veterinary Homeopathy continuing education provider and course application.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to deny Dr. Bernstein's request for re-consideration.

SECOND: Dr. Maxwell 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 after further review and discussion with Ms. Chastain it was determined that it would be more appropriate to add the language to require controlled substance logs to Rule 61G18-15-0025 Minimum Standards for a Mobile Veterinary Practice for Agricultural Animals. Ms. Loucks asked the board to withdraw development of Rule 61G18-15.002.

After discussion by the board the following motion was made.

MOTION: Dr. O'Neil made a motion to withdraw development of Rule 61G18-15.002.

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

MOTION: Dr. O'Neil made a motion to notice Rule 61G18-15.0025 for development and approve the proposed rule language.

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

RATIFICATION OF APPLICATIONS

Continuing Education

MOTION: Dr. O'Neil made a motion to approve the following continuing education applications.

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

Florida Discount Drugs Inc/Taylor Pharmacy - Provider
Compounding for the Household Animal

Miami Veterinary Specialists –Provider

Provetlogic – Provider
Welcome to Kennel Maintenance

Affiliated Veterinary Specialists – Orange
Cold Compression therapy

Animal Eye Clinics of North Florida
Interstitial Lung Disease
Feline Conjunctial Peripheral Nerve Sheat
Red Flags Rule

Elite CME, Inc
FDA's Response: Animal Cloning
Ascarids, Hookworms, Baylisascaris
FI Laws & Rules: Veterinary Practice
NSAID Toxicity in Cats and Dogs

Encore Veterinary Consulting
Extract of Maxillary Canine/Pre-Molar

Mobile Veterinary Medical Association
Orthopedics & Physical Rehabilitation

Pasco Hernando Veterinary Medical Association
Neglected Influenza Viruses

South Florida Vet. Med. Association – Miami
Flea Allergy Dermatitis in Dogs
Topics in Canine Reproduction

South Georgia Veterinary Medical Association
Cardiopulmonary Medicine
Gastrointestinal Diseases
Taking Dentistry to the Next Level
Joint GVMA/SGVMA Seminar

Veterinary Specialists of South Florida
Diagnosis & Treatment of Heart Failure

Licensure Candidates

MOTION: Dr. O'Neil made a motion to accept the veterinary licensure list.

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

REPORTS

Executive Director – Juanita Chastain

Ms. Chastain reviewed the financial report with the board. She stated that the board was financially secure.

Ms. Chastain advised the board that in their folders were inspection statistics reflecting the increase in inspections since the board had gone from every five (5) years to every two (2) years. She stated that since July 1, 2009 eight hundred and one (801) inspections had been done compared to two hundred and eighty four (284) the previous year.

Board Counsel – Deborah Loucks

Ms. Loucks stated she was asking the board to direct her to notice for development Rule 61G18-11.002, F.A.C. to address the problem with the passing score for the national exam and to have the application incorporated by rule.

MOTION: Dr. Helm made a motion to direct Ms. Loucks to notice for development Rule 61G18 -11.002, F.A.C.

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

Prosecuting Attorney – Elizabeth Duffy

Ms. Duffy advised the board that there are thirty five (35) cases set for probable cause; four (4) cases have been received from the expert, ninety eight (98)

private cases and seventy nine (79) public cases. She advised the board that there were one hundred and seventy seven (177) cases total in legal.

Chairman- Dr. Robert O'Neil

Dr. O'Neil advised the board that he attended the Governor's Christmas party. He stated that the Governor wanted him to thank all of the board members for their service and all the hard work they do.

Dr. O'Neil asked Ms. Tinsley to call the roll for the probation attendees. All were present.

The meeting adjourned at 11:55 a.m.