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MINUTES

**Board of Veterinary Medicine
General Business Meeting**

**Casa Monica Hotel
95 Cordova Street
St. Augustine, FL 32084**

September 9, 2008

CALL TO ORDER

Dr. O'Neil called the meeting to order at 8:00 a.m.

MEMBERS PRESENT

Dr. Robert O'Neil
Dr. Sergio Vega
Dr. Guy Maxwell
Dr. Joann Helm
Dr. George Simmons
Henry Dover

MEMBERS ABSENT

Lisa Hurley (excused)

OTHERS PRESENT

Deborah Loucks, Board Attorney
Elizabeth Duffy, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Mary Graybosch, Volusia Reporting Company, 386.255.2150
Joe Helton
Richard Hanchett
J. R. Jimenez, DVM
Don Swerida, DVM
Ronald Hamilton, DVM
Erin Emmans, DVM
John Peterlin, DVM
Annette Poirier, FVTA
Richard Flora, DVM
Tina Parker, DVM

46 Michael Parker, DVM
47 Mario Arteaga, DVM
48 Marcus Kramer, DVM
49 Sarah Blain Kennedy, DVM
50 Edwin Bayo
51 Stephan Shores, DVM

52

53 Dr. O' Neil welcomed Secretary Charles Drago to the meeting. Secretary Drago
54 advised the board that he was holding statewide meetings for individuals to talk
55 with him about Department issues. He thanked the board members for their
56 service and offered his assistance if needed.

57

58 **APPROVAL OF JUNE 3, 2008 MEETING MINUTES**

59

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

61

62 **SECOND:** Dr. Helm seconded the motion and the motion passed
63 unanimately.

64

65 **DISCIPLINE**

66

67 **Jose Raul Jimenez, DVM: Case number 2007-043518**

68

69 Dr. Jimenez was present at the meeting. He was not represented by counsel.
70 Dr. Jimenez was sworn in by the court reporter.

71

72 Dr. O'Neil recused himself from the case and stated Mr. Dover would conduct the
73 hearing.

74

75 Ms. Duffy presented the case as an Informal Hearing. Ms. Duffy advised the
76 board that the administrative complaint alleges that the Respondent's license
77 was suspended by the Stewards at Calder Race course. Ms. Duffy requested
78 that the board adopt the findings of fact and conclusions of law as the findings of
79 fact and conclusions of law of the board.

80

81 **MOTION:** Dr. Vega made a motion to adopt the findings of fact and
82 conclusions of law as those of the board.

83

84 **SECOND:** Dr. Simmons seconded the motion and the motion passed
85 unanimately.

86

87 After discussion by the board the following motion was made.

88

89 **MOTION:** Dr. Vega made a motion to impose a one thousand dollar
90 (\$1,000.00) fine and a thirty (30) day suspension.

91 Motion failed due to lack of a second.

92

93 **MOTION:** Dr. Maxwell made a motion to impose a one thousand dollar
94 (\$1,000.00) fine and a thirty (30) day suspension and costs.

95

96 **SECOND:** Dr. Helm seconded the motion.

97

98 **MOTION:** Dr. Helm amended the motion to start the suspension for Dr.
99 Jimenez on September 12.

100

101 **SECOND:** Dr. Simmons seconded the motion and the motion passed
102 unanimately.

103

104 **John E. Peterlin, DVM: Case number 2007-010718**

105

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

108

109 Ms. Duffy presented the case as an Informal Hearing. Ms. Duffy advised the
110 board that the administrative complaint alleges that the Respondent administered
111 the wrong anesthetic agent. Ms. Duffy requested that the board adopt the
112 findings of fact and conclusions of law as the findings of fact and conclusions of
113 law of the board.

114

115 **MOTION:** Dr. Helm made a motion to adopt the findings of fact and
116 conclusions of law as those of the board.

117

118 **SECOND:** Dr. Vega seconded the motion and the motion passed
119 unanimately.

120

121 After discussion by the board the following motion was made.

122

123 **MOTION:** Dr. Helm made a motion to impose a two thousand dollar
124 (\$2,000.00) fine and seven hundred and sixty four dollars and thirty
125 five cents (\$764.35) in costs.

126

127 **SECOND:** Dr. Simmons seconded the motion.

128

129 The motion passed with Dr. Vega opposed.

130

131 **Erin E. Emmans, DVM: Case number 2006-036037**

132

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

135

136 Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the
137 board that the administrative complaint alleges that the Respondent failed to
138 properly declaw and failed to keep complete medical records during treatment.
139 Ms. Duffy advised the board that the Department recommended a one thousand
140 dollar (\$1,000.00) fine and one thousand one hundred and seventy dollars and
141 twenty two cents (\$1,170.22) in costs and three (3) additional hours of continuing
142 education in record keeping.

143

144 After discussion by the board the following motion was made.

145

146 **MOTION:** Dr. Helm made a motion to reject the Settlement Stipulation as
147 presented.

148

149 **SECOND:** Mr. Dover seconded the motion.

150

151 The motion passed with Dr. Vega opposed.

152

153 **MOTION:** Mr. Dover made a motion to offer a counter stipulation imposing a
154 two thousand dollar (\$2,000.00) fine, costs, one year probation with
155 board appearance and, ten (10) hours of continuing education in
156 small animal surgery.

157

158 **SECOND:** Dr. Simmons seconded the motion.

159

160 After discussion by the board Dr. O'Neil advised the board that he would amend
161 the motion to ten (10) hours of continuing education five (5) hours in small animal
162 surgery and five (5) hours in record keeping.

163

164 The motion failed due to all board members opposed and Dr. O'Neil in favor.

165

166 After discussion by the board the following motion was made.

167

168 **MOTION:** Dr. Helm made a motion to impose a one thousand dollar
169 (\$1,000.00) fine, costs, one year probation and five (5) hours of
170 continuing education in small animal surgery and five (5) hours of
171 continuing education in record keeping approved by the board.

172

173 **SECOND:** Dr. Vega seconded the motion.

174

175 Dr. Helm amended her motion to strike the probation.

176

177 The motion failed with two (2) in favor of the motion and four (4) opposed.

178

179 **MOTION:** Dr. Maxwell made a motion to impose a one thousand dollar
180 (\$1,000.00) fine, costs, one year probation and five (5) hours of

181 continuing education in small animal surgery and five (5) hours of
182 continuing education in record keeping approved by the Dr.
183 Maxwell. Terms of probation are to be in attendance before the
184 board prior to the termination of probation.
185

186 **SECOND:** Dr. Simmons seconded the motion and the motion passed.
187

188 Dr. Helm was opposed.
189

190 Mr. Bayo advised the board that his client would let the board know if his client
191 would accept the Counter Stipulation by the end of the meeting.
192

193 **Ronald Hamilton, DVM: Case number 2007-010718**
194

195 Dr. Hamilton was present at the meeting and was represented by counsel.
196 Richard Hanchett. Dr. Hamilton was sworn in by the court reporter.
197

198 Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the
199 board that the administrative complaint alleges that the Respondent made drugs
200 available for animal patients through petmedsforcheap.com without documented
201 veterinarian/client/patient relationship. Ms. Duffy advised the board that the
202 Department recommended a twenty five hundred dollar (\$2,500.00) fine, one
203 hundred and eight dollars and twenty six cents (\$108.26) in costs, six (6) hours of
204 continuing education and six (6) months probation.
205

206 After discussion by the board the following motion was made.
207

208 **MOTION:** Dr. Helm made a motion to reject the Settlement Stipulation.
209

210 **SECOND:** Mr. Dover seconded the motion and the motion passed
211 unanimately.
212

213 **MOTION:** Mr. Dover made a motion to propose a counter offer of a two
214 thousand dollar (\$2,000.00) fine, costs, thirty (30) day suspension,
215 one (1) year probation with board appearances and take and pass
216 the laws and rules at his own expense.
217

218 **SECOND:** Dr. Helm seconded the motion and the motion passed
219 unanimately.
220

221 Mr. Hanchett informed the board that Dr. Hamilton would accept the counter offer
222 if the suspension could be effective September 28, 2008. He stated that Dr.
223 Hamilton had to arrange coverage for his clinic.
224

225 The board agreed that Dr. Hamilton's suspension could start on September 28,
226 2008.

227

228 **Sarah Blain Kennedy, DVM: Case number 2003-088861**

229

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

232

233 Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the
234 board that the administrative complaint alleges that the Respondent administered
235 excess amounts of pain medication and failed to keep contemporaneously
236 written medical records. Ms. Duffy advised the board that the Department
237 recommended a one thousand dollar (\$1,000.00) fine, one thousand two hundred
238 and seventy four dollars and seventy cents (\$1274.70) in costs, nine (9) months
239 probation and twelve (12) additional hours in continuing education in internal
240 medicine and emergency care.

241

242 Dr. Maxwell advised the board that Dr. Kennedy had filled in for him in the past
243 but he felt he could be unbiased.

244

245 Dr. Kennedy stated that she had no problem with Dr. Maxwell hearing the case.

246

247 After discussion by the board the following motion was made.

248

249 **MOTION:** Dr. Vega made a motion to approve the Settlement Stipulation as
250 presented.

251

252 **SECOND:** Dr. Helm Seconded the motion.

253

254 The motion passed with Dr. O'Neil and Mr. Dover opposed.

255

256 The board advised Dr. Kennedy that Dr. Helm would approve her continuing
257 education.

258

259 **Rene A. Pria, DVM: Case number 2007-051179**

260

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

263

264 Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the
265 board that the administrative complaint alleges that the Respondent performed
266 an unauthorized ovariohysterectomy. Ms. Duffy advised the board that the
267 Department recommended a one thousand dollar (\$1,000.00) fine, one hundred
268 and eight one dollars and forty five cents (\$181.45) in costs and six (6) additional
269 hours in continuing education to be determined by the board.

270 Dr. Vega advised the board that he knew Dr. Pria but he felt the relationship
271 would not interfere with his judgment.

272
273 Dr. Pria advised the board that he had no problem with Dr. Vega hearing the
274 case.

275
276 After discussion by the board the following motion was made.

277
278 **MOTION:** Dr. Vega made a motion to accept the Settlement Stipulation as
279 presented.

280
281 Motion failed due to lack of a second.

282
283 **MOTION:** Mr. Dover made a motion to reject the Settlement Stipulation as
284 presented.

285
286 **SECOND:** Dr. Maxwell seconded the motion.

287
288 The motion passed with Dr. Vega opposed.

289
290 **MOTION:** Dr. Maxwell made a motion to impose a two thousand dollar
291 (\$2,000.00) fine, one hundred and eighty one dollars and forty five
292 cents (\$181.45) in costs, six (6) months probation, six (6) hours of
293 continuing education in record keeping and attendance at the board
294 meeting prior to termination of probation.

295
296 **SECOND:** Dr. Simmons seconded the motion.

297
298 Motion passed with Dr. O'Neil and Dr. Vega opposed.

299
300 Mr. Bayo advised the board that Dr. Emmans accepted the Counter Stipulation
301 offered by the board.

302
303 **PROBATION APPEARANCES**

304
305 **Michael Parker, DVM and Tina Parker, DVM**

306
307 Dr. Tina Parker and Dr. Michael Parker were present and sworn in by the court
308 reporter.

309
310 Dr. O'Neil advised the board that Dr. Michael Parker and Dr. Tina Parker were
311 making their annual appearance before the board.

312

313 **MOTION:** Dr. Simmons made a motion to accept Dr. Michael Parker's and Dr.
314 Tina Parker's appearance as their annual appearance before the
315 board.

316
317 **SECOND:** Dr. Helm seconded the motion and the motion passed
318 unanimously.

319

320 **Marcus Kramer, DVM**

321

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

323

324 Dr. Groper, clinical coordinator from Professional Resource Network (PRN)
325 advised the board that Dr. Kramer had complied with his contract and he had
326 followed all provisions of the contract. He stated that they are satisfied with his
327 progress and there had been significant signs of maturity and recovery.

328

329 **MOTION:** Dr. Maxwell made a motion to accept his appearance as his annual
330 appearance before the board.

331

332 **SECOND:** Dr. Helm seconded the motion and the motion passed
333 unanimously.

334

335 **APPLICATION REVIEW – REINSTATEMENT OF NULL & VOID LICENSE**

336

337 **Carmen Maria Sabria, DVM**

338

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

340

341 Ms. Chastain advised the board that Dr. Sabria had submitted an application to
342 reinstate her null & void license. Ms. Chastain stated that Dr. Sabria had
343 submitted documentation that she had cared for an ill friend for an extended
344 period of time and the friend was now deceased. Ms. Chastain stated that Dr.
345 Sabria failed to renew her license in June 2008 and submitted all the required
346 documentation to have her license reinstated due to a hardship.

347

348 After discussion by the board the following motion was made.

349

350 **MOTION:** Dr. Vega made a motion to reinstate Dr. Sabria's license.

351

352 **SECOND:** Dr. Simmons seconded the motion and the motion passed
353 unanimously.

354

355 **DISCUSSION**

356

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

358 Mr. Dover advised the board that he met with Juanita Chastain, Deborah Loucks
359 and Ms. Duffy to review each penalty in the disciplinary guidelines. Mr. Dover
360 thanked Ms. Loucks for getting the rule prepared for the December agenda.
361

362 **MOTION:** Mr. Dover made a motion to adopt the proposed language to Rule
363 61G18-30.001, F.A.C.
364

365 **SECOND:** Dr. Helm seconded the motion and the motion passed
366 unanimately.

367 Ms. Loucks advised the board that at the most recent legislative session the
368 legislature changed the statute regulating small businesses. She stated that
369 when rulemaking is proposed the board must provide a Statement of Estimated
370 Regulatory Costs (SERC). Ms. Loucks advised the board that the Statement for
371 Estimated Regulatory Costs (SERC) had not been completed for this rule
372 change. She stated that the board would need to make a determination if the
373 change in the rule would have an impact on small businesses. She stated that a
374 small business is defined as any organization that employees fewer than five
375 hundred (500) people and a revenue of less than five million dollars. Ms. Loucks
376 advised the board that they could file the notice for rule development but they
377 could not publish the language until the board approved a Statement for
378 Estimated Regulatory Costs (SERC).

379 Ms. Chastain advised the board that the Department will prepare the Statement
380 for Estimated Regulatory Costs (SERC) and it would be presented at the
381 December 2008 meeting for the board's review.
382

383 **MOTION:** Mr. Dover made a motion to prepare the SERC.
384

385 **SECOND:** Dr. Simmons seconded the motion and the motion passed
386 unanimately.
387

388 **RATIFICATION OF APPLICATIONS**

389 **Continuing Education**

390
391
392 **MOTION:** Dr. Simmons made a motion to approve the following continuing
393 education applications.
394

395 **SECOND:** Mr. Dover seconded the motion and the motion passed
396 unanimately.
397

398 Florida Animal Care
399 *Feline Dentistry – 15 hours*
400

- 401 Animal Eye Clinic
402 *Case Study Duke Keller – 1 hour*
403 *Post Surgical Mortality Following Gastric Dilation – 2 hours*
404 *CCSM Wobbler Syndrome – 1 hour*
405 *Vacuum Assisted Wound Closure – 1 hour*
406 *Dental Home Care – 1 hour*
407 *Ophthalmic Exam – 1 hour*
408 *Lymph Node Staging of Oral & Maxillofacial – 1 hour*
409 *Trildstane Use in Treating Canine Pituitary - .5 hours*
410
411 Big Bend Veterinary Medical
412 *Surgery of the Head and Neck – 1.5 hours*
413
414 Diamond Financial Services of SW Florida
415 *Complete Financial Management Workshop – 5 hours*
416
417 Affiliated Vet Specialists – Orange Park
418 *Osteosarcoma – 2hours*
419 *Dispensing Prescription Drugs – 2 hours*
420
421 Northwest Florida Vet Med Association
422 *Heartworm Diseased of Cats Implications of Lung Disease – 2 hours*
423 *Laws Affecting Drug use by Veterinarians – 2 hours*
424 *Recent Advances in Pharmacology – 1 hour*
425
426 Surgi-Care for Horses
427 *Nutrition for Broodmares and Geriatric Horses – 2 hours*
428 *The Foot Grand Rounds – 1 hour*
429 *Exploratory Celiotomy Survival in Horses – 2hours*
430
431 Veterinary Specialists of South Florida
432 *Oncology and Pharmacology – 8 hours*
433
434 Suwannee River Area Health Education
435 *Enhancing Teaching for Healthcare Professionals – 72 hours*
436
437 Encore Veterinary Consulting
438 *Overcoming the Problem of Internet Pharmacies – 1 hour*
439
440 **Licensure/Exam Candidates**
441
442 **MOTION:** Mr. Dover made a motion to ratify Dr. O’Neil’s actions on the
443 following exam/licensure candidates.
444

445 **SECOND:** Dr. Helm seconded the motion and the motion passed
446 unanimately.
447

448 *Approved by Dr. O'Neil June 26, 2008.*
449

450 **Seniors**

451

452 Megan A. Begay, Ashley L. Brown, John S. Davis III, Jeffrey Dennis, Joanna L.
453 Dombeck, Paul L. Dutcher, Claire D. Erlacher, Breanne C. Feldman, Robert E.
454 Fernand, Bridget D. Gant, Anna Gregard, Erin Haas, Jennifer L. Hagewood,
455 Kathleen R. Hennessy, Elizabeth A. Hraban, Adam R. Lancaster, Erin L.
456 Lindblad, Vera Amanda Maeckelbergh, Kimberly L. Moherman, Sonya E. Myers,
457 Nicole E. Nichols, Linda Jean O'Donnell, Lisa K. Pearson, Melanie N. Warthan,
458 Brooke A. Wells

459

460 **AVMA Graduates**

461

462 Andrea R. Gale, Carly N. Telfer

463

464 **Foreign Graduates**

465

466 Erick Funcke, Pethandlahahalli R. Thyagaraja, Valeriy Andreyev

467

468 **Endorsement**

469

470 Tricia Beasley, Norbert A. Christmann, Sarah K. Kirk, Michael J. Pope, Valancia
471 Terhune

472

473 *Approved by Dr. O'Neil June 26, 2008*

474

475 **Seniors**

476

477 Kelly N. Alderman, Agda S. Barreirinhas, Elizabeth A. Boland, Jessica M.
478 Carbonell, Mary A. Gardner, Cyrstal D. Hmielewski, Bridget C. Kelly, Ricardo
479 Loinaz, Mary A. Maxey, Rose I. Miller, Erin L. Morgan, Colleen E. Nicklin,
480 Samantha L. Prigerson, Tiffany M. Solano, Jessica K. Stephens, Adam M.
481 Stevens, Natalee N. Takasume, Michelle Trappler

482

483 **Foreign Graduates**

484

485 Luis J. Garcia

486

487 *Approved by Dr. O'Neil July 18, 2008*

488

489

490 **Seniors**
491
492 Amber D. Binoniemi, Abel M. Lera, Javier J. Silva, Stephanie Olivia Martin, Cory
493 Pinel, Ashley Shely

494
495 **Foreign Graduates**

496
497 Jesenia Carnero, Carla Ezell, Kimberly E. Kreider, Courtney Ann Whiting
498

499 **Endorsement**

500
501 Robert Lee Godman, Anne Hyle, Richard M. Kessler, Rizal Lopez, Susan J.
502 Price, James J. Sharp

503
504 *Approved by Dr. O'Neil August 1, 2008*
505

506 **Seniors**

507
508 Kimberly Hafner

509
510 **AVMA Graduates**

511
512 Stephanie Livermore

513
514 **Foreign Graduates**

515
516 Bonnie J. Comerford

517
518 **Endorsement**

519
520 Alison K. Lurie, Michael R. Amesberry

521
522 **REPORTS**

523
524 **Executive Director – Juanita Chastain**

525
526 Ms. Chastain advised the board that the Department was going paperless. She
527 stated that the board would go paperless next year. She stated that the
528 Department would provide training and each board member would be issued a
529 laptop and each board member would be sent the agenda materials on a DVD.

530
531 **Prosecuting Attorney – Elizabeth Duffy**

532
533 Ms. Duffy reviewed her report with the board.
534

535 **Board Counsel – Deborah Loucks**

536

537 Ms. Loucks informed the board that Rule 61G18-15.005, F.A.C. Periodic
538 Inspections, had been noticed.

539

540 **Board Chair – Dr. Robert O’Neil**

541

542 Dr. O’Neil stated that he wanted to remind the Department that he wanted all
543 priors in the case files and he wanted required board appearances in the
544 Settlement Stipulations.

545

546 He advised the board that Ms. Chastain and Dr. Helm would attend the AAVSB
547 annual conference.

548

549 Dr. O’Neil advised the board that he met with Governor Crist August 28, 2008.
550 He stated that the Governor wanted to thank all of the board members and staff
551 for all of their dedication and hard work.

552

553 **OLD BUSINESS**

554

555 Dr. O’Neil introduced Joe Helton Assistant General Counsel for the Department
556 of Business and Professional Regulation. Dr. O’Neil thanked him for coming to
557 the meeting.

558

559 Dr. Gardner advised the board that the FVMA and the FVTA had worked out a
560 compromise and had come to an agreement. He advised the board that there
561 had been two (2) credentialing bodies in the State of Florida for the past four (4)
562 years the FVMA and the FVTA. Dr. Gardner stated that the career development
563 committee for CVT is asking the board if they have the authority and the rule for
564 the board to take over the credentialing of the Veterinary Technicians. Dr.
565 Gardner advised the board that the proposal is: This committee respectfully
566 requests the Florida Board of Veterinary Medicine to be the sole body to
567 credential of veterinary technicians within the State of Florida, upon the graduate
568 technician’s completion of the Veterinary Technician National Exam, as
569 administered by the American Association of Veterinary State Boards and a
570 Florida laws and rules test to be administered by the Board of Veterinary
571 Medicine. Dr. Gardner stated that they seek this under Chapter 474.203(7),
572 Florida Statutes and Rule 61G18-07.005, F.A.C.

573

574 After discussion by the board the board decided to table the issue until the
575 December 9, 2008 meeting.

576

577 **NEW BUSINESS**

578

579 Dr. Vega informed the board that he had not received continuing education from
580 Dr. Pigna and Dr. Fortune- Nalovic for his approval.

581
582 Ms. Tinsley stated that she would check the order and get back to him.

583
584 Ms. Chastain advised the board that there was a letter to Dr. O'Neil from
585 Secretary Drago in the agenda materials. She stated that there was a 2.5 million
586 dollar sweep to the Professional Regulation trust fund. She stated that it would
587 be determined after the year end financials are reviewed and all of the
588 professions five year projections are reviewed to make sure that taking any funds
589 from those accounts would not leave any profession in a negative situation.

590
591 **MOTION:** Mr. Dover made a motion to adjourn.

592
593 **SECOND:** Dr. O'Neil seconded the motion and the motion passed
594 unanimately.

595
596 The meeting adjourned at 11:45 a.m.

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