

MINUTES

Board of Veterinary Medicine
General Business Meeting
Casa Monica Hotel
95 Cordova Street
St. Augustine, FL 32084

September 1, 2009

Call TO ORDER

Dr. O'Neil 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
Juanita Chastain Executive Director
Linda Tinsley, Government Analyst
Mary Graybosch, Volusia Reporting, 386.255.2150
Michael Green, DBPR, Unlicensed Activity
John H. Plant, DVM
Mike Chesser
Doretha Jones, DVM
Brad Beilly
Philip Aleong, DVM
Jim Wilson, DVM
Erin Emmans, DVM

James A. Culotta, DVM
Brian DeGuiller
Tina Parker, DVM
Michael Parker, DVM
Jennifer Smith, DVM
Bruce M. Anthony, DVM
Annette Poirier, FVTA
Marcus Kramer, DVM
Ronald Hamilton, DVM
Other Interested Parties

APPROVAL OF THE JUNE 2, 2009 MEETING MINUTES

Dr. Vega stated that on page four (4) line one hundred and forty nine (149) it did not state who was against the motion. He stated that on page eight (8) line three hundred and twenty eight (328) the minutes did not reflect what Dr. Bellows asked of the board pertaining to dental x-ray machines.

Ms. Tinsley stated that she would make the corrections.

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

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

DISCIPLINE

Bruce Anthony, DVM: Case number 2007-006744

Dr. Anthony was present at the meeting and was represented by counsel, Brian Agliano. Dr. Anthony 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 perform pre-operative laboratory diagnostics, failed to keep complete medical records and administered a drug in an excessive amount. Ms. Duffy advised the board that the department recommended two hundred and forty one dollars and seventy six cents (\$241.76) in costs and nine (9) months probation.

After discussion by the board the following motion was made.

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

The motion failed due to the lack of a second.

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

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

MOTION: Dr. Simmons made a motion to impose a twenty five hundred dollar (\$2,500.00) fine, two hundred and forty one dollars and seventy six cents (\$241.76) in costs and two (2) years probation, five (5) hours of continuing education in record keeping and five (5) hours of continuing education in critical care and attendance at today's meeting and stay for the entire meeting. Continuing Education to be approved by Dr. Vega.

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

Dr. Anthony accepted the Counter Stipulation.

The board gave Dr. Anthony sixty (60) days to pay the fine.

James Culotta, DVM: Case number 2008-031467/ 2008-031440

Dr. Culotta 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 Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent provided illegal narcotics to another person and he used illegal narcotics. Ms. Duffy advised the board that the department recommended a one thousand dollar (\$1,000.00) fine, two hundred and twenty one dollars and two cents (\$221.02) in costs and probation for a period coinciding with his criminal probation, ending March 3, 2012, and attendance at two (2) board meetings every six (6) months.

After discussion by the board the following motion was made.

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

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

MOTION: Mr. Dover made a motion to impose a Professional Resource Network (PRN) evaluation within thirty (30) days of the filing date of

the Final Order and comply with any or all recommendations, a two thousand dollar (\$2,000.00) fine, two hundred and twenty one dollars and two cents (\$221.02) in costs, probation to run concurrent with PRN contract or if not required by PRN probation period is two (2) years. During probation Respondent shall be required to attend four (4) board meetings.

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

Ms. Loucks stated that she would prepare the Final Order and Dr. Culotta could discuss with his attorney before accepting the Counter Stipulation.

Doretha Ann Jones, DVM: Case number 2006-020430

Dr. Jones was present at the meeting and was represented by Michael Chesser. Dr. Jones 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 keep contemporaneously written medical records. Ms. Duffy advised the board that the department recommended a one thousand dollar (\$1,000.00) fine, one thousand seventy three dollars and twenty cents (\$1,073.20) in costs and six (6) months probation.

Ms. Loucks advised the board that if the board agreed to the Settlement Stipulation they would agree to dismiss count one and the Settlement Stipulation would be a records violation only. She stated that if the board rejected the Settlement Stipulation they would open count one again.

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.

The motion failed due to a tie vote.

After discussion by the board the following motion was made.

MOTION: Dr. O'Neil made a motion to reject the Settlement Stipulation.

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

MOTION: Dr. Maxwell made a motion to impose a one thousand dollar (\$1,000.00) fine, one thousand seventy three dollars and twenty cents (\$1,073.20) in costs, six (6) months probation and five (5) hours of continuing education in record keeping and five (5) hours in emergency medicine approved by Dr. Maxwell.

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

Ms. Loucks advised Dr. Jones and Mr. Chesser that they would have seven days to accept or reject the Counter Stipulation.

Ms. Duffy advised the board that Dr. Jones had additional information and is asking the board to re-consider dismissing count one (1).

Ms. Loucks stated that the board had to vote to re-consider.

The board agreed not to re-consider.

Jennifer Armstrong Smith, DVM: Case number 2007-032271

Dr. Smith was present at the meeting and was represented by counsel, Brian D. DeGailler. Dr. 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 failed to properly follow the proper sedation protocols and did so without the consent of the complainant and failed to keep contemporaneously written medical records. Ms. Duffy advised the board that the department recommended a seven hundred and fifty dollar (\$750.00) fine, eight hundred and fifty five dollars and seventeen cents (\$855.17) in costs four (4) months probation and additional continuing education.

After discussion by the board the following motion was made.

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

SECOND: Ms. Lewis 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, eight hundred and fifty five dollars and seventeen cents (\$855.17) in costs, eighteen (18) months probation and must attend four (4) board meetings the September 1, 2009 meeting will count as one and fifteen (15) hours of continuing education. Five (5) hours of continuing education shall be in record keeping and ten (10) hours in anesthesia administration. Continuing education to be approved by Dr. Simmons

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

The board gave Dr. Smith ninety (90) days to pay the fine and costs.

Dr. Smith and her attorney accepted the Counter Stipulation.

Cynthia Marie Young, DVM: Case number 2008-039469

Dr. Young was present at the meeting and was represented by counsel, Mr. Edwin Bayo. Dr. Young 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 her veterinary license acted upon in the State of Ohio. Ms. Duffy advised the board that the department recommended a two thousand dollar (\$2,000.00) fine, two hundred and nineteen dollars and thirty three cents (\$219.33) in costs, eighteen (18) months probation and attendance at two (2) board meetings.

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.

The board asked the board office to check Dr. Young's application to make sure she indicated she had prior discipline in the State of Ohio.

After discussion by the board the following motion was made.

MOTION: Dr. O'Neil made a motion to impose a one thousand dollar (\$1,000.00) fine, two hundred and nineteen dollars and thirty three cents (\$219.33) in costs, eighteen (18) months suspension to be stayed for one (1) year. Respondent shall appear before the board within one (1) year to update the board on the status of her Ohio

license and to request the suspension be lifted. Must take and pass the laws and rules exam within ninety (90) days.

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

The board gave Dr. Young sixty (60) days to pay the fine and costs.

Dr. Young and her attorney accepted the Counter Stipulation.

Bryan K. Hobson, DVM: Case number 2009-006800

Dr. Hobson was not present at the meeting and he 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 had his veterinary license acted upon in another jurisdiction. Ms. Duffy advised the board that the department recommended a one hundred dollar (\$100.00) fine and one hundred and twenty nine dollars and fifty eight cents (\$129.58) in costs.

MOTION: Dr. Vega made a motion to accept the findings of fact as those of the board.

SECOND: Dr. Helm 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.

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to impose a one hundred dollar (\$100.00) fine and one hundred and twenty nine dollars and fifty eight cents (\$129.58) in costs.

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

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

Ms. Duffy advised the board that the case would be moved to the December 2009 meeting.

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

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

Dr. O'Neil recused himself from the hearing due to prior knowledge of the case. Dr. O'Neil advised the board that Mr. Dover would conduct the hearing.

Ms. Duffy presented the case as a Recommended Order. Ms. Duffy advised the board that the Administrative Complaint alleges that the Respondent was practicing veterinary medicine with a suspended license. Ms. Duffy advised the board that the department would like to make a motion before the board that the case be remanded back to the Division of Administrative Hearings (DOAH) to reconsider the penalty with additional information of prior offenses.

MOTION: Dr. Helm made a motion that the Recommended Order for Dr. Philip Aleong be remanded back to the Division of Administrative Hearings for further consideration.

SECOND: Ms. Cynthia Lewis seconded the motion.

Mr. Dover asked Ms. Tinsley to call the Roll and the motion passed unanimously.

Mr. Beilly advised the board that he objected to having the case reopened.

PROBATION APPEARANCES

Erin E. Emmans, DVM

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

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to terminate Dr. Emmans probation and accept her appearance.

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

Ronald Alexander Hamilton, DVM

Dr. Hamilton 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. Hamilton's probation appearance and to terminate his probation.

SECOND: Dr. Vega 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: Mr. Dover made a motion to accept Dr. Plant's probation appearance.

SECOND: Dr. Simmons 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 miss the next board meeting due to travel plans that had been made the previous year.

After discussion by the board the following motion was made.

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

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

MOTION: Dr. Simmons made a motion to grant Dr. Wilson's request to miss the next meeting.

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

Marcus Kramer, DVM

Dr. Kramer was present at the meeting and was sworn in by the court reporter. A representative from Professional Resource Network (PRN) advised the board that Dr. Kramer was doing well.

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to accept Dr. Kramer's annual appearance before the board.

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

Tina Parker, DVM

Dr. Parker 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. Parker's annual appearance before the board.

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

Michael Parker, DVM

Dr. Parker 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. Simmons made a motion to accept Dr. Parker's annual appearance before the board.

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

REVIEW OF APPLICATION

Dana Marie Lewis, DVM

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

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

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to deny Dr. Lewis's request to reinstate her null & void license.

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

DISCUSSION

Criminal Charges for Board Review

Ms. Chastain advised the board that the Division of Service Operations is asking the board to clarify affirmative answers to background questions. She advised the board that Ms. Duffy, Ms. Loucks and Ms. Tinsley met with her to go over the list and decide which items would not have to come to the board and could be approved by the Central Intake Unit.

The board decided that all applications with affirmative answers to background questions would be submitted to Dr. O'Neil for review.

Unlicensed Activity

Dr. O'Neil introduced Michael Green, the department's unlicensed activity coordinator to the board.

Mr. Green explained the process for investigating unlicensed activity to the board and he asked the board to please submit to him any ideas for detecting unlicensed activity.

Mr. Hinkle stated that he would like the statistics on how many inspections were conducted on an annual basis for limited service clinics and what the results were.

Ms. Chastain stated that she would check with the Division of Regulation and have the information for the December 2009 meeting.

RATIFICATION OF APPLICATIONS

Continuing Education

MOTION: Dr. Vega made a motion to approve the following continuing education applications.

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

Affiliated Veterinary Specialists – Orange
Hemostasis Part II; Ulcerative Keratitis – 2 hours

Alachua Veterinary Medical Association
Canine Heartworm Infection – 1 hour

Animal Eye Clinics of North Florida, Inc.
Fungal Keratitis – 1 hour
Lower Urinary Tract Surgery – 1 hour

Coral Springs Animal Hospital
Florida State Pharmacy – 2 hours
Case Studies in Allergic Dermatitis – 1 hour
Laryngeal Paralysis – 1 hour

Encore Veterinary Consulting
Extraction: Maxillary Canine – 8 hours
Inventory Consolidation – 2 hours

Kathleen M. Meyer
Emergency Basics – 1 hour
CPR – 1 hour
Snake Bites – 1 hour
Heat Stroke – 1 hour
Dystocia – 1 hour
Gastric Dilatation/Volvulus – 1 hour
Poisonings – 1 hour
Shock Trauma – 1 hour

Pet Hospitals of West Florida
Echocardiography – 20 hours

South Florida Veterinary Medical Association
Killer Fat: Why extra Pounds Matter – 1 hour
Vet Dispensing of Prescription Drugs – 2 hours

Surgi-Care Center for Horses –

Equine Parasite Control – 2 hours

Veterinary Specialists of South Florida

Radiation therapy: A Ray of Hope – 1 hour

Diagnostic Imaging; Treatment of Cancer – 1 hour

Licensure/Exam Candidates

MOTION: Ms. Lewis made a motion to accept the veterinary medicine licensure list.

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

Premise Permit Applications

MOTION: Dr. Helm made a motion to accept the premise permit licensure list.

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

REPORTS

Executive Director – Juanita Chastain

No Report

Deborah Loucks – Board Counsel

No Report

Prosecuting Attorney – Elizabeth Duffy

Ms. Duffy reviewed her report with the board.

Dr. Vega thanked Ms. Duffy for all of her hard work.

Board Chair – Dr. Robert O’Neil

Dr. O’Neil advised the board that in their folder were the pass/fail rates for the laws and rules exam. Dr. O’Neil reviewed the report with the board.

Dr. O’Neil advised the board that he was at a fund raiser for the Governor and the Governor thanked the board for all of their hard work. Dr. O’Neil advised the board that he asked Jerry Wilson, Division Director of Regulation, if the

Inspectors could attend some of the board meetings. Dr. O'Neil stated that Mr. Wilson agreed and in the future some of the Inspectors and Investigators would attend the meetings.

OLD BUSINESS

Dr. Helm advised the board that she would be attending the American Association of Veterinary State Boards (AAVSB) annual meeting at the end of September. She stated that she was on the RACE committee and she asked the board what they thought about the AAVSB creating continuing education courses in record keeping. Dr. Helm stated that she felt the AAVSB should not be creating continuing education courses and the board agreed.

Mr. Bayo stated that the Florida Veterinary Medical Association (FVMA) would like to create a five (5) hour course on record keeping. He stated that they wanted to make sure that it is acceptable to the board. Mr. Bayo stated that they would work with Dr. Helm.

NEW BUSINESS

No new business.

Dr. O'Neil asked Ms. Tinsley to call the roll for the probation appearances. They were all present.

MOTION: Dr. Vega made a motion to adjourn.

SECOND: Dr. Helm seconded the motion.

The meeting adjourned at 11:55 a.m.