

MINUTES

**BOARD OF VETERINARY MEDICINE
GENERAL BUSINESS MEETING
HYATT REGENCY ORLANDO INTERNATIONAL AIRPORT
9300 AIRPORT BOULEVARD
ORLANDO, FL 32827**

DECEMBER 7, 2004

CALL TO ORDER

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

MEMBERS PRESENT

Dr. Robert O'Neil, Chairman
Dr. Sergio Vega, Vice Chairman
Dr. Kandra Jones
Dr. Joann Helm
Dr. Katherine Horky
Ms. Cynthia Lewis
Ms. Susan Love

OTHERS PRESENT

Jeffrey Jones, Board Counsel
Drew Winters, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Cindy Green, American Court Reporting, 407.896.1813
Donald Schaefer, FVMA
Darry Griebel, DVM
Mario Arteaga
Attorney, Hugo deBeaubien
Harry Zelkin, DVM
Nancy Stephens, Florida Alliance for Animal Owners Rights
Annette Poirier, FVTA
Joseph Demers, DVM
Dr. Peggy Fleming

APPROVAL OF OCTOBER 26, 2004 MEETING MINUTES

MOTION: Dr. Vega made a motion to approve the October 26, 2004 meeting minutes as presented.

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

DISCIPLINARY HEARINGS

Emergency Animal Clinic: Case number 2003-079326

Mr. Jones advised the board that the case before them was a Waiver of Rights of the Final Order. He stated that the Respondent did not sign a Waiver of Rights which determines what kind of hearing they will have. He stated, under the circumstances the Department had determined that the period of time that the Respondent had to respond had passed, and the board had been asked to continue with the disciplinary proceeding based on the non-response.

The Emergency Animal clinic was not present and was not represented by counsel.

Dr. Jones and Ms. Lewis were recused due to their participation on the probable cause panel.

Mr. Winters presented the case as a Waiver of Rights and Final Order. Mr. Winters advised the board that the Administrative Complaint was filed December 19, 2003. Mr. Winters advised the board that the alleged violation was one count, 474.213 (1)(f), Florida Statutes. He stated that an unlicensed person was allowed to practice in the clinic. Mr. Winters advised the board that the Respondent had waived his rights by failing to respond within twenty one (21) days to the Administrative Complaint. Mr. Winters stated that the Department would request that the board find that the individual in this case, Emergency Animal Clinic, has waived their right to a hearing in this matter and enter into a Final Order.

After discussion by the board the following motions were made.

MOTION: Dr. Helm made a motion to adopt the Waiver of Rights.

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

MOTION: Ms. Love made a motion to accept the findings of Fact and Conclusions of Law as the board's Findings of Fact and Conclusions of Law.

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

Mr. Winters advised the board that the Emergency Animal Clinic is no longer operating. He stated that the Department recommended revocation of their license.

MOTION: Dr. Vega made a motion to revoke the license of the Emergency Animal Clinic.

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

Darry D. Griebel, DVM: Case number 2002-010172

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

Ms. Lewis and Dr. Jones were recused due to their participation on the probable cause panel.

Mr. Winters presented the case as an Informal Hearing. Mr. Winters informed the board that there were two (2) alleged violations in the Administrative Complaint. Mr. Winters stated that the Department requested that the board adopt the Findings of Fact and Conclusions of Law found in the Administrative Complaint.

MOTION: Dr. Helm made a motion to adopt the Findings of Fact and Conclusions of Law as the boards Findings of Fact and Conclusions of Law.

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

After discussion by the board the following motion was made.

MOTION: Ms. Love made a motion to impose a twenty five hundred dollar (\$2500.00) fine, one thousand three hundred and twenty two and eighty cents (\$1322.80) in costs, one (1) year probation and the following continuing education: Two (2) hours in pain management, two (2) hours in anesthesia, two (2) hours in clinical observance in

surgery at a clinic. All continuing education is to be approved by Dr. Helm and he has one (1) year to complete the hours.

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

Harry Zelkin, DVM: Case number 2004-009527

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

Dr. Jones and Ms. Lewis were recused due to their participation on the probable cause panel.

Mr. Winters presented the case as an Informal Hearing. He stated that the Administrative complaint alleges two (2) violations, the first violation alleges Respondent had his New York license acted upon and the second violation alleges that the Respondent failed to notify the board of disciplinary action taken against his license in the State of New York.

After discussion by the board the following motions was made.

MOTION: Dr. Helm made a motion to adopt the Findings of Fact and Conclusions of Law as the board's Findings of Fact and Conclusions of Law.

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

MOTION: Dr. Helm made a motion to impose a one thousand dollar (\$1000.00) fine, one hundred and fifty two dollars and fifty six cents (\$152.56) in costs and probation to run concurrent with probation in New York.

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

Dr. O'Neil asked Dr. Zelkin if he needed extra time to pay the fine.

He stated he did and the board stated he had sixty (60) days to pay the fine.

**Mario Arteaga, DVM: Case number 2003-069578; 2003-063011;2003-055153
2003063018;2003-061420**

Dr. Arteaga was present at the meeting and was represented by counsel Hugo H. DE Beaubien. Dr. Arteaga was sworn in by the court reporter.

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

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that the Settlement Stipulation was a consolidation of five (5) different cases. The Department recommended a two thousand dollar (\$2000.00) fine, six hundred and sixty dollars and twelve cents (\$660.12) in costs and one (1) year probation.

After discussion by the board the following motion was made.

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

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

PROBATION APPEARANCES

Joseph H. Tomes, DVM

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

Dr. Rivenbark from Physicians Recovery Network (PRN) stated that Dr. Tomes was in complete compliance with his PRN contract.

After discussion by the board the following motion was made.

MOTION: Ms. Lewis made a motion to accept Dr. Tomes appearance as his annual appearance before the board.

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

REVIEW/APPROVAL OF APPLICATIONS

Amgad Basta, DVM

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

Dr. O'Neil advised the board that a synopsis on Dr. Basta was in their agenda materials. Dr. O'Neil stated that Dr. Basta was issued a Cease and Desist for unlicensed activity by the Florida Department of Business and Professional Regulation in June of 2001. Dr. O'Neil stated that this was not indicated on Dr. Basta's application.

Dr. Basta advised the board that he was not aware of the Cease and Desist Order. He stated that he was helping his father during Spring Break from the University of Florida. He stated he was unaware of this and the family attorney handled everything and he was never aware of the situation.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to not consider the Cease and Desist in Dr. Basta's application evaluation.

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

The board advised staff that Dr. Basta could not take the laws and rules examination until he passes the Clinical Proficiency Examination (CPE).

DISCIPLINARY HEARINGS

Animal Veterinary Hospital of Orlando: Case number 2002-012226

Dr. Bogoslovsky was present at the meeting and he 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.

Mr. Winters presented the case as a Settlement Stipulation. The Department recommended three hundred and forty four dollars and forty three cents (\$344.43) in costs.

After discussion by the board the following motion was made.

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

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

PROBATION APPEARANCES

Greg Murray, DVM

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

Dr. Murray apologized to the board for being late.

Dr. Rivenbark from the Physicians Recovery Network advised the board that Dr. Murray was in compliance with his PRN contract. Dr. Rivenbark stated that the contract is for licensure.

MOTION: Dr. Helm made a motion to accept Dr. Murray's appearance as is annual appearance before the board.

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

RATIFICATION OF APPLICATIONS

Exam Candidates

MOTION: Dr. Helm made a motion to ratify Dr. O'Neils actions on the following exam candidates.

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

Dr. ONeil approved and ratified by conference call November 18, 2004.

AVMA Graduates

Kelly Clabaugh, Sherry Van Boxtel, Jessica Williamson

Foreign Graduates

Grigoras Cilman, Salvador Galindo, Marcelo Placeres, Lisa Withrow-Bennett

Endorsement

Charles T. Reid

Continuing Education

MOTION: Dr. Jones made a motion to approve the following continuing education courses.

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

Surgi Care for Horses: *Diagnosing Lameness in a Horse – 5 hours*

Elite Medical Consultants Corporation: *Basic Small Animal Abdominal Ultrasound Section- 15 hours*

Affiliated Veterinary Specialist: *Thymoma –Diagnosis and surgical Management 2 hours*

Providers

The Animal Rehabilitation Institute

Georgia Veterinary Medical Association

REPORTS

Prosecuting Attorney – Drew Winters

Mr. Winters reviewed his report with the board. He advised the board that Dr. Jones and Ms. Lewis did an excellent job at the last probable cause panel meeting.

Board Counsel – Jeffrey Jones

No Report

Executive Director – Juanita Chastain

Ms. Chastain advised the board that she was in the process of drafting the next newsletter. She stated that Dr. O'Neil suggested that they publish an article on how to access your licensing information on myflorida.com.

RULES WORKSHOP

Dr. O'Neil called the Rules Workshop to order at 10:52 a.m. He asked Ms. Tinsley to call the roll from the sign in sheet of potential speakers.

Dr. O'Neil stated that each speaker would have five (5) minutes to give their presentation and the board could ask questions and discuss after the presentation.

Dr. O'Neil called Nancy Stephens to address the board.

Ms. Stephens introduced herself to the board as the President of the Alliance for Animal Owners Rights. She stated that she wanted to thank the board for addressing the issue. She stated that the board recognizes that there is a place for complementary and alternative veterinary medicine in the veterinarian's tool kit for when they are working with animals. She stated that her organization still believes that there are certain things non veterinarians can do to help animals heal. She thanked the board for taking on the issue of complementary and alternative veterinary medicine.

Dr. Jones asked Ms. Stephens if she had any comments about the proposed language.

Ms. Stephens stated that she had no comments about the language.

Dr. O'Neil called Dr. Margaret Fleming to address the board.

Dr. Fleming introduced herself to the board and stated that she was a veterinarian and a licensed human acupuncturist. She stated that she was pleased that the board was addressing complementary and alternative veterinary medicine. Dr. Fleming advised the board that she felt education was very important. She feels that extensive training is very important. She stated that she trained to be an acupuncturist for three (3) years.

Dr. Jones advised Dr. Fleming that keeping these trained professionals under the supervision of a veterinarian it is up to the veterinarian to determine if they had been trained properly and if they were of high quality.

Dr. Fleming stated that she wanted to see proper training for these modalities. She stated that the modalities are not being taught in veterinary school.

Dr. O'Neil called Dr. Rubin to address the board.

Dr. Rubin advised the board that he graduated from veterinary school in 1939. Dr. Rubin stated that over time these alternative practices may become the common practice of veterinary medicine.

Donald Schaefer read to the board the Legislative Intent under 456.41, Florida Statutes. He stated that the FVMA had introduced rule language for veterinary medicine based on the language used on the human side for complementary and

alternative therapy. He stated that the AVMA had a more detailed definition for complementary and alternative medicine. Mr. Schaefer reviewed the AVMA definition with the board.

Mr. Schaefer advised the board that there were some suggestions to change section four (4) to read: The second line that reads veterinary medicine would be changed to any licensed veterinarian, this chapter would be changed to Chapter 474, to practice their standards would be changed to within standards.

Mr. Schaefer stated that the rule may be placed under the Standards of Practice section 61G18-19.002 – Complementary or Alternative Veterinary Medicine. Dr. O'Neil called Dr. Joseph Demers to address the board.

Dr. Demers advised the board that he was the owner of a holistic animal clinic. He stated that he was the past President of the American Holistic Veterinary Medical Association, and present President of the Florida Homeopathic Medical Society. He stated that he wanted to commend the board for coming up with the proposal. He stated that he was President of the American Holistic Veterinary Medical Association that he was very much involved with the AVMA when they were putting their guidelines together. Dr. Demers stated that there was always the question of non licensed practitioners. He stated that he would like to see in the future some sort of board certification for the lay practitioner.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to extend the meeting by ten (10) minutes.

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

Mr. Jones advised the board that the board had a rule before them. Mr. Jones advised them that the definition on page two (2) was different from page one (1) and after today's discussion that he would use the definition on page two (2).

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to direct board counsel to develop rule language for the next board meeting.

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

The rules workshop adjourned at 12:10 p.m.

REPORTS

Chairman's Report – Dr. Robert O'Neil

Dr. O'Neil thanked the probable cause panel for their dedication and hard work. He stated that they were doing an excellent job and he appreciated what they do.

New Business

Staff presented to the board a letter from Save the Chimps. Dr. Jocelyn Bezner is asking the board if she needs a premise permit to treat chimpanzees at the Center for Captive Chimpanzee Care located in fort Pierce, Florida.

After discussion by the board the following motion was made.

MOTION: Ms. Lewis made a motion that Dr. Bezner's practice is a house call practice.

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

Donald Schaefer informed the board that the Department of Agriculture is proposing legislation to Chapter 828, Florida Statutes for animal control agencies to be granted access to ketamine.

OLD BUSINESS

Dr. Vega advised the board that he was meeting with the Florida Veterinary Medical Association (FVMA) on Sunday December 12, 2004 and after meeting with them he will meet with the Florida Veterinary Technicians Association (FVTA). He stated that he would meet with them separately.

Dr. O'Neil stated that the next meeting would be in Ft. Lauderdale March 1, 2005.

The meeting adjourned at 12:18 p.m.

