

## **MINUTES**

### **Board of Veterinary Medicine General Business Meeting**

**Hampton Inn & Suites  
19 South Second Street  
Fernandina Beach, FL 32034**

**December 5, 2006**

#### **CALL TO ORDER**

Dr. Vega called the meeting to order at 8:01 a.m.

Dr. Vega welcomed Tim Vaccaro, Division Director for the Division of Professions with the Department of Business and Professional Regulation and he welcomed new Board members Lisa Hurley and Dr. Robert Leonard.

#### **MEMBERS PRESENT**

Dr. Sergio Vega  
Dr. Joann Helm  
Dr. Kandra Jones  
Dr. Katherine Horky  
Dr. Robert Leonard  
Ms. Susan Love  
Ms. Lisa Hurley

#### **OTHERS PRESENT**

Tim Vaccaro, Division Director  
Jeffrey Jones, Board Counsel  
Drew Winters, Prosecuting Attorney  
Juanita Chastain, Executive Director  
Linda Tinsley, Government Analyst  
Statewide Reporting Service – 904.353.7706  
Donald Schaefer, FVMA  
Richard Flora  
Annette Poirier, FVTA  
Jeffrey Gardner, DVM, President FVMA

## **APPROVAL OF SEPTEMBER 12, 2006 MEETING MINUTES**

Dr. Vega advised the board that on page three (3) of the minutes at the center of the page it states that Dr. Vega made a motion and Dr. Vega seconded the motion.

Ms. Tinsley advised the board that she would make the correction.

**MOTION:** Dr. Helm made a motion to approve the minutes as corrected.

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

## **DISCIPLINARY HEARINGS**

### **Daniel R. Miller, DVM: Case number 2006-011398**

Dr. Miller was not present at the meeting and he was not represented by counsel.

Dr. Jones was recused due to her participation on the probable cause panel.

Mr. Winters presented the case as an Informal Hearing. Mr. Winters advised the board that the Department filed a two (2) count administrative complaint against the Respondent. He stated the two counts were for having a veterinary license disciplined by another agency and for not reporting the action to the board within thirty (30) days which constitutes grounds for disciplinary action.

**MOTION:** Dr. Helm 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:** Ms. Love seconded the motion and the motion passed unanimously.

Mr. Winters advised the board that the Department recommended a one thousand dollar (\$1000.00) fine, costs, and proof of compliance with the State of Georgia Final Order.

After discussion by the board the following motion was made.

**MOTION:** Dr. Helm made a motion to impose a one thousand dollar (\$1000.00) fine, costs, proof of compliance with the Georgia Final Order, and thirty (30) days to comply with the terms.

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

**Joseph M. Keil, DVM: Case number 2006-008531**

Dr. Keil was present at the meeting and was represented by, Lysa Friedlieb, counsel. Dr. Keil was sworn in by the court reporter.

Dr. Jones 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 administrative complaint alleges that the Respondent had action taken against his license by the State of Washington Veterinary Board and the Respondent failed to report the actions to the Florida board within thirty (30) days.

Mr. Winters advised the board that the Department recommended one hundred seventy three dollars and ninety five cents (\$173.95) in costs, a one thousand dollar (\$1000.00) fine, and proof of compliance with the terms of the Washington Final Order.

**MOTION:** Ms. Love made a motion to accept the Settlement Stipulation as presented.

**SECOND:** Ms. Hurley seconded the motion and the motion passed unanimously.

**Harry Zelkin, DVM: Case number 2006-023830**

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

Dr. Jones was recused due to her participation on the probable cause panel.

Mr. Winters presented the case as an Informal Hearing. Mr. Winters advised the board that Dr. Zelkin failed to comply with the terms of his final order which required payment of fine and costs in a previous disciplinary matter. Mr. Winters requested that the board adopt the findings of fact and conclusions of law found in the administrative complaint as the findings and conclusions of law of the board.

**MOTION:** Dr. Helm 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:** Ms. Love seconded the motion and the motion passed unanimously.

Mr. Winters advised the board that Dr. Zelkin had stated in a letter that he had family problems and financial difficulties that seriously affected his ability to pay.

After discussion by the board the following motion was made.

**MOTION:** Dr. Horky made a motion to impose a one thousand dollar (\$1000.00) fine, one hundred and forty dollars and seventy cents (\$140.70) in costs, and suspension until he complies.

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

**Peter Birzon, DVM: Case number 2005-015251**

Dr. Birzon was present at the meeting and was represented by Lysa Friedlieb.

Dr. Birzon was sworn in by the court reporter.

Dr. Jones was recused due to his participation on the probable cause panel.

Mr. Winters presented the case as a Settlement Stipulation. The administrative complaint alleges Respondent left a surgical sponge in the patient's abdomen.

Mr. Winters stated that the Department recommended a one thousand dollar (\$1000.00) fine, four hundred and seventy dollars and thirty five cents (\$470.35) in costs, and one year probation.

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. Leonard seconded the motion.

Dr. Vega asked Ms. Tinsley to call the roll.

The motion failed four (4) to two (2).

**MOTION:** Dr. Horky made a motion to accept the settlement stipulation as presented.

**SECOND:** Ms. Hurley seconded the motion.

The motion passed four (4) to two (2).

**Ronald S. Hines, DVM: Case number 2003-093676**

Dr. Hines was not present at the meeting and he was not represented by counsel.

Dr. Jones was recused due to her participation on the probable cause panel.

Mr. Winters presented the case as a Settlement Stipulation. He stated that the administrative complaint alleges that the Respondent was guilty of incompetence or negligence in the treatment of his patients Elvis and Skip and he is unable to practice veterinary medicine with reasonable skill or safety due to his use of drugs as a result of his physical injury suffered previously.

Mr. Winters stated that the Department recommended that the Respondent's license be set to a current inactive status, Respondent will comply with the terms of his Texas Veterinary Peer Assistance Program and upon returning to the State of Florida to practice veterinary medicine the Respondent will follow the criteria in the Settlement Stipulation to re-activate his license.

After discussion by the board the following motion was made.

**MOTION:** Ms. Hurley made a motion to accept the settlement stipulation as presented.

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

**Donald W. Denoff, DVM: Case number 2003-002806**

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

Mr. Winters advised the board that Dr. Denoff was asking the board for additional time to pay his fine and costs due to a hardship. He stated that he had ninety (90) days after the filing of his final order to pay and Dr. Denoff failed to do so.

Ms. Tinsley advised the board that Dr. Denoff paid his fine of fifteen hundred dollars (\$1500.00).

After discussion by the board the following motion was made.

**MOTION:** Ms. Hurley made a motion to deny Dr. Denoff's Motion for Extension of Time.

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

**Steven Schacter, DVM: Case number 2003-043408**

The case was tabled until the March 2007 meeting.

**RATIFICATION OF APPLICATIONS**

**Continuing Education**

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

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

*Surgi-Care Center for Horses – Diagnostic, Therapeutic and Clinical Aspects – 2 hours*

*Updates in Equine Ophthalmology – 2 hours*

*North West Florida Veterinary Medical Association – Real World Oncology – Emergencies & Chemotherapy – 2 hours*

*The Ideal Practice- 2 hours*

*Alachua Veterinary Medical Association – A Rash of Dermatology Tidbits- 1 hour*

*Zoonotic Disease: Increasing Risk & Role of the Veterinary Hospital- 1 hour*

*Thoracic Trauma – 1 hour*

*Encore Veterinary Consulting – Finance Management Systems and Strategies – 10 hours*

*Marketing & Business Practices Hitting the Target – 10 hours*

*Mobile Veterinary Medical Association – Surgery and Oncology Seminar – 8 hours*

*Merial –Role of Platelet- Derived Growth Factor – 2 hours*

**Premise Permits**

**MOTION:** Ms. Love made a motion to approve the following premise permit applications that were approved and initialed by Dr. Horky.

**SECOND:** Ms. Hurley seconded the motion and the motion passed unanimously.

Animal Clinic of Edgewater, Animal Medical Clinic @ Bee Ridge Square, Bayberry Animal Hospital, Florida Veterinary Hospital, Humane Society of Inverness, Luv-A-Pet Mash, Marion Veterinary Hospital, Val-U-Vet Hospital, Inc.

### **Licensure/Exam Candidates**

**MOTION:** Dr. Helm made a motion to approve the following licensure/exam candidates.

**SECOND:** Ms. Hurley seconded the motion and the motion passed unanimously.

### **Senior Graduates**

Chad C. Bishop, Deborah Bushey, Allison Cannon, Laura Fox, Elizabeth Klebe, Ericka Mendez, Robert Joseph Moore, Jr., Jennifer Myers, Stacy Robinson, Gina Salarano, Jessica Lynn Siegal-Willott, Kera M. Sinclair

### **AVMA Graduates**

Carolina Ortiz-Umpierre, Raul Ortiz-Umpierre

### **Foreign Graduate with ECFVG**

Alison Alder, Angela Backus, Drew R. Doverspike, Harbinder Singh Mann, Tricia A. Pharr, Rhian M. Stoyanovich

### **Endorsement**

Leonardo A. Ba'ez, Tanya R. Ciacciarell, Elizabeth A. Garcia, Yoshio M. Kimura, Vanessa Kuonen, Myrna A. Mercado, Noelle T. McNabb, Christopher O. Sims, William D. Swartz, Mark E. Wallace, Courtney L. Williams, James E. Woods

### **Sean Edward Redman, DVM**

Ms. Tinsley advised the board that Dr. Redman applied for a Florida license by endorsement. She stated that Dr. Redman answered yes to question number one (1) on background information, have you ever been convicted of a crime. Ms. Tinsley advised the board that Dr. Redman was fined two hundred and fifty dollars (\$250.00) in Alabama in 1999 for possession of marijuana while hiking in a national park. She stated that he paid his fine, and all sanctions had been satisfied.

After discussion by the board the following motion was made.

**MOTION:** Ms. Love made a motion to approve Dr. Redman's application for licensure.

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

## **REPORTS**

### **Board Chair – Dr. Sergio Vega**

Dr. Vega advised the board that he was the committee of one to address the problems with the veterinary technicians. He stated that he met four (4) times with the FVTA and the FVMA. He stated that he cares about the issue and he tried to find a solution. He stated that he found the technician association leadership had insisted on an agenda that if followed would create considerable hardship for most veterinarians and that would bring a number of problems to the board such as unlicensed activity. Dr. Vega advised the board that he told both associations that he would not allow either side to waste the board's time with their quarrels. He stated that he would not support any measure in his opinion would put the board or the public's interest at risk. He advised the board that he would not allow either association to address the board until they submitted a petition in writing. He stated that they have wasted the board's time.

Mr. Vaccaro advised the board that before anyone with any type of legislative proposal comes before the board that they come to the Department first and speak to the Department about the issue. He stated that any type of action that may require potential licensure and have a fiscal impact on the State would require analysis by the Department, the Governor's office, planning and budget office and the legislature.

Dr. Jones thanked Dr. Vega for taking on the technician issue which is a difficult task.

Dr. Vega congratulated the new members on their appointments.

Dr. Vega stated that the board lost two (2) members, Dr. O'Neil and Ms. Lewis. He stated that it is hard to think of the board with out them. He stated that they both did a great job with distinction, dedication, and honesty. He stated that he wanted to thank them.

### **Prosecuting Attorney – Drew Winters**

Mr. Winters reviewed his report with the board and stated that there were one hundred and sixty five (165) cases in the legal section.

## **Board Counsel – Jeffrey Jones**

Mr. Jones stated that he had nothing to report and he welcomed the new board members.

## **Executive Director – Juanita Chastain**

Ms. Chastain advised the board that Dr. Pom had invited the board and staff to tour the PRN offices across the street from the hotel after the meeting.

## **Old Business**

No old business.

## **New Business**

Mr. Schaefer advised the board that he wanted to update the board on the FVMA's plans for the 2007 and 2008 legislative session. He stated that efforts over the past two (2) years were made by individuals who were seeking to be exempted from the veterinary practice act. He stated that in order to look at public protection and to maintain high standards of general health care in Florida changes needed to be made to the veterinary practice act. He stated that the hope was that 2007 would not be a legislative year where the FVMA would have to be in a position to present changes that the practicing profession would like made. He stated that the State Legislature had some high priorities for 2007. Mr. Schaefer advised the board that the FVMA received signals not to have a major veterinary bill this year but to please look to 2008. Mr. Schaefer stated that the preferred way to do this was to work with the Department and to have Chapter 474 changes done through a Department bill rather than a bill brought forward by a House or Senate panel. He stated that step number one was to get authority under the veterinary practice act for the board of veterinary medicine to take on the responsibility for establishing standards of practice, licensing and discipline and investigate other professionals that provide animal medical care. He stated that step number two (2) would be to allow the board to have authority over unlicensed activity complaints. Mr. Schaefer advised the board that the third area would be full credentialing of certified veterinary technicians in the State of Florida. He stated that this would give the board the authority to have in the practice act the definition of a certified veterinary technician. He stated that the board would have the rule making authority to look at procedures that can be delegated to a certified veterinary technician versus a non-certified veterinary technician under in-direct rather than direct supervision in ways that would not penalize the veterinary practice that does not have a certified veterinary technician.

Mr. Schaefer stated that the only bill for the 2007 legislative session that has an impact on veterinary medicine, is a bill introduced by the Department of Health over the last three (3) years. He stated that the subscriber of a scheduled drug would have to submit the name of the patient and the prescription to a central data base. He stated that the central data base would analyze the patient and the prescribing practitioners prescribing patterns to see if they are out of the norm. He stated that there was an effort this legislative session to introduce a Lemon Law re-write as well as standards for boarding and grooming facilities that the FVMA would be involved in. He stated that it was a carry over from the 2006 Legislative session.

Mr. Schaefer welcomed the new board members Dr. Leonard and Ms. Hurley. He stated that the FVMA would be recognizing Dr. O'Neill and Ms. Lewis for their wonderful years of service.

### **NEW BOARD MEMBER TRAINING**

Ms. Chastain presented a power point presentation to the board to provide a clear understanding of the board member's roles and responsibilities and to provide an overview of the Department.

**MOTION:** Ms. Hurley made a motion to adjourn the meeting

**SECOND:** Dr. Leonard seconded the motion and the motion passed unanimously.

The meeting was adjourned at 11:45 a.m.

