

MINUTES

**BOARD OF VETERINARY MEDICINE
GENERAL BUSINESS MEETING
CELEBRATION HOTEL
700 BLOOM STREET, CELEBRATION, FL
JUNE 19, 2003**

CALL TO ORDER

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

MEMBERS

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

OTHERS PRESENT

Cathy Lannon, Board Counsel
Charles Tunncliff, Prosecuting Attorney
Drew Winters, Legal Staff
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Jim Varnado, Division Director
Donald Schaefer, FVMA
Davis Minacci
Les Smith
Mark Reddinger
Laura Grigsby, DVM
Christopher Taylor, DVM
Ginger Bryant Hutchinson, DVM
Cherie Ann Nardino
James E. Pennington
Vicente P. Marcos
Dan Hogan
Dr. Jodi Harkavy
Dr. Paul R. Plante
Patrick V. Fogarty, Esq.

Annette Poirier, CVT
Leslie McGilvray, Court Reporter, American Court Reporting

APPROVAL OF BOARD MEETING MINUTES FROM MARCH 4, 2003

MOTION: Ms. Lewis made a motion to approve the minutes as presented.

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

APPROVAL OF APRIL 23, 2003 TELEPHONE CONFERENCE CALL MINUTES

MOTION: Ms. Lewis made a motion to approve the minutes as presented.

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

DISCIPLINARY HEARINGS

Laura Kay Grigsby, DVM: Case number 2002-004822

Dr. Grigsby was present and was not represented by counsel. She was sworn in by the court reporter.

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

Mr. Tunnick presented the case as an Informal Hearing. The case alleges during a routine inspection of Dr. Grigsby's clinic it was found that there was not an accurate controlled substance log and it was also noted that there were several controlled substances that had no expiration date.

Dr. Grigsby addressed the board and stated that the controlled substances did have expiration dates. Due to a computer error the labels did not print the expiration date. The dates were in the computer. She stated that the problem had been corrected.

MOTION: Dr. Vega made a motion to adopt the findings of fact and 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 \$1000.00 fine, costs, and inspection of the establishment within one year.

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

Jodi Sue Lidskin-Harkavy, DVM: Case number 2002-006498

Dr. Harkavy was present and was represented by counsel, Ms. Linette Waterman. Dr. Harkavy was sworn in by the court reporter.

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

Mr. Tunncliff presented the case as an Informal Hearing. The case alleges Dr. Harkavy neutered a dog that was scheduled to have his teeth cleaned.

Ms. Waterman, Dr. Harkavy's counsel addressed the board and stated that both dogs had the same name "Casey" and both dogs were the same breed. The clinic has since changed their procedure to identify the procedure to be performed and the identity of the animal.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to adopt the findings of fact and conclusions of law found in the administrative complaint.

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

Mr. Tunncliff stated that the Department recommended costs and probation.

MOTION: Dr. Vega made a motion to impose a \$1000.00 fine, \$303.98 in costs and one year probation.

SECOND: Dr. Helm seconded the motion.

Dr. O'Neil asked for a roll call with Dr. Vega and Dr. Helm voting yes and Dr. O'Neil, Dr. Horky and Ms. Lewis voting no.

The motion failed.

MOTION: Dr. Horky made a motion to impose a \$1000.00 fine and \$303.98 in costs.

SECOND: Dr. Helm seconded the motion.

Dr. O'Neil asked for roll call with Dr. Vega, Dr. Horky and Dr. Helm voting yes and Dr. O'Neil and Ms. Lewis voting no.

The motion passed.

Thandveshwar Mysore, DVM: Case number 2002-00035

Dr. Mysore was present and was represented by counsel, Mr. Patrick Fogerty. Dr. Mysore was sworn in by the court reporter.

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

Mr. Tunncliff presented the case as an Informal Hearing. The case alleges that during a routine inspection of the Respondent's establishment the inspector observed that the expired drugs were not kept in a segregated area, he did not maintain an accurate controlled substance log, drug labels did not have expiration dates and controlled substances were not kept in a locked storage cabinet. The inspector also observed that there was no visible telephone number for emergency care visible from the buildings exterior.

The Department recommended a fine of \$1000.00 and costs.

Mr. Fogerty addressed the board and demonstrated to the board that Dr. Mysore has changed his procedures and instituted several procedures to improve his drug log and the storage of his controlled drugs.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to adopt the findings of fact and conclusions of law found in the administrative complaint.

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

MOTION: Dr. Vega made a motion to impose a \$2000.00 fine, costs and one-year probation.

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

Paul Plante, DVM: Case number 2000-03908

Dr. Plante was present and sworn in by the court reporter. He was represented by counsel, Mr. Brown, who participated by speaker phone.

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

Ms. Lannon stated that Dr. Plante had filed a motion to disqualify Dr. O'Neil from participating in the case. After discussing the motion with Dr. O'Neil, Ms. Lannon stated she felt that there were not sufficient reasons to disqualify Dr. O'Neil and the decision would be his.

Dr. O'Neil stated that he would participate.

Mr. Tunncliff presented the case as an Informal Hearing. The case alleges that Dr. Plante was disciplined by the Division of Pari-Mutuel Wagering.

The Department recommended a one year suspension, a \$5000.00 fine, costs and five years probation.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to adopt the findings of fact and conclusions of law found in the administrative complaint.

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

Mr. Brown stated that he and Dr. Plante object to the motion based on the documents provided in support of no probable cause.

After discussion by the board the following motion was made.

MOTION: Dr. Horky made a motion to impose a fine of \$250.00 and costs of \$468.51.

SECOND: Dr. Helm seconded the motion.

Dr. O'Neil asked for a roll call with Dr. Helm, Dr. Horky and Dr. O'Neil voting yes and Dr. Vega and Ms. Loves voting no.

The motion passed.

Saraschandra Bose Anne, DVM: Case number 2002-01933

Dr. Anne was present and was not represented by counsel. He was sworn in by the court reporter.

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

Mr. Tunnickliff presented the case as a Settlement Stipulation. The case alleges that Dr. Anne failed to maintain an accurate controlled substance log. Some of the controlled substances did not have expiration dates. The Stipulation imposes a \$1000.00 fine and \$187.98 in costs.

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. Helm seconded the motion and the motion passed unanimously.

John V. Mounger, DVM: Case number 2002-006558

Dr. Mounger was present and he was not represented by counsel. He was sworn in by the court reporter.

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

Mr. Tunnickliff presented the case as a Settlement Stipulation. The case alleges that a client presented nine (9) puppies to the Respondent to have the front and rear dewclaws removed. It was later discovered that he failed to remove the rear dewclaws on of the puppies. Respondent did not fulfill the terms of the agreement to remove the rear dewclaws and he refused to do it unless he received additional compensation. The Settlement Stipulation imposes a \$1000.00 fine and \$435.86 in costs.

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. Helm seconded the motion and the motion passed unanimously.

Stacy Van Horn, DVM: Case number 2002-005681

Dr. Horn was not present and was not represented by counsel.

Mr. Tunnick presented the case as a Settlement Stipulation. The case alleges that Dr. Van Horn was disciplined by the Iowa board and was placed on probation for a period of five (5) years failed to report it to the Nebraska board who placed her on probation to run concurrent with the terms of the Iowa board of Veterinary medicine's order. The Settlement Stipulation imposes \$126.04 in costs and Respondent may not practice veterinary medicine in Florida until such time as she personally appears before the board.

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. Helm seconded the motion and the motion passed unanimously.

REVIEW/CONSIDERATION OF APPLICATIONS

Christopher Martin Taylor

Dr. Taylor was present and not represented by counsel. He was sworn in by the court reporter.

Dr. O'Neil asked Ms. Tinsley to present the application.

Ms. Tinsley stated that Dr. Taylor had applied for licensure by endorsement. Dr. Taylor's license verification from Virginia indicated he was disciplined and he failed to indicate on the application that he had previously been disciplined.

Dr. Taylor addressed the board and indicated it was not intentional that he did not indicate he was disciplined.

After discussion by the board the following motion was made.

MOTION: Dr. Jones made a motion to approve Dr. Taylor's application for licensure.

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

Ginger Bryant Hutchinson

Dr. Hutchinson was present and not represented by counsel. She was sworn in by the court reporter.

Ms. Tinsley addressed the board and stated that Dr. Hutchinson had applied for licensure and currently has an unlicensed activity case pending with the Department.

Dr. Hutchinson addressed the board and stated that her name was put in the yellow pages of the phone book on the speculation that she would be licensed by the time the ad was published. She stated she has not worked as a veterinarian that she has been working as a technician.

After discussion by the board the following motion was made.

MOTION: Dr. Jones made a motion to approve Dr. Hutchinson's application for licensure.

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

DISCUSSION

Invitation to Negotiate

Dr. O'Neil stated that he asked Mr. David Minacci to appear before the board and Mr. Minacci did not ask to appear. Dr. O'Neil stated the board has shared their concerns over the past years with regard to the frequent changes in prosecutors.

Mr. Minacci introduced himself and investigator Les Smith to the board.

Mr. Minacci explained to the board that he is the prosecutor to the board of Architecture and Interior Design. He stated that the board of Architecture decided to privatize the disciplinary proceedings of the board. Mr. Minacci explained to the board the procedure that was used to privatize the disciplinary functions of the board. He stated that his law firm responded to the Invitation to Negotiate with three other law firms. The board interviewed them all and his law firm was awarded the contract.

Dr. O'Neil asked if there were provisions in place to privatize the board's attorney.

Cathy Lannon stated that there were three choices the board could consider. The Department can provide board counsel, contract with the Attorney General's office, or privatize.

Ms. Nancy Campiglia, General Counsel to the Department of Business and Professional Regulation, addressed the board and stated that they were there to help and answer any questions the board may have.

Dr. O'Neil stated the board was tired of changing prosecutors.

Ms. Campiglia advised the board that Charles Tunnicliff has been assigned as the prosecutor to the board.

Ms. Campiglia stated that she wanted to address privatization and that the Department requests that the board make an informed decision. She referred to a report from the Office of Program Policy Analysis and Government Accountability. The report states that prior to any further privatization the following should be done: Provide baseline data to include costs and performance of function of state your entity, identify expected costs savings and service improvements that are anticipated, quantify expected cost to remaining professions within the Department.

Ms. Campiglia stated that 455.32, F.S. the management privatization act allows the board to ask the Department to privatize certain support functions. The law does not allow the privatization of certain functions such as determining legal sufficiency.

Ms. Campiglia stated that if the board asks to privatize a study would have to be done to see how it impacts the Department.

Ms. Campiglia stated she was there to listen and she asked the board to direct any questions they may have to her. She will see how the Department can assist the board in resolving the issues.

After discussion by the board the following motion was made.

MOTION: Dr. O'Neil made a motion that the Department get back to them at the next meeting in September to present the pros and cons of privatization.

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

OLD BUSINESS

Donald Schaefer, Executive Director of the Florida Veterinary Medical Association (FVMA) and Dr. Pennington, President of the Florida Veterinary Medical Association (FVMA) advised the board that they had a meeting with Secretary Carr concerning the requirement for 100% monitoring of continuing education.

Mr. Schaefer informed the board that 33% of licensee's are out of state, which puts us at a disadvantage, compared to other professions. He stated that the continuing education audit was conducted and the audit is complete. The board had to meet a 95% compliance rate to be exempt from the 100% monitoring. When the audit was complete the compliance rate was at 92%. He stated that they are only eleven (11) practitioners away from meeting the standard.

Mr. Schaefer informed the board that the Secretary will take the matter under consideration and will look at the survey process and consider a change to the rule.

After discussion by the board the following motion was made.

MOTION; Dr. O'Neil made a motion that it is the boards position that they do not want the new system implemented due to the fact that one third of the licensees are out of state and they would loose local continuing education providers.

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

Dr. O'Neil asked staff to draft a letter to the Secretary concerning the continuing education monitoring.

Mr. Schaefer advised the board that the problems with the prosecuting and board attorneys, the complaint process, unlicensed activity, staffing and the problem with the computer based testing were also addressed to the Secretary.

PRESENTATION

Mark Reddinger - Inspection Program

Mark Reddinger updated the board on the changes to the inspection program. He demonstrated to the board the new palm pilot that is being used to record the inspection. He stated that the inspections are much easier to read and speeds up the process.

DISCUSSION

Letter from Suzanne Printy - Regarding Rule 61G18-30.001, F.A.C.

Ms. Lannon informed the board that she had responded to the letter that was in the agenda materials and Ms. Printy was satisfied with the response and she was authorized to adopt the rule.

RATIFICATION OF APPLICATIONS

Premise Permits

MOTION: Dr. Vega made a motion to approve the following applications for premise permits.

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

Anastasia Cat clinic, Inc., Animal Health Center at Weston, Animal Recreation & Rehabilitation Center, Animal Wellness Center, Boulevard Animal Hospital, Care Center, Conway Veterinary Hospital, Eastside Animal Clinic, Inc., Friendship Animal/Wellness Center, Gentle Care Pet Hospital, Hillsborough Animal Clinic, Hillwood Animal Hospital, Lund Animal Hospital, Metzler Veterinary Hospital, Martin Downs Animal Hospital, Pet First Animal Hospital, Puppies Under Protection, Inc., Rock Springs Animal Hospital, Punta Gorda Animal Hospital, University Animal Clinic-East

Exam Candidates

MOTION: Dr. Vega made a motion to ratify Dr. O'Neil's actions on the following exam candidates.

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

Dr. O'Neil approved and ratified by conference call April 17, 2003

Senior Graduates

Jill Child, Kalen Faber, Marc Eisensen, Andrea Gibson, Michael Haney, Scott Leibsle, Jill Maney, Todd Spurgeon

Avma Graduates

Allison Case, Keiko Hirokawa, John Kokinos, Lisa Major, Sandra Springer, Jodi Torrez

Foreign Graduates

Rafael Guzman, Wellington Moore

Endorsement Candidatess

Stacy Branch, Mark Faldzinski, Catherine Killean-Sheffield, Alan Ledis, Claudia Lewis, Stephanie Maples, Francis Millado, Stephanie Montor, Lynne Morris, Tamara Osterling, Sonja Olsen

Dr. O'Neil approved and ratified by conference call June 4, 2003

Senior Graduates

Amy S. Baker, Jessica Basseches, Hope Elizabeth Batchelor, Brett E. Begley, Catherine Briere, Heather Gay Brownell, Kerri Louise Carter, Mary A. Condon, Amy Eloise Dilger, Autumn Lecil Dutelle, Carla Suzanne Francheville, Jaime Dunn, Kristen Jensen, Ronald B. Johnson, Miranda Sue Jones, Jennifer Ellen Jordon, Aimee T. LaFramboise, Jacquelin Boggs Lawler, Jessica Ann Lawrence, Katherine Eleanor Manley, Beth Lynne McElravy, Lawrence Jones Montz, Jr., Alexis Roberta Moreno, Holly Dyann Moore, Michael B. Padgett, Raina Anne Perez, Lisa Sherwood Phipps, John Paul Punke, Bryan Johnston Rothlein, Luminita Sarbu, Tricia Corinne Schilling, Charron Ann Skandera, Sherri L. Stello, Jennifer Ann Waldock, Lisa M. Weiser

AVMA Graduates

Jennifer Kathleen Clooten, Michelle Diane Falcon, Juliet Marlowe-Gladden, Lisa D. Hill, Bryan S. Kennedy, Mary Elizabeth Lassaline, Elizabeth Anne Rawson, Erin Michael Romansik, Deborah J. Sapienza, Laurie Alexandra Squires, Rebecca M. Stanclift, Marie Helene Tetreault, Anna Beth Wolfe

Foreign Graduates

Jose Alejandro Barboza, Gloria Marin Livadas, Jeffrey Dale Sutton

Endorsement Candidates

Dean E. Aldrich, Jennifer Ross Bowen, Jeffrey S. Christiansen, Deborah Dailey, Deneen Fasano, John Lammerding, Sherry Amber Zenor

Continuing Education

MOTION: Ms. Lewis made a motion to approve the following continuing education presented by Dr. Helm.

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

Pfizer Animal Health: Feline Heart Worm Disease, Diagnosis Management of Feline Heartworm Infection, Nonsteroidal Anti-Inflammatory Drugs as Key Components of Acute Small Animal Pain Control, Comparative Efficacy of Intranasal & Parenteral Vaccines for Bordetella Bronchispetica,

R. Michael Peak: Dental Extraction Indications and Techniques, Periodontal Disease Recognition and Treatment

Treasure Coast Veterinary Medical Association: Nutraceuticals, Neurology Internal Medicine Medley, Diagnosis of Avian Medicine

Department of Large Animal Clinical- College of Vet Medicine: Advanced Fish Medicine

Mobile Veterinary Medical Association: Dermatology and Wound Management

Surgi Care Center for Horses: Gutteral Pouch, Neonatal Septic Arthritis, Urinary Bladder rupture in a Gelding, Esophageal Stricture in Horses & Equine Joint Luxations & Subluxations

Alabama Veterinary Medicine Association: CME Annual Meeting - IDDA

Northwest Florida Veterinary Medical Association: Providership

Association of Exotic mammal Veterinarians: First Step Conference

Central Veterinary Conference: 2003 Central Veterinary Conference

N. American Vet Post graduate Institute: 2003 Symposium- Dermatology, neurology, Orthopedics, Avian Medicine, Practice Management

REPORTS

Charles Tunnicliff - Prosecuting Attorney

Mr. Tunnicliff advised the board that he had 106 cases in legal and 40 to 50 cases currently being investigated. Those will be turned around in 30 to 60 days and will be sent to the probable cause panel. He stated the probable cause panel is doing a wonderful job.

Cathy Lannon - Board Counsel

No Report

Juanita Chastain - Executive Director

Ms. Chastain advised the board that the self inspection forms had been mailed and the establishments had 60 days to fill them out and return them to the Department for processing.

Ms Chastain asked the board to please submit any outstanding travel vouchers to the board office this week. The vouchers need to be submitted to the budget office by the end of the fiscal year, which is June 30.

Robert O'Neil - Chairman

No Report

NEW BUSINESS

Dr. Vega advised the board for reasons beyond his control he could not attend the American Association of Veterinary State Boards (AAVSB) meeting in Denver. He stated he would be attending a meeting in Philadelphia to discuss the situation with ECFVG and the PAVE program. Dr. Vega stated he was going to present a proposal in Philadelphia to eliminate the clinical practical exam (CPE) required by the ECFVG and have everyone in each program to complete a clinical year in an AVMA approved veterinary school.

After discussion by the board the following motion was made.

MOTION: Dr. Jones made a motion to go with the American Veterinary Medical Association's (AVMA) position for foreign graduates.

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

Dr. Vega presented an article to the board to be discussed at the next meeting. The article addresses out of state veterinarians giving medical opinions to cases in Florida.

Cathy Lannon advised the board that they should focus their attention on 474.203(8), F.S. when they review the article.

Mr. Bayo introduced himself to the board and stated he was with the law firm of Gray Harris and Robinson in Tallahassee. He stated that his firm represents Petmed Express. Mr. Bayo stated there is an issue with veterinarians who refuse to authorize a prescription for no valid reason.

Dr. O'Neil directed staff to put the issue on the September agenda.

The meeting adjourned at 12:35 p.m.