

MINUTES

BOARD OF VETERINARY MEDICINE GENERAL BUSINESS MEETING EMBASSY SUITES HOTEL FT. LAUDERDALE, FL 33316

MARCH 2, 2004

CALL TO ORDER

Dr. O'Neil called the meeting to order at 8:10 a.m.

MEMBERS PRESENT

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

OTHERS PRESENT

Jeffrey Jones, Board Counsel
Charles Tunnicliff, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Drew Winters
Edwin Bayo
Ira Grossman
Albert Angel
Nashat Toma
Susan Wilson
Ben Franklin
Walter Dornbusch
Donald Schaefer
Nancy Stephens
Jerry Shank
Annette Poirier
Bruce Bogoslovsky
C. Perry Smith

APPROVAL OF MEETING MINUTES FROM THE DECEMBER 2, 2003 BOARD MEETING

MOTION: Dr. Vega made a motion to approve the minutes as presented.

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

APPROVAL OF MEETING MINUTES FROM THE SEPTEMBER 6, 2003 BOARD MEETING

MOTION: Dr. Vega made a motion to approve the minutes as presented.

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

RATIFICATION OF APPLICATIONS

Exam Candidates

MOTION: Dr. Jones made a motion to ratify Dr. O'Neils 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 February 18, 2004

Senior Graduates

Jaime Garlinton, Debra Ann Myers, John Palermo, Angel M. Thompson, Renita Turner, Robert Sanfilippo, Brian Whitten

AVMA Graduates

Julie D. Kane, Katherine A. Knight

Foreign Graduates With ECFVG

Leslie Biagini, Eduardo Garbarino, Moses Kawalya, Elsa Onate, Linda Lee Schnars, Deborah Ulbrich

Endorsement

Benjamin Bealmear, Angela James, Brian Hobson, Cynthia Hobson, Kelly Hopper, Davis Johnson, Eleanor Green, Christina R. Russillo

Continuing Education

MOTION: Ms. Love made a motion to approve the following continuing education.

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

Providers

Alachua Veterinary Medical Association, Inc.

Veterinary Specialists of South Florida

Courses

Equine Medical Center of Ocala: *Veterinarian and Ferrier Course-5.5 hours*

Premise Permits

MOTION: Ms. Lewis made a motion to approve the following premise permits reviewed and initialed by Dr. Horky.

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

All Creatures Animal Hospital, Animal Care Center of East Hill, Animal Care Extraordinaire of Jensen Beach, Animal Planet Veterinary Hospital, Arch Creek Animal Clinic, Atlantic Animal Clinic, Banfield The Pet Hospital #313, Banfield The Pet Hospital # 1141, Banfield The Pet Hospital, Brentwood Animal Hospital, Broward Avian & Exotic Animal, Inc. Clark Road Animal Clinic, Jonesville Animal Hospital, Lake Wales Veterinary Hospital, Lakewood Animal Hospital, Miami Pet Emergency, Mobile Animal surgery Hospital, Okaloosa Animal Clinic, Pensacola Animal Emergency Clinic, Royal Oaks Veterinary Hospital, Southwest Florida Veterinary Cardiology, Sunset Point Animal Hospital, The Pet House Clinic, Waterford Lakes Animal Hospital, West Gate Animal Hospital

REPORTS

Board Counsel – Jeffrey Jones

Mr. Jones advised the board that there were a number of rules that the board had discussed at the December 2, 2003 meeting and had directed him to amend the language.

Mr. Jones presented Rule 61G18-16.0035, F.A.C. – standards for providers of continuing education. Mr. Jones stated that he added subsection 4 to provide a renewal date for providers which would be every four years.

MOTION: Dr. Vega made a motion to approve the changes to Rule 61G18-16.0035, F.A.C.

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

Dr. Jones stated that the board had discussed charging the continuing education provider an application fee.

Dr. O'Neil stated that the board had tabled the issue until the June 2004 meeting.

Mr. Jones stated that he could notice the rule for development and the board could amend the language at the June 2004 meeting to include the fee.

Mr. Jones presented Rule 61G18 – 12.002, F.A.C., Examination and Reexamination Fees. The fee to the testing vendor needed to be changed from nineteen dollars and fifty cents (\$19.50) to thirteen dollars and fifty cents (\$13.50).

MOTION: Ms. Lewis made a motion to approve the changes to Rule 61G18-12.002, F.A.C.

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

Mr. Jones advised the board that Rule 61G18-16.003, F.A.C. Continuing Education Standards, had been amended to include The American Association of Veterinary State Boards (AAVSB) RACE program under approved courses and board meetings was also added to subsection (2)(a).

After discussion by the board the following motion was made.

MOTION: Dr. Horky made a motion to approve the changes to Rule 61G18-16.003, F.A.C.

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

Ms. Chastain advised the board that the change to Rule 61G18-12.002, F.A.C. Examination and Reexamination Fees, in section two to thirteen dollars and fifty cents (\$13.50) is correct but the examination fee should be changed to equal one hundred and sixty five dollars (\$165.00).

Mr. Jones stated that he would make the correction.

Executive Director – Juanita Chastain

Ms. Chastain advised the board that in their folders there was some statistical information on complaints and a report on the self inspection audit.

Prosecuting Attorney – Charles Tunnicliff

Mr. Tunnicliff advised the board that there were twenty (20) cases on the agenda for the next probable cause meeting.

DISCIPLINARY HEARINGS

George E. Burch, DVM: Case number 2002-002079

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

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

Dr. O'Neil recused himself from the meeting and asked Dr. Sergio Vega, Vice Chair to proceed.

Mr. Jones presented the case as an Informal Hearing and stated that Dr. Burch was before the board on two (2) alleged charges. Failure to notify the board within thirty (30) days of any action against his veterinary license and having action against a license by a licensing authority of any jurisdiction including any agency or subdivision.

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

Dr. Burch addressed the board and gave an overview of his case.

Mr. Tunncliff advised the board that the Department recommended a one thousand (\$1000.00) fine, one (1) year probation and take the laws and rules exam and pass the exam and then the probation Could be terminated.

Mr. Jones advised the board that the guidelines for the offense is a one thousand (\$1000.00) dollar fine.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to impose a one thousand (\$1000.00) dollar fine and take and pass the laws and rules exam.

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

David Bieber, DVM: Case number 2003-054110

Dr. Bieber was present and was sworn in by the court reporter. He was represented by counsel Nancy Berger.

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

Mr. Tunncliff presented the case as a Settlement Stipulation. The case alleges Respondent was disciplined by another agency and failed to report it to the board. The Department recommended a fine of one thousand (\$1000.00) dollars and two hundred and forty seven dollars and sixty three cents (\$247.63) 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.

Bruce Bogoslavsky, DVM: Case number 2002-012227

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

Mr. Robert Geroueux, Dr. Bogoslavsky's partner, was present and sworn in by the court reporter.

Mr. Tunncliff presented the case as an Informal Hearing. The case alleges that Dr. Bogoslavsky failed to release medical records to a subsequent treating veterinarian for an animal that he had treated. He also failed to provide them to the owner and when he did release them he charged an excessive fee of ten (\$10.00) dollars for one page.

MOTION: Dr. Vega made a motion to accept the findings of fact and conclusions of law.

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

Dr. Bogoslavsky addressed the board.

Dr. Vega asked Dr. Bogoslavsky why the client did not get the hand written records.

Mr. Geroueux advised the board that the client was very upset and caused a scene in the clinic and the client took the x-rays and immediately left the clinic in a huff.

Dr. Jones advised the board that being on probable cause she felt there should be completeness of records in the file. She stated that she wanted to know why Dr. Bogoslavsky was in front of the board with out completeness of records.

MOTION: Dr. Jones made a motion to dismiss the case.

Motion died due to lack of a second.

MOTION: Dr. Vega made a motion to impose a two hundred and fifty dollar (\$250.00) fine and costs of three hundred and ninety two dollars and forty five cents (\$392.45).

Motion died due to lack of a second.

MOTION: Dr. Jones made a motion to dismiss the case.

Motion dies due to no second.

After discussion by the board the following motion was made.

MOTION: Ms. Love made a motion to impose costs of three hundred and ninety two dollars and forty five cents (\$392.45)

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

Dr, Vega was opposed.

**Nashaat Toma, DVM & Jog Lantana Animal Clinic
Case numbers 2003-70485; 2003-081901**

Dr. Toma was present and was sworn in by the court reporter. He was represented by counsel Mr. Charles Curtis.

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

Mr. Tunncliff presented the case as a Settlement Stipulation. The case alleges that the Respondent possessed outdated drugs and stored controlled substances improperly and maintained an incomplete and inaccurate controlled substance log. The Department recommended that the charges be dismissed against the establishment. The Respondent shall pay two hundred and one dollar and four cents (\$201.04) in costs and a two hundred and fifty dollar (\$250.00) fine.

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

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

**Angel Albert, DVM & Boca Delray Animal Hospital
Case numbers: 2002-012034; 2002-007820; 2003-044650**

Dr. Angel was present and sworn in by the court reporter. He was represented by counsel Mr. Charles Curtis.

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

Mr. Tunncliff presented the case as a Settlement Stipulation. The case alleges that Dr. Angel had record violations on two (2) cases and the case against the clinic was dropped. The Department recommended a five hundred dollar (\$500.00) fine and six hundred and sixty two dollars and eighty one cents (\$662.81) 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.

Jerry P. Shank, DVM: Case number 2002-012307

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

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

Mr. Tunncliff advised the board that the case was before them as an Informal Hearing. He stated that there was a signed Settlement Stipulation in the agenda materials. The case alleges that the Respondent performed a front de-claw procedure without receiving proper permission from the owner of the animal. The Department recommended a one thousand dollar (\$1000.00) fine and three hundred and eighteen dollars and ninety eight cents (318.98) in costs.

After discussion by the board the following motion was made.

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

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

Dr. Vega was opposed.

Walter Dornbusch, DVM: Case number 2002-013800

Dr. Dornbusch was present and was sworn in by the court reporter. He was represented by counsel Mr. Edwin Bayo.

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

Mr. Tunncliff presented the case as a Settlement Stipulation. The case alleges that the Respondent performed a de-claw on Amy Briones cat. The procedure was done in a negligent manner. The Department recommended three hundred and thirty dollars and eighty seven cents (\$330.87) in costs, a one thousand dollar (\$1000.00) fine, six (6) months probation and three (3) hours of continuing education in small animal medicine.

After discussion by the board the following motion was made.

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

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

Mr. Bayo presented a counter stipulation to the board imposing a three thousand five hundred dollar (\$3500.00) fine, payable in three (3) monthly installments or in one (1) year, three hundred and thirty dollars and eighty seven cents (\$330.87) in costs, probation to run concurrent with the probation Dr. Dornbusch is currently under. He also stated that Dr. Dornbusch will not perform any declawing during his probation.

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

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

Jacques Ford, DVM: Case number 2000-07241

The case was continued.

**Susan Wilson, DVM, All creatures Great and Small
Case number 2003-000755**

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

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

Mr. Tunncliff presented the case as an Informal Hearing. The case alleges that during a routine inspection January 7, 2003 the controlled substance log was inaccurate and incomplete, the controlled substance cabinet was open and the x-ray machine had not been inspected and there were no x-ray badges, no emergency lighting and the fire extinguisher had not been inspected.

Dr. Wilson addressed the board and explained that during the alleged time she was pregnant and frequently out of the clinic.

After discussion by the board the following motions were made.

MOTION: Dr. Helm made a motion to accept the findings of fact and conclusions of law.

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

MOTION: Dr. Vega made a motion to impose a two hundred and fifty dollar (\$250.00) fine and costs.

Motion died due to lack of a second.

MOTION: Dr. Helm made a motion to impose a five hundred dollar (\$500.00) fine and two hundred and four dollars and sixty two cents (\$204.62) in costs and re-inspection in six (6) months to a year.

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

REVIEW/APPROVAL OF APPLICATION

Ira Grossman, DVM

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

Dr. Grossman applied for licensure by endorsement and asked the board to accept his New York state boards in lieu of the clinical competency test.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to approve Dr. Grossman's application to sit for the laws and rules exam and obtain a license upon passing the exam.

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

DISCUSSION

Use of the Word Chiropractic by Veterinarians

Dr. O'Neil advised the board that board counsel for the Chiropractic Board has stated that the board has had complaints that veterinarians are using the term chiropractor. He stated that the Chiropractic Board has asked that the veterinary board stop veterinarians from using the term chiropractic.

Mr. Jones stated that a letter from the Chiropractic Board asked that veterinarians not use the term chiropractic but they can use the term animal manipulation.

MOTION: Dr. Vega made a motion to authorize the Chair to sign a letter to the Chiropractic Board stating the board's position on the use of Chiropractic to be only in human terms and not to be used for animals.

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

Florida Alliance for Animal Owners Rights

Ms. Stephens was present and addressed the board and was sworn in by the court reporter. Ms. Stephens handed out information to the board regarding modalities.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to declare all the modalities presented to the board the practice of veterinary medicine.

SECOND: Dr. Helm seconded the motion.

Jeffrey Jones advised the board that the item was on the agenda for discussion purposes. It has been discussed. If the board wants to make a motion the motion would give the subject intent and show how the board is leaning.

Dr. O'Neil asked for a roll call. All the board members answered yes and the motion carried.

Transcript Attached

ELECTION OF OFFICERS

MOTION: Dr. Vega made a motion to elect Dr. O'Neil Chairman.

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

MOTION: Dr. Jones made a motion to elect Dr. Vega Vice Chair.

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

NEW BUSINESS

Donald Schaefer advised the board that the legislative session was starting and the FVMA was tracking two (2) bills. He stated that the Department of Health was promulgating new legislation for internet pharmacies. Mr. Schaefer stated that maybe Mr. Jones could monitor the bill and keep the board informed. He advised the board that the other bill was an amendment to the food drug and cosmetic act and the intention was to create a new classification of veterinary prescription drug wholesaler.

Mr. Schaefer advised the board that an amendment to the pet lemon law addresses the import and export of animals in and out of state.

Mr. Schaefer thanked the board for the newsletter and stated it was a job well done.

Dr. O'Neil advised the board that the next meeting was at the Hyatt Regency Hotel at the Orlando Airport June 10, 2004.

MOTION: Dr. Vega made a motion to adjourn at 12:40 p.m.

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