

MINUTES

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

JUNE 10, 2004

CALL TO ORDER

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

MEMBERS PRESENT

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

OTHERS PRESENT

Jeffrey Jones, Board Counsel
Charles Tunnickliff, Prosecuting Attorney
Drew Winters, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Mike Braun
James Ernest, DVM
Jeff Peters
Matt. Toia, DVM
Amy Bosecker, DVM
Joel Bernstein
Charles Johnson, DVM
Gary Carter, DVM
Donald Schaefer, FVMA
Ernest Balough, DVM
Annette Poirier, CVT – FVMA
American Court Reporting – 407.324.4290

Dr. O'Neil advised the board that he deemed that it would be appropriate to observe a moment of silence in observance of the death of President Ronald Reagan and to think of his family at this time.

APPROVAL OF MARCH 2, 2004 MEETING MINUTES

Ms. Lewis advised the board that her name was left off the Board Members list she was present at the March 2, 2004 meeting.

MOTION: Dr. Vega made a motion to approve the March 2, 2004 minutes with the changes.

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

APPROVAL OF JANUARY 7, 2004 TELEPHONE CONFERENCE CALL MINUTES

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

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

DISCIPLINARY HEARINGS

Ronald Heller, DVM: Case number 2003-001439

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

Ms. Lewis 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 during a routine inspection of Animal Care Clinic of Park Avenue the inspection showed the Respondent was using a large quantity of outdated drugs. Mr. Winters stated that the inspection revealed that the controlled substances were found in an open lock box to which Respondent could not locate the key. Mr. Winters stated that an inspection of the x-ray machine revealed that the machine had not been inspected and did not have radiation badges and he was using a pressure cooker to sterilize his instruments.

The Department recommended a one thousand dollar (\$1000.00) fine and one (1) year probation.

Dr. Heller addressed the board and stated he had corrected the deficiencies in his clinic.

After discussion by the board the following motion was made.

MOTION: Dr. Jones made a motion to accept the findings of fact and conclusions of law as the board' findings of fact and conclusions of law.

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

MOTION: Dr. Vega made a motion to impose a one thousand dollar (\$1000.00) fine, one hundred and twenty five dollars and thirty five cents (\$125.35) in costs, one (1) year probation and an inspection of the clinic in six (6) months at Dr. Heller's expense. The fine and costs to be paid in sixty (60) days.

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

Ernest Balough, DVM: Case number 2003-044642

Dr. Balough was present, at the meeting and was sworn in by the court reporter. He was represented by counsel, Mr. Jeff Peters.

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

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters stated that Dr. Balough was practicing with a delinquent license while on probation.

The Department recommended a five hundred dollar (\$500.00) fine and one hundred and nine dollars and sixty one cents (\$109.61) 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: Ms. Love seconded the motion and the motion passed unanimously.

Amy Bosecker, DVM: Case numbers 2001-08985; 2003-004029

Dr. Bosecker was present at the meeting and was sworn in by the court reporter. She was represented by counsel, Mr. Jeff Peters.

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

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that Respondent was operating a veterinary establishment without a license and permitting an unlicensed individual to administer a rabies shot.

The Department recommended a five hundred dollar (\$500.00) fine and seven hundred and fifty dollars (\$750.00) in costs.

After discussion by the board the following motion was made.

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

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

Dr. Vega was opposed.

Michael Braun, DVM: Case number 2003-050985

Dr. Braun 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.

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that the Respondent was the Veterinarian of record for Margate Animal Hospital. Dr. Braun was not the practicing veterinarian at the clinic but he was responsible for the staff and record keeping.

The Department recommended a one hundred and fifty dollar (\$150.00) fine and two hundred and fifty nine dollars and fifty four cents (\$259.54) 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.

James A. Ernest, DVM: Case number 2003-000842

Dr. Ernest was present at the meeting 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.

Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised the board that the Respondent was in violation for practicing veterinary medicine at an establishment without a valid premise permit.

The Department recommended a one thousand dollar (\$1000.00) fine and one hundred and twenty five dollars and thirty one cents in costs (\$125.31).

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. Horky seconded the motion and the motion passed unanimously.

MOTION: Dr. Helm made a motion to offer a counter Stipulation imposing a fine of five hundred dollars (\$500.00) and one hundred and twenty five dollars and thirty one cents in costs (\$125.31).

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

Dr. Ernest accepted the Counter Stipulation.

Charles B. Johnson, DVM: Case number 2002-009212

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

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 during a routine inspection of Indian River Animal Hospital the Department Inspector observed the Respondent had in use a large number of expired drugs and they were not kept in a segregated area, drug labels did not contain an expiration date and controlled substances were not kept in a locked cabinet. Mr. Winters stated that there was not visible telephone number for emergency care visible from the buildings exterior, there was not emergency lighting and the fire extinguisher did not have a current inspection tag. Mr. Winters stated that the Respondent did not have required bio-hazard waste permits, nor did he have a contract for the disposal of such material.

The Department recommended a five hundred dollar (\$500.00) fine and one hundred and nineteen dollars and thirty eight cents (\$119.38) in costs.

After discussion by the board the following motions were made.

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

SECOND: Dr. O'Neil seconded the motion.

Dr. O'Neil asked Ms. Tinsley to call the roll. The motion passed with four (4) voting yes and two (2) voting no.

MOTION: Dr. Vega made a motion to offer a Counter Stipulation and impose a one thousand dollar (\$1000.00) fine and one hundred and nineteen dollars and thirty eight cents (\$119.38) in costs.

SECOND: Ms. Love seconded the motion.

Dr. O'Neil asked Ms. Tinsley to call the roll. The motion failed with with five (5) voting no and one (1) voting yes.

MOTION: Dr. O'Neil made a motion to offer a Counter Stipulation and impose a seven hundred and fifty dollar (\$750.00) fine and one hundred and nineteen dollars and thirty eight cents (\$119.38) in costs.

SECOND: Dr. Helm seconded the motion.

Dr. O'Neil asked Ms. Tinsley to call the roll. The motion passed with four (4) voting yes and two (2) voting no.

Dr. Johnson advised the board that he accepted the Counter Stipulation.

PROBATIONARY APPEARANCE

Matthew Toia, DVM

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

Dr. O'Neil advised the board that Dr. Toia was making his appearance before the board prior to the termination of his probation. He stated that Dr. Toia had fulfilled all the requirements of his final order.

MOTION: Ms. Lewis made a motion to accept Dr. Toia's appearance before the board as his final appearance as required in his Final Order.

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

REVIEW/APPROVAL OF APPLICATIONS

Gary Carter, DVM

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

Dr. O'Neil advised the board that Dr. Carter had applied for licensure by endorsement. He advised the board that Dr. Carter was licensed in Canada and he did not have a license in the United States. Dr. O'Neil stated that Dr. Carter had not taken the National Board Exam or the Clinical Competency Test.

Mr. Jones advised the board that Dr. Carter did not meet statutory requirements for licensure in Florida.

Dr. Carter advised the board that he would withdraw his application.

Dr. Joel Bernstein, DVM

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

Dr. O'Neil advised the board that Dr. Bernstein had applied for licensure by endorsement and he holds an active license in New York. Dr. O'Neil stated that

Dr. Bernstein was asking 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 accept Dr. Bernstein's application for licensure.

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

Animal Rights Foundation of Florida

Dr. Marks of the Animal Rights Foundation was not present at the meeting and was not represented by counsel.

Dr. O'Neil advised the board that after the inspection sheet and the application for the Animal rights Foundation was reviewed by Dr. Horky it was returned to the Department as incomplete due to two deficiencies. He stated that the inspection indicated that the mobile unit does not have a microscope or a centrifuge and the unit has a contractual agreement for these requirements. Dr. O'Neil advised the board that the Animal Rights Foundation was asking for an exemption to these requirements.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to reject the Animal Rights Foundation's request to be exempt from the requirements to have a microscope and a centrifuge in their mobile unit.

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

PETITION FOR DECLARATORY STATEMENT

Mr. Jones advised the board that the Petition for Declaratory Statement was tabled until the September 2004 meeting.

DISCUSSION

X-Ray Machine Standards

Dr. O'Neil advised the board that he had received a phone call asking if the 100 ma requirement for x-ray machines is mandatory. He stated that the rule states that it is preferred and not required.

Ms. Tinsley stated that she would call Diagnostic Imaging Systems.

Electronic Storage of Records

Dr. O'Neil advised the board that at the Inspectors Seminar the Inspectors expressed their concerns over electronic storage of records. Dr. O'Neil stated that the inspectors had been told by certain clinics that they could not print the records at the time the inspector was present at the clinic.

Mr. Jones stated that he would research the rule and present language at the September 2004 meeting.

Electronic Signatures

Ms. Tinsley advised the board that The Florida Department of Agriculture and consumer Services has contracted with Global Vet Link. She stated that the purpose of the contract was to make available on line health certificates and other documents.

Dr. O'Neil stated that original signatures are still required on certain documents such as coggins test.

Mr. Jones stated there is a Florida Statute that authorizes electronic signatures.

Limited Service Clinics

Dr. O'Neil advised the board that he was upset with the Limited Service Clinics. He stated that when the Limited Service Clinics were implemented the purpose was to vaccinate dogs and cats. He stated that now they are doing heartworm tests, fecal tests and giving heart worm pills on the spot and getting the test results later. He stated he feels they have gone beyond the scope of the rule.

Dr. Jones wanted to know what harm the clinics are doing to the public.

Dr. O'Neil stated they are giving the heart worm pills before they receive the test results.

Dr. Helm stated many of the animals are being over vaccinated and the owners are not aware that they may not need all of the vaccinations.

Dr. Jones stated that over time the practice has expanded into something that was not the intent of the board.

Dr. O'Neil asked that the clinics get inspected more frequently.

Mr. Schaeffer stated that the bill appears to be the medical record that is provided at the Limited Service Clinic.

Dr. O'Neil stated he felt that the rule requirement for an examination was not being enforced.

Dr. O'Neil asked the board if they feel the animal test should be negative before the medication is dispensed.

Dr. Helm, Dr. Jones and Dr. Vega stated yes, they feel the animal should test negative before dispensing medication.

Mr. Tunncliff stated that he would discuss the inspection process with Dr. Jones or Dr. Helm and advise the inspectors to make sure the medical record maintained on each animal examined includes age, weight, temperature and any parasitic test results.

Advertising of Board Specialists

Dr. O'Neil stated that his problem with this is that the rule states that you have to be a board certified specialist to advertise you're a specialist. Dr. O'Neil stated that self-certification is no certification and there are several people advertising that they are a specialist and they are not board certified.

Dr. Rubin stated that there are twenty (20) to twenty five (25) national specialty boards recognized by the American Veterinary Medical Association (AVMA).

The board directed staff to include an article in the next newsletter stating that a veterinarian cannot advertise as a specialist unless they are board certified.

Letter to Governor Bush

Dr. O'Neil asked the board to review the letter in their agenda to the Governor and he asked the board to approve it.

MOTION: Dr, Vega made a motion to approve the letter to Governor Bush.

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

Dr. O'Neil asked the board to approve the two (2) letters in their folders, one addressed to Mark Whitten and the other addressed to Juanita Chastain.

MOTION: Dr. Jones made a motion to approve the two (2) letters in the folders.

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

FEE FOR PROVIDERS OF CONTINUING EDUCATION

Mr. Jones advised the board that at the request of the Bureau of Education and Testing he was going to add the May 31, 2005 expiration date for the providers to Rule 61G18-16.0035 (4), F.A.C.

Ms. Chastain reviewed the cost of the continuing education with the board. She stated that the cost is approximately thirty five hundred dollars per year (\$3,500.00). She stated that the estimated charge to the provider is two hundred dollars (\$200.00) every four years.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to impose a fee of two hundred dollars (\$200.00) to continuing education providers that is renewed every four (4) years.

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

RATIFICATION OF APPLICATIONS

Premise Permits

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

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

MOTION: Dr. O'Neil made a motion to require continuing education courses to expire every four (4) years.

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

Altamonte Animal Clinic, Divine Animal Hospital, Eastwood Animal Hospital, Hernando Veterinary Clinic, A Lovin Care Animal Clinic, Animal Emergency and Critical Care Center of Brevard, Animal Hospital of Pembroke Road, Animal Hospital of Pinellas Point, Banfield The Pet Hospital, Banfield the Pet Hospital, # 322, Bayridge Vet Hospital, Brightman Pet clinic, Santa Rosa Veterinary Clinic, Southwest Florida Veterinary Cardiology, Vet Clinic of Palm Harbor, Inc., South Miami Animal Clinic, Cat Clinic of Pensacola, Uptown Pet Hospital, Cabrera Animal Hospital, Humanitarians of Florida, Mobile Pet Vet, Trenton Animal Hospital, Humane Society Animobile, Rivas and Associates Pet Clinic, All Bird clinic of the Palm Beaches, Animal Speciality Hospital and Emergency Clinic, Atlantic Animal Clinic, Lake Area Animal Hospital P.A., Palmetto Animal Clinic, Pet Care Center of Apopka, San Antonio Animal Hospital, The Cat Doctor, Westmonte Animal Clinic, Lofton Creek Animal Clinic, The Mobile Animal Hospital

Exam Candidates

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

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

Dr. O'Neil approved and ratified by conference call March 9, 2004

Senior Graduates

Jennifer Corbin, Emily Mercer, Andrew Newman

AVMA Graduates

Pedro Armstrong, Carl Ansara, Julie Goldstein, Jacqueline Narayansingh, Carlos Perez

Foreign Graduates

Katherine Heppner, Debbie Marks, Ruth Molano, Ana M. Ferrera

Endorsement

Robert Baus, Douglas Beebe, Cathleen Carter, Lewis Cooper, Robert Kanderly, Evelynne Miller, Bayard Rucker, Craig Van Balen, Michael Waldy, Nancy Wilber

Dr. O'Neil approved and ratified by conference call April 7, 2004

Senior Candidates

Michael Bradburn, Sara Bradley, Abby Clark, Bunita Eichelberger, Shanna Ewert, Tabatha Franklin, Rebekah Gunn, Amanda Hodgson, Shannon Kennedy, Earl Larson, Matthew Mahn, Christopher Manuel, Richard Matthias, Emily Mercer, Cindy Trice, Diane Sheppard, Joe Villamil, Zoe Wilkerson, Lorraine Williams

AVMA Graduates

Linda J. Cimetti, Clinton Kaiser, Sheila Kinty, Jason Syrcle, Richard Wheeler

Foreign Graduates

Mahmoud Bouraya, Maria Vianna

Endorsement

Kevin Knight, Robert Morris, Natalie Noll, Loren Weaver

Dr. O'Neil approved and ratified by conference call May 19, 2004

Senior Graduates

Scott Gable, Creslin Derkacht, Kim Fanning, Greg Green, Kathy Heym, Jason Horgan, Jennifer Hughes, Kristin Lindquist, Heather Scheuerman, Heather Skaggs, Rebecca Staunton, Cindy Trice, Ashley Wallace, Robyn Yancey

AVMA Graduates

Lidya Albano, Davida Haney

Foreign Graduates

Lauren Ellender

Endorsement

Jorg Buchler, Joni Kirch, Kenneth Reeves, Thomas Tenorio

Dr. O'Neil approved and ratified by conference call May 21, 2004

Senior Graduates

Kara Alt, Stephen Anderson, Adiagha Ife Eshe Asantewaa, Christopher Carrier, Raul Casas-Dolz, Eric Derose, Tabatha Franklin, Kristy Hall, Susan Hollman, Pamela Lucas, Carina Nacewicz, Corinne Rehmann, Miguel Rivera, Kevin Sanders, Sterling Sigmond, Kelly smith, Amanda Tarter, Laurel Tovrea

AVMA GRADUATES

Kristin Kruger

Foreign Graduates

Edward Peurifoy, Miriam Cabrera

Endorsement

Geoffrey Adams, Marvin Cain, Sharon Hoffman, Becky Malphus, Deanna Schoenborn, William Schoeborn

Continuing Education

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

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

Providers

Agrilabs, Co.
Coral Springs Animal Hospital
International Veterinary Seminars
Schering Plough Animal Health

Courses

Innovative Veterinary Diets: *Periodontal Disease: What You should Know – 4 Hrs*
N.W. Florida Veterinary Medical Assoc.:
Dermatologic: Parasites – 1 hr
Fluid Use in Critical Care Medicine – 1 hr

Veterinary Learning Systems: *2004 Purina Veterinary Symposium*
Agrilabs, Co.: *Bovine Virus Diarrhea Virus – 4 hrs*
Coral Springs Animal Hospital: *Complete Dental Prophylaxis – 1hr*
International Veterinary Seminars:
Canine & Feline Dermatology – 16 hrs
Practical Techniques in Medicine & Surgery – 16 hrs
Canine & Feline Ophthalmology – 16 hrs
Feline Medicine & Surgery – 16 hrs
Feline Medicine – 16 hrs
Schering Plough animal Health: *Shelter Sanitation & Disease – 4 hrs*

REPORTS

Prosecuting Attorney – Charles Tunnicliff

Mr. Tunnicliff had no report.

Board Counsel – Jeffrey Jones

Mr. Jones advised the board that he had drafted language for exemption of spouses of the armed forces and he reviewed the language with the board.

Mr. Jones advised the board that it is a mandatory requirement to have language for military spouses.

After discussion by the board the issue was tabled until the September 2004 meeting.

Executive Director – Juanita Chastain

Ms. Chastain asked the board members to submit any outstanding travel for the year. She stated that the fiscal year ended June 30, 2004.

Ms. Chastain advised the board that she had the information to the AAVSB meeting in Kansas City in November.

Dr. O'Neil asked if Ms. Love would attend the AAVSB meeting.

Ms. Love stated that she would attend the AAVSB meeting in September.

Financial Report – Susie Love

Ms. Love advised the board that the board went from a deficit of two hundred and twenty thousand (\$220,000.00) to a surplus of two hundred and twenty six

thousand (\$226,000.00) due to raising the renewal fees. Ms. Love advised the board that the board was not involved in the sweep by the legislature because they were in a deficit.

Chairman's Report – Dr. Robert O'Neil

Dr. O'Neil advised the board that he spoke to the inspectors at the inspector's seminar in Orlando. He stated that the meeting went well.

OLD BUSINESS

Dr. O'Neil asked the board, if they would like to propose a statute change to expand the board's authority to investigate, prosecute and fine individuals who are practicing veterinary medicine without a license.

Mr. Tunncliff stated that he felt the Department was vigorous and effective in prosecuting unlicensed activity.

Dr. Vega stated that he would like to see the unlicensed activity report provided by the Department.

Dr. O'Neil advised the board that the decision to propose legislation had to be prepared today.

Dr. Jones stated that Mr. Tunncliff feels that the Department is doing a good job and if the public is being protected the board should leave it as is.

Dr. Vega stated that opening Chapter 474, F.S. was dangerous.

Mr. Tunncliff stated that if any board member wanted to report unlicensed activity they could call the board office and it would be reported to Regulation and investigated.

Donald Schaeffer advised the board that the Alliance for Animal Owners Right's presented an animal health care bill to the legislature. The purpose of the bill was to establish licensing and regulatory certification standards for a host of other forms of delivery of care by licensed human health care practitioners and other departments. He stated that the FVMA was able to have that bill withdrawn. He stated that there was expectation by the Department of Agriculture that the discussion will continue in the coming year. Mr. Schaefer asked the board if they could look at the current Chapter 474.202(13), Florida Statutes "Veterinary Medicine includes with respect to animals, surgery, acupuncture, obstetrics, dentistry, physical therapy, radiology, theriogenology, and other branches or specialties of veterinary medicine". Mr. Schaeffer asked

if a rule could be introduced that gives direction to practitioners that want to provide complimentary care.

Mr. Jones stated that he would research if Chapter 474, Florida Statutes, were conducive to identify alternative therapies and report to the board at the September meeting.

The meeting adjourned at 12:40 p.m.