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MINUTES

**Board of Veterinary Medicine
General Business Meeting**

**Embassy Suites
1100 Se 17th Street
Ft. Lauderdale, FL 33316**

March 18, 2008

CALL TO ORDER

Dr. O'Neil, Chair, called the meeting to order at 8:15 a.m.

MEMBERS PRESENT

Dr. Robert O'Neil
Dr. Sergio Vega
Dr. Guy Maxwell
Lisa Hurley
Henry Dover

MEMBERS ABSENT

Dr. Joann Helm (excused)
Dr. George Simmons (excused)

OTHERS PRESENT

Cathy Lannon, Board Counsel
Drew Winters, Prosecuting Attorney
Juanita Chastain, Executive Director
April Skilling, Assistant General Counsel
Official Reporting Service, Janis Tierney, 954.467.8204
Linda Tinsley, Government Analyst
Phil Hinkle, FVMA
Michelle Weaver
Sara Pizano, DVM
Michael Pegelow
Maria Raiche
Ria Brown
Vida Conn
Raphael Garcia
Lisa Cote, DVM

46 Brian Huntsman, DVM
47 Kelly Ann Rada, DVM
48 Andy Bass
49 Marie Zwicher
50 Catherine Bradley
51 Janet Winikoff
52 Karissa Mayer, CVT
53 Jennifer Hobgood, PHD
54 Connie Brooks
55 Carolyn Johnson
56 Gloria Livadas, DVM
57 Joan Carlson Radabaugh

58

59 **APPROVAL OF THE DECEMBER 11, 2007 MINUTES**

60

61 Mr. Dover advised the board that on page four (4) line one seventy two (172) the
62 word motion should be struck from the minutes. Mr. Dover stated that line one
63 seventy seven (177) should be struck as well as line number one eighty (180).

64

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

66

67 **SECOND:** Mr. Dover seconded the motion and the motion passed
68 unanimously.

69

70 **DISCIPLINE**

71

72 **Philip J. Aleong, DVM: Case number 2004-057567**

73

74 Dr. Aleong was present at the meeting and was represented by counsel,
75 Bradford Beilly. Dr. Aleong was sworn in by the court reporter.

76

77 Dr. O'Neil advised the board that he was recused due to prior knowledge of the
78 case. Dr. O'Neil advised the board that Mr. Dover, Vice Chair would conduct the
79 hearing.

80

81 Mr. Winters presented the case as a recommended order. Mr. Winters advised
82 the board that the recommended order recommends a one thousand dollar fine
83 (\$1000.00). Mr. Winters stated that the Department had requested that the
84 board adopt the Recommended Order and enter into a Final Order.
85 After discussion by the board the following motion was made.

86

87 **MOTION:** Ms. Hurley made a motion to impose a one thousand dollar
88 (\$1,000.00) fine, six (6) months probation, continuing education and
89 a reprimand.

90

91 **SECOND:** Dr. Maxwell seconded and amended the motion to add six (6)
92 hours of continuing education in record keeping each year for two
93 (2) years with oversight by an equine practitioner.
94

95 Mr. Dover advised the board that he would like to amend the motion to add that a
96 Department Investigator pick up ten (10) medical records each month and
97 provide the records to a board member for review.
98

99 Ms. Hurley advised the board that she accepted the amendment to the motion.
100

101 Dr. Maxwell stated that he accepted the amendment.
102

103 The motion and the amendments passed unanimously.
104

105 Ms. Lannon reviewed the aggravating circumstances listed in the rule with the
106 board.
107

108 Ms. Hurley stated that she believed there were sufficient aggravating
109 circumstances and the board could increase the penalty.
110

111 Ms. Lannon stated that the board needed to adopt or reject the findings of fact
112 and conclusions of law.
113

114 **MOTION:** Ms. Hurley made a motion to adopt the findings of fact and
115 conclusion of law as those of the board.
116 .
117

118 **SECOND:** Dr. Maxwell seconded the motion and the motion passed
119 unanimously.
120

121 **MOTION:** Ms. Hurley made a motion to reject the last sentence in paragraph
122 twenty eight (28) of the conclusions of law continued on page thirty
123 (30) and move to amend the same paragraph to include that one
124 prior violation was a records violation.
125

126 **SECOND:** Dr. Vega seconded the motion and the motion passed
127 unanimously.
128

129 Ms. Lannon asked the board to state a time frame on payment of the fine.
130

131 **MOTION:** Ms. Hurley made a motion to amend the motion to pay the fine
132 within ninety (90) days.
133

134 Mr. Dover called the question all members voted yes and the motion carried.
135

136 **Philip J. Aleong, DVM: Case number 2003-093234**

137

138 Dr. Aleong was present and was represented by counsel, Mr. Beilly.

139

140 Mr. Winters presented the case as a Consideration of Order from the Fourth
141 District Court of Appeals. Mr. Winters advised the board that the Fourth District
142 Court of Appeals requests that the board amend its Final Order to include written
143 findings of aggravating circumstances. He stated that the board exceeded the
144 disciplinary guidelines. Mr. Winters advised the board that the Department had
145 requested that the board amend the original Final Order to reflect the appropriate
146 aggravating circumstances as required by the Fourth District Court of Appeals
147 opinion and mandate.

148

149 After discussion by the board the following motion was made.

150

151 **MOTION:** Dr. Maxwell made a motion to impose the original penalties set by
152 the board.

153

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

156

157 Mr. Dover turned the meeting over to Dr. O'Neil, Chair.

158

159 **Billy S. Austin, DVM: Case number 2007-017838**

160

161 Dr. Austin was not present at the meeting. Dr. Austin was represented by
162 counsel, Edwin Bayo.

163

164 Mr. Winters presented the case as an Informal Hearing. Mr. Winters advised the
165 board that the Administrative Complaint alleges that the Respondent diagnosed,
166 treated and administered an allergy shot to a pet at a limited service clinic. Mr.
167 Winters requested that the board adopt the findings of fact and conclusions of
168 law as the findings of fact and conclusions of law of the board.

169

170 **MOTION:** Ms. Hurley made a motion to adopt the findings of fact and
171 conclusion of law as those of the board.

172

173 **SECOND:** Dr. Maxwell seconded the motion.

174

175 Mr. Bayo advised the board that Dr. Austin admitted to what he did but they were
176 going to dispute one count.

177

178 Ms. Lannon stated that she suggested that the board adopt the findings of fact
179 only and hear the argument on the conclusions of law.

180

181 **MOTION:** Mr. Dover made a motion to strike the last motion.

182

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

185

186 **MOTION:** Ms. Hurley made a motion to adopt the findings of fact as the
187 findings of fact of the board.

188

189 **SECOND:** Mr. Dover seconded the motion and the motion passed
190 unanimously.

191

192 Mr. Bayo addressed the board and requested that the board dismiss count two
193 (2) of the administrative complaint which stated that he violated the rule which is
194 the same rule that he was charged in count one (1). Mr. Bayo asked the board to
195 enter into a motion to impose a penalty of costs only.

196

197 After discussion by the board the following motion was made.

198

199 **MOTION:** Mr. Dover made a motion to accept count one (1), adopt the
200 conclusions of law and dismiss count two (2).

201

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

204

205 Dr. Vega advised the board that he had known Dr. Austin for many years but it
206 would not jeopardize his judgment.

207

208 **MOTION:** Dr. Vega made a motion to impose a five hundred dollar (\$500.00)
209 fine, seventy nine dollars and nineteen cents (\$79.19) in costs and
210 six (6) months probation.

211

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

214

215 **Lisa R. Cote, DVM: Case number 2006-053445**

216

217 Dr. Cote was present at the meeting and was not represented by counsel. She
218 was sworn in by the court reporter.

219

220 Mr. Winters presented the case as an Informal Hearing. Mr. Winters advised the
221 board that the administrative complaint alleges that the Respondent failed to
222 remove the entire dewclaw during a dewclaw amputation and failed to keep
223 complete medical records. Mr. Winters requested that the board adopt the
224 findings of fact as the findings of fact of the board.

225

226 **MOTION:** Ms. Hurley made a motion to adopt the findings of fact as the
227 findings of fact of the board.

228
229 **SECOND:** Mr. Dover seconded the motion and the motion passed
230 unanimously.

231
232 Mr. Winters requested that the board adopt the conclusions of law as the
233 conclusions of law of the board.

234
235 **MOTION:** Dr. Vega made a motion to adopt the conclusions of law as the
236 conclusions of law of the board.

237
238 **SECOND:** Ms. Hurley seconded the motion and the motion passed
239 unanimously.

240
241 After discussion by the board the following motion was made.

242
243 **MOTION:** Mr. Dover made a motion to impose a one thousand dollar
244 (\$1000.00) fine, one thousand one hundred and seventeen dollars
245 and twelve cents (\$1117.12) in costs, one (1) year probation and
246 one (1) year to pay the fine and costs.

247
248 **SECOND:** Ms. Hurley seconded the motion and the motion passed
249 unanimously.

250
251 **John Whitmer, DVM: Case number 2006-018378**

252
253 Dr. Whitmer was present at the meeting and was represented by counsel,
254 Michael Holden. Dr. Whitmer was sworn in by the court reporter.

255
256 Mr. Winters presented the case as an Informal Hearing. Mr. Winters advised the
257 board that the administrative complaint alleges that the Respondent was found
258 guilty of a crime related to the practice of veterinary medicine, had a license to
259 practice veterinary medicine disciplined and failed to report to the board within
260 thirty (30) days any action that had been taken against a license to practice
261 veterinary medicine. Mr. Winters requested that the board adopt the findings of
262 fact as the findings of fact of the board.

263
264 **MOTION:** Ms. Hurley made a motion to adopt the findings of fact as the
265 findings of fact of the board.

266
267 **SECOND:** Dr. Maxwell seconded the motion and the motion passed
268 unanimously.

269
270 Mr. Holden addressed the board.

271 Mr. Winters requested that the board adopt the conclusions of law as the
272 conclusions of law of the board.

273

274 **MOTION:** Mr. Dover made a motion to adopt the conclusions of law as the
275 conclusions of law of the board.

276

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

279

280 After discussion by the board the following motion was made.

281

282 **MOTION:** Mr. Dover made a motion to impose a five thousand dollar
283 (\$5000.00) fine, four (4) years suspension to run concurrent with
284 New Jersey, at the end of suspension he must take the laws and
285 rules exam at his own expense before his license is re-instated, five
286 hundred and ninety two dollars and seventy one cents (\$592.71) in
287 costs and two (2) years probation after suspension is lifted. Fine
288 and costs are due after termination of probation.

289

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

292

293 Dr. O'Neil advised the board that three (3) inspectors, Bill Tejada, Mr. Suarez
294 and Ms. Del Rio were present at the meeting. He stated that they were
295 instrumental in setting up a sting to arrest an individual who was practicing
296 veterinary medicine without a license.

297

298 The board congratulated the inspectors and thanked them for all of their hard
299 work.

300

301 **Richard Mark Jaffee, DVM: Case number 2006-018626 and 2005-023187**

302

303 Dr. Jaffee was present at the meeting and was represented by counsel, Edwin
304 Bayo. Dr. Jaffee was sworn in by the court reporter.

305

306 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
307 the board that the administrative complaint alleges that the Respondent failed to
308 practice within the acceptable standard of care and failed to keep
309 extemporaneously written medical records. Mr. Winters advised the board that
310 the Department recommended a one thousand dollar (\$1000.00) fine, two
311 thousand three hundred and fifty nine dollars and forty four cents (\$2359.44) in
312 costs, two (2) hours of continuing education in record keeping and eighteen (18)
313 months probation. He stated that the Department recommended adopting the
314 Settlement Stipulation as presented.

315

316 After discussion by the board the following motion was made.

317

318 **MOTION:** Dr. Vega made a motion to accept the Settlement Stipulation as
319 presented.

320

321 **SECOND:** Mr. Dover seconded the motion and the motion passed
322 unanimously.

323

324 **James M. Lyday, DVM: Case number 2006-044254**

325

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

328

329 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
330 the board that the administrative complaint alleges that the Respondent failed to
331 remove a patient's testicle during a castration procedure and failed to keep
332 medical records as per rule of the board. Mr. Winters advised the board that the
333 Department recommended a fifteen hundred dollar (\$1500.00) fine, nine hundred
334 and ninety one dollars and seventy two cents (\$991.72) in costs and six (6)
335 months probation. Mr. Winters stated that the Department recommended
336 adopting the Settlement Stipulation as presented.

337

338 After discussion by the board the following motion was made.

339

340 **MOTION:** Mr. Dover made a motion to accept the Settlement Stipulation as
341 presented.

342

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

345

346 **Daniel K. Neger, DVM: Case number 2006-002528**

347

348 Dr. Neger was present at the meeting and was represented by counsel, Edwin
349 Bayo. Dr. Neger was sworn in by the court reporter.

350

351 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
352 the board that the administrative complaint alleges that the Respondent was
353 negligent by inserting a microchip into the patient's spinal cord. Mr. Winters
354 advised the board that the Department recommended a one thousand dollar
355 (\$1000.00) fine, one thousand one hundred and thirty eight dollars and eighty
356 nine cents (\$1138.89) in costs and three (3) additional hours of continuing
357 education. Mr. Winters stated that the Department recommended adopting the
358 Settlement Stipulation as presented.

359

360 After discussion by the board the following motion was made.

361 **MOTION:** Dr. Vega made a motion to accept the Settlement Stipulation as
362 presented.

363
364 **SECOND:** Dr. Maxwell seconded the motion and the motion passed
365 unanimously.

366
367 Dr. O'Neil asked Dr. Neger if he would take his continuing education in small
368 animal surgery.

369
370 Mr. Bayo stated that the three (3) hours of continuing education would be in small
371 animal surgery to be completed in one (1) year.

372
373 **Stephan W. Zuercher, DVM: Case number 2005-005356**

374
375 Dr. Zuercher was present at the meeting and was represented by counsel,
376 Charles Curtis. Dr. Zuercher was sworn in by the court reporter.

377
378 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
379 the board that the administrative complaint alleges that the Respondent failed to
380 perform proper diagnostics and treatment and failed to keep adequate medical
381 records. Mr. Winters advised the board that the Department recommended a five
382 hundred dollar (\$500.00) fine, six hundred and ninety five dollars and seventy
383 two cents (\$695.72) in costs and two (2) additional hours of continuing education
384 in record keeping. Mr. Winters stated that the Department recommended
385 adopting the Settlement Stipulation as presented.

386
387 After discussion by the board the following motion was made.

388
389 **MOTION:** Dr. Vega made a motion to accept the Settlement Stipulation as
390 presented.

391
392 **SECOND:** Ms. Hurley seconded the motion and the motion passed
393 unanimously.

394
395 The board stated that Dr. Zuercher had one (1) year to complete the continuing
396 education.

397
398 **Harry Zelkin, DVM: Case number 2006-023830**

399
400 Dr. Zelkin was not present at the meeting and was not represented by counsel.
401 Mr. Winters advised the board that Dr. Zelkin had submitted a Motion to
402 Reconsider. Mr. Winters advised the board that the Final Order had been
403 entered and the time for an appeal had passed and the Final Order is not subject
404 to change at this time.

405

406 Ms. Lannon stated that she did not think that the board had jurisdiction to
407 consider a Motion for Reconsideration that is filed more than thirty (30) days after
408 the entry of the Final Order.

409
410 **MOTION:** Mr. Dover made a motion to deny Dr. Zelkin's Motion to
411 Reconsider.

412
413 **SECOND:** Ms. Hurley seconded the motion and the motion passed
414 unanimously.

415
416 **Alejandro A. Diaz, DVM: Case number 2004-020890**

417
418 Dr. Diaz was present at the meeting and was not represented by Counsel. He
419 was sworn in by the court reporter.

420
421 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
422 the board that the administrative complaint alleges that the Respondent operated
423 a veterinary establishment without a proper premise permit. Mr. Winters advised
424 the board that the Department recommended a five hundred dollar (\$500.00)
425 fine, and three hundred and sixty eight dollars and eighty seven cents (\$368.87)
426 in costs. Mr. Winters stated that the Department recommended adopting the
427 Settlement Stipulation as presented.

428
429 **MOTION:** Mr. Dover made a motion to accept the Settlement Stipulation as
430 presented.

431
432 **SECOND:** Ms. Hurley seconded the motion and the motion passed
433 unanimously.

434
435 **Tate D. Posey, DVM: Case number 2006-060405**

436
437 Dr. Posey was present at the meeting and was represented by counsel, Lysa
438 Friedlieb. Dr. Posey was sworn in by the court reporter.

439
440 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
441 the board that the administrative complaint alleges that the Respondent failed to
442 keep an accurate controlled substance log and failed to segregate expired
443 controlled substances. Mr. Winters advised the board that the Department
444 recommended a five hundred dollar (\$500.00) fine, three hundred and ninety
445 dollars and eighty nine cents (\$390.89) in costs and two (2) additional hours of
446 continuing education in record keeping in controlled substances. Mr. Winters
447 stated that the Department recommended adopting the Settlement Stipulation as
448 presented.

449

450 **MOTION:** Dr. Vega made a motion to accept the Settlement Stipulation as
451 presented.

452
453 **SECOND:** Dr. Maxwell seconded the motion.

454
455 Dr. O'Neil asked all board members in favor of the motion to raise their hand.

456
457 Dr. Vega and Dr. Maxwell were in favor.

458
459 Dr. O'Neil asked all board members who were not in favor of the motion to raise
460 their hand.

461
462 Dr. O'Neil, Mr. Dover, and Ms. Hurley were opposed and the motion failed.

463
464 **MOTION:** Ms. Hurley made a motion to reject the Settlement Stipulation.

465
466 **SECOND:** Mr. Dover seconded the motion.

467
468 The motion passed with Dr. Vega opposed.

469
470 After discussion by the board the following motion was made.

471
472 **MOTION:** Mr. Dover made a motion to impose a one thousand dollar
473 (\$1000.00) fine, three hundred and ninety dollars and eighty nine
474 cents (\$390.89) in costs, inspections every year for four years at his
475 own expense, two (2) hours of continuing education in record
476 keeping that had been completed and one (1) year of probation.

477
478 **SECOND:** Dr. Maxwell seconded the motion and the motion passed
479 unanimately.

480
481 **Frank A. Tarplee, DVM: Case number**

482
483 Dr. Tarplee was present at the meeting and was represented by counsel, Lysa
484 Friedlieb. Dr. Tarplee was sworn in by the court reporter.

485
486 Mr. Winters presented the case as a Settlement Stipulation. Mr. Winters advised
487 the board that the administrative complaint alleges that the Respondent failed to
488 keep an accurate controlled substance log. Mr. Winters advised the board that
489 the Department recommended a five hundred dollar (\$500.00) fine, eight
490 hundred and sixty three dollars and seventy cents (\$863.70) in costs and two (2)
491 hours of continuing education in record keeping in controlled substances. Mr.
492 Winters stated that the Department recommended adopting the Settlement
493 Stipulation as presented.

494

495 After discussion by the board the following motion was made.

496

497 **MOTION:** Mr. Dover made a motion to accept the Settlement Stipulation as
498 presented.

499

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

501

502 The motion passed with Dr. Maxwell opposed.

503

504 **DISCUSSION**

505

506 **Microchipping – Letters of Comment**

507

508 Dr. O'Neil stated the purpose of Veterinary Medicine as stated in Chapter,
509 474.201, Florida Statutes, The Legislature finds that the practice of veterinary
510 medicine is potentially dangerous to the public health and safety if conducted by
511 unlicensed practitioners. He stated that the board had several functions and a
512 primary function is protection of the citizens of Florida. He stated that in his
513 opinion the citizens include our dogs and our cats. He stated that it is a tragedy
514 when an animal is microchipped and the chip was not registered and the animal
515 would be lost and never make it home again. Dr. O'Neil advised the board that
516 Chapter, 474.203 (5) (a), Florida Statutes states, any person, or the person's
517 regular employee, administering to the ills or injuries of her or his own animals,
518 including but not limited to, castration, spaying, and dehorning of herd animals,
519 unless title has been transferred or employment provided for the purpose of
520 circumventing this law. This exemption shall not apply to out of state
521 veterinarians practicing temporarily in the state. However, only a veterinarian
522 may immunize or treat an animal for diseases which are communicable to
523 humans and which are of public health significance. Dr. O'Neil stated that a
524 person that owns the animal can administer to the ills of that animal. He stated
525 that the board had no jurisdiction over that.

526

527 Dr. O'Neil stated that the floor was open to the public and each speaker would
528 have three (3) minutes to speak and the floor would be open for thirty (30)
529 minutes.

530

531 Members of the audience addressed the board with their thoughts and concerns
532 on microchipping.

533

534 Ms. Lannon addressed the audience and stated that several people from the
535 audience had commented on what the board had done or the policy the board
536 was about to do. She stated that the board had not adopted any new policy.
537 She stated that the board was asked about interpreting the law and not every
538 interpretation of the law was a policy statement. She stated that there had not
539 been any action by the board other than a discussion at a meeting at which

540 certain positions were discussed in terms of interpreting the law. Ms. Lannon
541 stated that the board had not adopted a new rule or anything of that nature.
542
543 Dr. Vega stated that the board had stated that microchipping was a veterinary
544 procedure, which means a veterinarian had to be involved in the procedure. He
545 stated that the board was not against preventing the shelters or any other rescue
546 groups from microchipping. He stated that the board was never against
547 microchipping pets and they were not protecting veterinarians and they were not
548 trying to hurt rescue groups, shelters, pets or citizens. He stated the board was
549 protecting the public and the pets. Dr. Vega stated that he did not think the
550 animals in the shelters or rescue groups are owned by them they are only in their
551 custody.
552
553 Dr. O'Neil stated that his statements were read directly from the statute.
554
555 Ms. Lannon read Chapter, 474.203 (5) (a), Florida Statutes to the board and
556 stated that it was up to the board to interpret the law.
557
558 Mr. Winters stated that the Department had been trying to enforce the law for
559 many years and the law had not changed in the last five (5) years. He stated that
560 microchipping was the practice of veterinary medicine according to Chapter,
561 474.202 (9), Florida Statutes. He stated that it is the implantation of an appliance
562 into the tissue of an animal and that is clearly the practice of veterinary medicine.
563 Mr. Winters stated that the exemptions are statutory exemptions and they were
564 not created by the board only the legislature can add to or change the statute.
565 Mr. Winters stated that animals in the State of Florida are considered property of
566 the person who owns those animals. He stated that aside from actions that
567 would constitute cruelty to animals the animals are yours to do with as you see
568 fit. He stated that Chapter, 474.203 (5)(a), Florida Statutes does allow anyone to
569 administer to the injuries and ills of their own animals. He stated that legal
570 ownership is for someone else to determine. Mr. Winters stated that the board
571 and the Department were not there to determine if the animal is the ownership of
572 a particular person. He stated that he believed that shelters, if they have title to
573 the animal can microchip the animal. He stated that if title had changed than
574 there is no exemption to allow them to microchip animals that are not theirs. Mr.
575 Winters commented under what supervision could microchipping be done. He
576 stated that was for the board to determine. He stated that the Department
577 interpreted it as immediate supervision. He stated that if the board sees fit to
578 change it the Department would institute that rule. Mr. Winters advised the board
579 that in accordance with the statute the practice of veterinary medicine must be
580 done in a location that is licensed and permitted. He stated that there are three
581 (3) locations that are required to be permitted, a permanent facility, a mobile
582 facility and certain tasks can be done at a limited service clinic. He stated that
583 there was one exemption and that was house calls. He stated that the
584 Department currently determined that microchipping can be done in three (3)

585 places, a permanent facility, a mobile facility and a house call basis. He stated
586 that it is the practice of veterinary medicine and it can be done under immediate
587 supervision.
588

589 Dr. O'Neil asked Mr. Winters to define immediate supervision.
590

591 Mr. Winters advised the board that the term immediate supervision was defined
592 in Chapter, 474.202(5), Florida Statute "Immediate supervision" or words of
593 similar purport means a licensed doctor of veterinary medicine on the premises
594 whenever veterinary services are being provided. Mr. Winters stated that a
595 veterinarian could delegate tasks to a veterinary aide but the veterinarian shall be
596 responsible for all acts performed under their supervision. Mr. Winters stated
597 that if the rule would change the Department would act accordingly.
598

599 Ms. Hurley stated that if the board chose to do nothing there would be no change
600 to the law. She stated that nothing had changed.
601

602 Dr. O'Neil stated that if the board takes no action it stays the way it is and his
603 recommendation is to leave it alone.
604

605 Dr. Huntsman advised the board that his understanding was that the board had
606 done nothing in regards to microchipping. He stated that he understood it was a
607 veterinary procedure, it required immediate supervision which means there must
608 be a veterinarian on premise, and it can only be done at locations with a premise
609 permit. Dr. Huntsman stated that it is illegal to do microchipping even by a
610 licensed veterinarian at an outreach program such as a pet fair.
611

612 The board stated that microchipping cannot be done at an outreach program.
613

614 **Premises Permit Self Inspection**

615
616 Dr. O'Neil advised the board that the rule had been noticed for development.
617

618 **Proposed Rule 61G18-15.0011 Duties of the Responsible Veterinarian**

619
620 Ms. Lannon advised the board that the rule had been noticed for development.
621

622 Mr. Bayo advised the board to monitor the legislation and to leave it alone for
623 now.
624

625 **Rule 61G18-30.002, F.A.C. – Discussion of Minor Violations**

626 Mr. Winters advised the board that an individual sent a request to re-classify their
627 discipline. He stated that under the current rule minor violations are defined by
628 the board. He stated that the Department is bound by that and they cannot re-
629 classify.

630 The board reviewed the request and decided to leave it alone.

631

632 **Rule 61G18-14.003, F.A.C. – Letter from JAPC**

633

634 Ms. Lannon advised the board that she had received a letter from JAPC and
635 stated that she would discuss the response with the board.

636

637 After discussion by the board the following motion was made.

638

639 **MOTION:** Mr. Dover made a motion to direct board counsel to do a notice of
640 change.

641

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

644

645 **RATIFICATION OF APPLICATIONS**

646

647 **Continuing Education**

648

649 **MOTION:** Dr. Vega made a motion to approve the following continuing
650 education applications.

651

652 **SECOND:** Dr. Maxwell seconded the motion and the motion passed
653 unanimously.

654

655 Broward County Vet Med Association – *Melanoma Cancer & the New*
656 *Melanoma – 1 hour*

657 *Cardiovascular Disease & the New Treatment – 1 hour*

658 *Behavior for the Small Animal Practitioner – 1.5 hours*

659 *Vaccines Capitalizing on the Possibilities – 1 hour*

660 *Canine Bartonellosis an Emerging Zoonosis*

661 *Affiliated Vet Specialists- Orange Park*

662 *Soft tissue Wound management – 0007021 – 2 hours*

663 *Phizer, Inc - Quest for Sedation, Analgesia and Surgery – 3 hours*

664 *Surgi-Care for Horses – Dispensing of Prescription Drugs – 2 hours*

665 *Fungal Keratomycosis in Horses – 3 hours*

666 *Elite Medical Consultants – Digital Veterinary User’s Guide – 3 hours*

667

668 **Licensure/Exam Candidates**

669

670 **MOTION:** Ms. Hurley made a motion to approve the following exam/licensure
671 candidates.

672

673 **SECOND:** Dr. Vega seconded the motion and the motion passed
674 unanimously.

675 **Senior Graduates**

676

677 Christopher Carmona, Stasia Bailey, Rafael Borges, Melissa Fagerlin, Jennifer
678 Feiner, Baird Fleming, William R. Hess, Lindsay Raygor, Sarah Elizabeth Zika,
679 Maite Cintron, Sara Clark, Eleanor Cooke, William C. Green, Anna Thompson,
680 Stacie Thrushman, Kathryn Griffin, James Kanzler, Michael Woodworth, Kristina
681 Calicchio

682

683 **AVMA Graduates**

684

685 Robin M. Reid-Burke, Thea Legaarden

686

687 **Foreign Graduates**

688

689 Suresha Basavaraj, Donna Brinck, Jesenia Carnero, Darlene Fletcher, Thair
690 Mahboob, Justin O'Keefe, Simon Towl, Sanjeev Gumber, Rene D. Ley, Jitka
691 Markova, Ember Moreno, Courtney Whiting, Diana P. Zapata, Janis Marie
692 Rodriguez

693

694 **Endorsement**

695

696 Jennifer Bailey, Robert Bergloff, Janice Bohn, Donna Marie Dusza, Mary
697 Giaquinto, Robert Godman, Norman G. Griggs, Curtis Probst, Nicole Tisdale,
698 Cynthia Young, E'Lise Christensen, Andria Cogswell, Joseph Bruzugul, Richard
699 M. Kesler, Susan Price, Eric Robinson, Kurt Selberg, James Sharp, Diane
700 Troyer, Ramin Namin, William Snyder, Carolyn Weinberg

701

702 **REPORTS**

703

704 **Board Chair – Dr. Robert O'Neil**

705

706 Dr. O'Neil advised the board that he had asked staff to look into lowering
707 veterinary fees. He stated that they could not be lowered right now. Dr. O'Neil
708 advised the board that he wanted to look into updating the penalties in the rule.

709

710 Ms. Lannon stated that she could notice rule development.

711

712 **MOTION:** Mr. Dover made a motion to direct Board Counsel to notice rule
713 61G18-30.001, F.A.C., Disciplinary Guidelines for development.

714

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

717

718

719

720 **Executive Director – Juanita Chastain**

721

722 Ms. Chastain advised the board that the financial report was in their folders and
723 also a list of future meeting dates.

724

725 **Prosecuting Attorney’s Report**

726

727 Mr. Winters reviewed his report with the board.

728

729 **MOTION:** Mr. Dover made a motion to adjourn.

730

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

732

733 The meeting adjourned at 2:00 p.m.

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