

## **MINUTES**

**BOARD OF VETERINARY MEDICINE  
TELEPHONE CONFERENCE CALL  
DEPARTMENT OF BUSINESS  
AND PROFESSIONAL REGULATION  
1940 NORTH MONROE STREET, TALLAHASSEE, FL**

**April 15, 2005 @ 11:00 A.M.**

### **CALL TO ORDER**

Dr. O'Neil called the meeting to order at 11:00 a.m.

### **MEMBERS**

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

### **OTHERS PRESENT**

Drew Winters, Prosecuting Attorney  
Ladasiah Jackson, Board Counsel  
Juanita Chastain, Executive Director  
Linda Tinsley, Government Analyst  
Donald Schaefer, FVMA

### **DISCUSSION**

#### **Changes to North American Veterinary Licensing Exam (NAVLE)**

Ms. Chastain advised the board that in February of 2005 the National Board of Veterinary Medicine Examiners (NBVME) contacted the board office regarding processing the NAVLE candidates directly. She stated that the NBVME had a pilot program in the State of Virginia that worked very well and they wanted to expand it to other states. She stated that board staff was in favor of the idea and Mr. Jones was contacted and other Department personnel, to make sure it was feasible and everyone that was contacted agreed that it was. She advised the board that the NBVME would develop an application for Florida candidates. Ms. Chastain advised the board that the Universities would provide the NBVME with

proof of enrollment. She stated that the candidates would submit an application to Florida for the laws and rules exam but the candidate would go directly to the NBVME to take the NAVLE. She stated that after taking the NAVLE the grades would be sent to the directly to the candidate and electronically sent to the Department to be up-loaded into our computer system. She stated that once the candidate's application is complete the board would certify the application for licensure. She stated there would be minimal revenue reduction because the candidate pays the national vendor directly.

Dr. O'Neil asked if this process would help remedy some of the problems the University of Florida students had been having.

Ms. Chastain advised the board that this process was discussed with the University and they were in favor of the change.

Dr. Vega asked how the ECVG and the Cuban candidates would apply.

Ms. Chastain stated that candidate had to submit proof of enrollment in the ECFVG or submit the affidavit from the Cuban Exile organization to the NBVME.

After discussion by the board the following motion was made.

**MOTION:** Dr. Vega made a motion to approve the changes to the NAVLE.

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

**Rule 61G18-11.002, F.A.C. – Examination and Licensure**

**Rule 61G18-12.002, F.A.C. – Examination and Re-Examination Fees**

Dr. Vega advised the board that on page two (2) of the agenda in Rule 61G18-11.002, F.A.C. in the paragraph that reads "In order to obtain licensure, the candidate must receive a passing score on each portion of the examination". He stated that it was confusing and this was written when there were three (3) exams and they were divided into different sections. He stated that the NAVLE is one exam and is not broken up into sections.

Ms. Chastain advised the board that the rule was drafted by Mr. Jones after he discussed the rule with board staff and it was decided that the rule needed to be cleaned up. She stated that board staff asked about that and Mr. Jones stated that it did no harm and that in the future if it had to be changed to where there were other portions that it was ok to leave the rule the way it was.

Ms. Tinsley advised the board that the language should be left in the rule because the NBE and CCT scores are still accepted for licensure.

Dr. Vega stated that the language reads for applicants taking.

Dr. O'Neil stated that maybe the language should read candidates that have taken.

Ms. Jackson stated that she would let Mr. Jones know what changes the board had made to the rule language.

After discussion by the board the following motion was made.

**MOTION:** Ms. Lewis made a motion to accept the rule changes and to direct board counsel to proceed with rule development.

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

### **Null & Void License – Proposed Legislation**

Ms. Chastain advised the board that the proposed language was on the agenda for the Board's information. She stated that the language had been approved and it is at the Governor's office for signature. She stated that when it becomes effective the board will have to develop rules.

### **NEW BUSINESS**

#### **Senate Bill 2452 – Relating to Pharmacy Technicians**

Mr. Schaefer advised the board that Senate Bill 2452 would change the ratio of pharmacists to technicians. He stated that the current ratio is one (1) to three (3) and the bill would move it from one (1) to seven (7). He stated that it only applies to non-human prescription medication. He stated that the bill would allow a pharmacy technician to both receive or to seek prescription verification and processing. He stated that currently that is not allowed for human medication. He stated that the bill is being promoted at the request of a mail order internet pharmacy and currently the Board of Pharmacy voted to oppose the bill. He stated that the Florida Pharmacy Association is not in favor of the bill. Mr. Schaefer advised the board that the Florida Veterinary Medical Association (FVMA) will oppose the bill and he asked the board to review the bill.

After discussion by the board the following motion was made.

**MOTION:** Dr. Vega made a motion that the Board of Veterinary Medicine oppose Senate Bill 2452.

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

## **OLD BUSINESS**

### **Clarification of Language Adopted at March 1, 2005 Meeting**

Dr. O'Neil advised the board that he had been very busy the past few weeks attending hearings in Tallahassee on House Bill 0791 and Senate Bill 958. He stated that every time he goes to a hearing there is some confusion over what the Board has said. He stated he thinks it is crystal clear. He stated that he had written a five (5) paragraph diatribe. He asked the board if they agree with the language to approve it.

BECAUSE THE BOARD'S ACTION IN MARCH HAS BEEN MISCONSTRUED AND MISQUOTED, IT IS NECESSARY THAT THE BOARD CLARIFY ITS PREVIOUS OPINION.

THE BOARD OPINES THAT ANY ALTERNATIVE OR COMPLIMENTARY MODALITY THAT IS OFFERED AS DIAGNOSIS, TREATMENT, PREVENTION, OR CURE FOR ANY WOUND, FRACTURE, BODILY INJURY, OR DISEASE IN AN ANIMAL FALLS WITHIN THE DEFINITION OF THE TERM PRACTICE OF VETERINARY MEDICINE IN THE FLORIDA STATUTES. ACCORDINGLY, IF AROMATHERAPY, ACCUPRESSURE, HANDS ON HEALING, MASSAGE, MAGNET THERAPY, LIGHT THERAPY, OR ANY OTHER TREATMENT MODALITY IS BEING OFFERED AS EITHER DIAGNOSTIC OR TREATMENT, THEN SUCH SERVICE CONSTITUTES THE PRACTICE OF VETERINARY MEDICINE.

FOR EXAMPLE, IF A NUTRITIONAL COUNSELOR ADVISES A PET OWNER AS TO NUTRITIONAL PRODUCTS AND SUPPLEMENTS TO ENSURE THAT THE ANIMAL IS RECEIVING THE BEST NUTRITION, THAT ACTIVITY WOULD NOT CONSTITUTE THE PRACTICE. ON THE OTHER HAND, IF THE NUTRITIONAL COUNSELOR IS RECOMMENDING PRODUCTS OR SUPPLEMENTS TO TREAT SUSPECTED KIDNEY FAILURE, THAT CONSTITUTES THE PRACTICE OF VETERINARY MEDICINE.

IF AROMATHERAPY OR FLOWER ESSENCE THERAPY IS OFFERED BECAUSE IT MAKES THE ANIMAL SMELL BETTER AND BE MORE COMFORTABLE, THAT WOULD NOT CONSTITUTE THE PRACTICE OF VETERINARY MEDICINE. IF IT IS BEING OFFERED TO TREAT A CONDITION, THEN IT WOULD CONSTITUTE THE PRACTICE OF VETERINARY MEDICINE.

HOMEOPATHY IS THE USE OF HOMEOPATHIC MEDICINE TO TREAT AND CURE DISEASE. IN THE HUMAN SIDE, HOMEOPATHY CONSTITUTES THE PRACTICE OF MEDICINE. THE BOARD CONSIDERS VETERINARY HOMEOPATHY AS THE DISPENSING OR ADMINISTRATION OF DRUGS OR MEDICINE AND THUS WITHIN THE STATUTORY DEFINITION OF THE PRACTICE OF VETERINARY MEDICINE.

FINALLY, THE BOARD OPINES THAT THE PUBLIC SHOULD BE PROTECTED FROM UNLICENCED INDIVIDUALS MAKING CLAIMS OF BEING ABLE TO TREAT ANIMAL DISEASES OR CONDITIONS.

After discussion by the board the following motion was made.

**MOTION:** Dr. Vega made a motion to approve the language as Board policy.

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

Mr. Schaefer on behalf of the FVMA thanked Dr. O'Neil and the Board for their full engagement in the issue and their clear support.

The meeting adjourned at 11:50 a.m.