

MINUTES

Board of Veterinary Medicine General Business Meeting

**Florida Hotel and Conference Center
1500 Sand Lake Road
Orlando, FL 32809**

June 3, 2008

CALL TO ORDER

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

MEMBERS PRESENT

Dr. Robert O'Neil
Dr. Sergio Vega
Dr. Guy Maxwell
Dr. Joann Helm
Dr. George Simmons
Lisa Hurley
Henry Dover

MEMBERS ABSENT

None

OTHERS PRESENT

Deborah Loucks, Board Attorney
Elizabeth Duffy, Prosecuting Attorney
Charles Tunnicliff, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Diana Garcia, American Court Reporting, 407.896.1813
Phil Hinkle, FVMA
Rocky Esposito, DVM
Don Swerida, DVM
Bryan Reynolds, Esq.
Annette Poirier, FVTA
Catherine Paris
Kishori Pigna Scott, DVM
Hugo de Beaubien, Esq.

APPROVAL OF MARCH 18, 2008 MINUTES

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

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

DISCIPLINE

Mr. Tunnichiff introduced the new prosecuting attorney Elizabeth Duffy.

SPCA of Florida: Case number 2007-017864

SPCA of Florida was not present at the meeting and they were not represented by counsel.

Ms. Duffy presented the case as a Motion for Waiver of Rights and Final Order. Ms. Duffy advised the board that the administrative complaint alleges that Dr. Austin gave an allergy shot at a Limited Service Clinic conducted by the SPCA of Florida. She stated that Dr. Austin had appeared at the March 2008 meeting. Ms. Duffy stated that the SPCA of Florida had not responded to the election of rights within the allotted timeframe. She stated that the appropriate penalty would be a two thousand dollar (\$2,000.00) fine and requiring a proper permit. She advised the board that the Department had been unable to raise a response from the SPCA of Florida.

Ms. Hurley asked Ms. Duffy if the SPCA of Florida had renewed their license.

Ms. Tinsley advised the board that they had not renewed.

Dr. O'Neil advised the board that he would like to table the case until the September meeting and send an investigator to find out if they are still in business.

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to table the case until the September 2008 meeting.

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

Rocky J. Esposito, DVM: Case number 2006-063532

Dr. Esposito was present at the meeting and was not represented by counsel

He was sworn in by the court reporter.

Ms. Duffy presented the case as an Informal Hearing. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent was practicing veterinary medicine at a location without a valid premise permit. Ms. Duffy requested that the board adopt the findings of fact and conclusions of law as the findings of fact and conclusions of law of the board.

MOTION: Mr. Dover made a motion to adopt the findings of fact and conclusions of law as those of the board.

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

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to impose a five hundred dollar (\$500.00) fine, five hundred and forty dollars and eighty cents (\$540.80) in costs and take and pass the laws and rules exam.

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

Jennifer Lynn Fortune-Nalovic, DVM: Case number 2007-007550

Dr. Fortune-Nalovic was present at the meeting and was not represented by counsel. She was sworn in by the court reporter.

Ms. Duffy presented the case as an Informal Hearing. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to administer or ensure administration of a Benadryl shot prior to vaccination. Ms. Duffy requested that the board adopt the findings of fact and conclusions of law as the findings of fact and conclusions of law of the board.

MOTION: Ms. Hurley made a motion to adopt the findings of fact and conclusions of law as those of the board.

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 one thousand dollar (\$1,000.00) fine, four hundred and forty eight dollars and fifteen cents (\$448.15) in costs and two (2) hours of continuing education

in immunology to be completed in one (1) year and approved by Dr. Vega.

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

John E. Peterlin, DVM: Case number 2007-010718

The case was tabled until the September 2008 meeting.

Mario Arteaga, DVM: Case number 2006-067593

Dr. Arteaga was present at the meeting and was represented by counsel, Hugo H. de Beaubien. Dr. Arteaga was sworn in by the court reporter.

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to administer anti-venom or run sufficient diagnostic tests. Ms. Duffy advised the board that the Department recommended a one thousand dollar (\$1,000.00) fine, eight hundred and forty eight dollars and forty six cents (\$848.46) in costs and six (6) months probation.

After discussion by the board the following motion was made.

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

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

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to impose a two thousand dollar (\$2,000.00) fine, eight hundred and forty eight dollars and forty six cents (\$848.46) in costs, six (6) months probation and he must attend the next two (2) board meetings as the terms of probation.

SECOND: Dr. Maxwell seconded the motion.

The motion passed with Dr. Vega opposed.

The board granted Dr. Arteaga six (6) months to pay the fine and costs.

Kishori Pigna, DVM: Case number 2007-006820

Dr. Pigna was present at the meeting and was represented by counsel, Katherine Paris. Dr. Pigna was sworn in by the court reporter.

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent ligated the ureter causing a rent and failed to identify or repair the rent. Ms. Duffy advised the board that the Department recommended a one thousand dollar (\$1,000.00) fine, one thousand forty nine dollars and eighty one cents in costs, three additional hours of continuing education and nine (9) months of non-reporting probation.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to accept the Settlement Stipulation as presented and the three (3) hours of continuing education would be in small animal surgery and completed in one year.

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

The board agreed that Dr. Vega would pre-approve the continuing education.

Donald Swerida, DVM: Case number 2004-047578

Dr. Swerida was present at the meeting and was represented by counsel, Bryan Reynolds. Dr. Swerida was sworn in by the court reporter.

Ms. Duffy presented the case as a Settlement Stipulation. Ms. Duffy advised the board that the administrative complaint alleges that the Respondent failed to keep contemporaneous and individual medical records of the puppies and kittens he inspected at the Puppy Shoppe and Fido's pet stores and he provided OCVI form books, his signature stamp, his Global Vet account number and his electronic signature to an unauthorized person to issue OCVI forms. Ms. Duffy advised the board that the Department recommended a one thousand dollar (\$1,000.00) fine, two thousand one hundred and fourteen dollars and ninety eight cents (\$2,114.98) in costs and one year probation.

After discussion by the board the following motion was made.

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

SECOND: Mr. Dover seconded the motion and the motion passed unanimously.

After discussion by the board the following motion was made.

MOTION: Mr. Dover made a motion to impose a three thousand dollar (\$3,000.00) fine, two thousand one hundred and fourteen dollars and ninety eight cents (\$2,114.98) in costs, take and pass the laws and rules exam within six (6) months at his expense, one (1) year probation and terms of probation were to attend the next four (4) board meetings.

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

Mr. Reynolds stated that he would get back to the board to advise them if Dr. Swerida accepts or rejects the Counter Stipulation.

The board directed board staff to send a copy of the Stipulation to the Sheriff's Department in Sarasota County and a copy to the Department of Agriculture.

DISCUSSION

Premise Permit Self Inspection

Ms. Chastain advised the board that the language for Rule 61G18-15.005, F.A.C. was in their folders.

61G18-150005 Periodic Inspections.

(1) The Department shall make inspections of veterinary premises ~~on a rotating basis every two (2) five (5) years, beginning with the lowest permit numbers.~~ Such inspection shall include but not be limited to verification of compliance with rule 61G18-15.002, F.A.C., governing minimum standards for veterinary premises.

(2) Additionally, the Department shall conduct unannounced routine inspections of one percent (1%) of the veterinary premises each year. The selection of premises to be inspected shall be made by the Department on a random basis.

~~(3) Biennial self inspection forms will be mailed by the department to each establishment holding a premises permit. The form must be completed and returned to the department within sixty (60) days of receipt. The licensed veterinarian responsible for management of the establishment must affirm that the establishment is in compliance with Rule 61G18-15.002, F.A.C., by signing the form.~~

Ms. Chastain stated that the new language proposes to eliminate the self inspection requirement and changes the inspection requirement to every two (2) years.

Dr. Vega asked if the random inspection would still be in place.

Ms. Chastain stated that the random inspection would still be in place.

MOTION: Mr. Dover made a motion to approve the proposed language for Rule 61G18-15.005, F.A.C.

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

Rule 61G18-30.001, F.A.C., Disciplinary Guidelines

The Chair, Dr. O'Neil, asked Mr. Dover to meet with Ms. Duffy and Ms. Loucks to review Rule 61G18-30.001, F.A.C., Disciplinary Guidelines, and bring suggested changes to the board at the September 2008 meeting.

RATIFICATION OF APPLICATIONS

Continuing Education

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

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

Canine Rehabilitation Institute
Canine Neuro Rehabilitation Module – 24 hours
Canine Rehabilitation Therapist Module – 48 hours
Canine Rehabilitation Assistant Module – 48 hours
Canine Athletics Module – 24 hours
Intro to Canine Rehabilitation – 48 hours

Licensure/Exam Candidates

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

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

Approved by Dr. O'Neil March 24, 2008

Senior Graduates

Venus A. Appel, Lynn A. Gomes, Lindsay A. Mezaros, Amy E. Wilson

AVMA Graduates

Thea K. Legaarden

Foreign Graduates

Paul E. Cameau, Bhargava L. Gadiyaram, Anitha Male, Kiran P. Singh, Bhaskar R. Sanikommu, Denise J. Young

Endorsement

Anne M. Christopherson, Scott Hirschberger, Christopher A. Inniss, Michelle M. LeBlanc, Andrew Tyler Lott, James B. Mitchell, Deborah Trainor, Jeffrey A. Williams

Approved by Dr. O'Neil March 31, 2008

Senior Graduates

Hilda A. Amoros Mujica, Shondra M. Becker, Elizabeth A. Boland, Angela L. Cail, Sarah E. Duncan-Webster, Danielle K.M. Forbes, Tara M. Gardtner, Brian Harris, Kristin H. Heatherly, Jonathan J. Kessler, Mandy R. Kulbel, Andrew t. Nelson, Rachel V. Nelson, Erica M. Ossi, Justin W. Shmalberg, Sarah Lee A. Stalnaker, Carrie L. Wilson, Rachel A. Woltman

Foreign Graduates

Miriam M. Costilho, Yuni Gallardo, Kiran Kantimahanthi, Carlos A. Rice

Endorsement

Joseph B. Bruzgul, Jr., Douglas W. Lemire, Kristen E. Love, Nicole F. Tisdale, Jeffrey T. Thompson

Approved by Dr. O'Neil April 24, 2008

Senior Graduates

Sarah A. Clark, John M. Ely, Jennifer W. Harris, Alison b. Howe, Caleb S. Frankel, Elizabeth F. Levernz, Elizabeth J. Mann, James L. Mosley, Anna C. Renier

AVMA Graduates

Cameran R. O'Rourke

Foreign Graduates

Vilma Hernandez, Srinivasa R. Nallapati

Endorsement

Jennifer E. Embury, Carlos A. Machado,

Approved by Dr. O'Neil May 6, 2008

Senior Graduates

Maria C. Acevedo, Sarah A. Balarguer, Hillary J. Barra, Jennifer L. Carrell, Eli B. Cohen, Maria Del P. Diaz-Caban, Kyla D. Garrels, Angela G Guevara, Crystal Keely, Sarah E. Lyles, Jamie C. McLaughlin, Allison L. Montague, Jennifer Regis, Alan G. Ralph, Michelle L. Rhodes, Erin E. Roof, Nicole J.D. Scheid, Gary A. Zipay

Foreign Graduates

Jose A. Varela

Endorsement

James P. Hassinger, Kenneth E. Keppel

Dr. O'Neil approved May 29, 2008

Senior Graduates

Meghan E. Austin, Jaime G. Barta, Erin C. Barney, Sarika Patel, Claire D. Relater, Kristen N. Schulte, Kelly M. Tenorio, Amanda L. Toney, Grayson G. Zorn, Steven R. Blaustein, Lisa M. Chase, Shana Damiana, Laurel P. Elliott, Bridget Gant, Joseph Gardial, Marcus Harden, Donna J. Kacheline, Katherine Ogawa, Brooke A. Wells, Jennifer C. Fast, Charity S. Gottfredsen, Courtney E. North, Ann G. Osborne, Martine E. Rodgers, Catherine J. Rogaski, Carolina L. Ruiz, Kimberly A. Schmidt, William B. Stoughton, Rebecca L. Tolbert, Jennifer Weldon

AVMA Graduates

Andrea R. Gale, Jennifer Sara E. Weeks

Foreign Graduates

Daniele L. Hammer, Shiv Bishnoi, Karen E. Illel

Endorsement

Jeffrey S. Dennis, Aaron Schultze

BOARD REPORTS

Board Chair – Dr. Robert O’Neil

Dr. O’Neil advised the board to send their reports to the financial office.

Executive Director – Juanita Chastain

Ms. Chastain advised the board that the AAVSB conference would be in September and she and Dr. Helm would attend.

Ms. Chastain advised the board that a request from Dr. Mason was submitted to the board office in April requesting an extension to obtain his continuing education hours.

After discussion by the board the following motion was made.

MOTION: Dr. O’Neil made a motion to deny Dr. Mason’s request to extend his time period to obtain his continuing education hours.

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

Ms. Chastain advised the board that the third quarter financial report was in their folders.

Prosecuting Attorney – Elizabeth Duffy

Ms. Duffy reviewed her report with the board.

Board Counsel – Deborah Loucks

Ms. Loucks introduced herself to the board. She advised the board that she was available if anyone had any questions.

Dr. O’Neil advised the board that the next meeting would be in St. Augustine, September 9, 2008.

MOTION: Dr. Vega made a motion to adjourn.

SECOND: Ms. Hurley seconded the motion.

The meeting adjourned at 10:25 a.m.