

MINUTES

**BOARD OF VETERINARY MEDICINE
GENERAL BUSINESS MEETING
CASA MONICA HOTEL
95 CORDOVA STREET
ST. AUGUSTINE, FL 32259**

SEPTEMBER 1, 2005

CALL TO ORDER

Dr. O'Neil called the meeting to order at 8:05 a.m.

MEMBERS PRESENT

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

OTHERS PRESENT

Jeffrey Jones, Board Counsel
Drew Winters, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Michelle Stickney, Volusia Reporting – 386.255.2150
Jay Howard Jones, DVM
Jay Butan, DVM
Stephen Shores, DVM
Phillip Aleong, DVM
Bradford Beilly, Esq.
Donald Schaefer, FVMA
James E. Pennington, DVM
Annette M. Poirier, CVT – FVTA

APPROVAL OF THE JUNE 15, 2005 MEETING MINUTES

MOTION: Dr. Jones made a motion to approve the June 15, 2005 meeting minutes as printed.

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

DISCIPLINARY HEARINGS

Philip Jerome Aleong, DVM: Case number 2003-057847

Dr. O'Neil stated that he would recuse himself and Dr. Vega would conduct the hearing.

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

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 Department recommended a fine of five thousand dollars (\$5,000.00), four hundred and seventy nine dollars and seventy six cents (\$479.76) in costs and eighteen (18) months probation.

After discussion by the board the following motion was made.

MOTION: Ms. Love made a motion to adopt the Settlement Stipulation.

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

Jay Butan, DVM: Case number 2003060761

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

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 Department recommended a fine of one thousand dollars (\$1,000.00), seven hundred and eighty one dollars and seventeen cents (\$781.17) in costs and one (1) year probation. Mr. Winters stated that the Department recommended that the board adopt the Settlement Stipulation.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to adopt the Settlement Stipulation.

SECOND: Dr. O'Neil seconded the motion.

Dr. O'Neil asked if there was any further discussion.

Dr. Vega stated that the fine of one thousand dollars was too low.

Dr. Horky stated that continuing education hours should be added in anesthesia and euthanasia and ethics.

Ms. Love stated that she agreed with Dr. Vega that the fine should be higher.

Dr. O'Neil asked that all in favor of the Settlement Stipulation to raise their hands.

Dr. O'Neil asked that all opposed to the Settlement stipulation to raise their hands.

The motion failed

MOTION: Dr. Horky made a motion to reject the Settlement Stipulation.

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

Dr. O'Neil advised the board that they had to offer Dr. Butan a counter proposal.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to impose a two thousand dollar (\$2,000.00) fine, seven hundred eighty one dollars and seventeen cents (\$781.17) in costs, one year probation, quarterly reports, and six (6) hours of continuing education in the subject areas of euthanasia, anesthesiology or ethics approved by the Chair.

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

Dr. Helm was opposed.

Dr. Butan advised the board that he would accept the Counter Stipulation.

Jay H. Jones, DVM: Case number 2004-021752

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

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. He stated that the Settlement Stipulation imposed one hundred and seventy two dollars and forty four cents (\$ 172.44) in costs. Mr. Winters advised the board the Department recommended adopting the Settlement Stipulation as presented.

After discussion by the board the following motion was made.

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

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

Charles L. Gill, DVM: Case number 2000-09651

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

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

Mr. Winters presented the case as a Consideration of Final Order. Mr. Winters advised the board that this matter was before them as a request for the board to re-consider the Final Order entered at the June 15, 2005 board meeting. Mr. Winters stated that the Final Order imposed a fine of fifteen hundred dollars (\$1,500.00), eight hundred and ninety three dollars and nineteen cents (\$893.19) in costs and six (6) months probation.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to reject the request to re-consider the Final Order imposed on June 15, 2005.

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

Dr. O'Neil asked Dr. Gill if he needed more time to pay the fine.

Dr. Gill stated that he did.

MOTION: Dr. Horky made a motion to grant Dr. Gill six (6) months to pay the fine and costs imposed in the Final Order.

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

Richard M. Jaffee, DVM: Case number 2003-065398

Dr. Jaffee was not present and was not represented by counsel.

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

Mr. Winters advised the board that case number 2003-065398 was presented at the June 15, 2005 board meeting. He stated that Dr. Jaffee failed to respond to a properly issued subpoena by the board and the Department. Mr. Winters advised the board that the Final Order required Dr. Jaffee to pay costs in the amount of one thousand two hundred and thirty nine dollars and twenty six cents (\$1,239.26) and a fine in the amount of four thousand dollars (\$4,000.00). Mr. Winters advised the board that Dr. Jaffee's license was suspended until he appeared before the board and the suspension was stayed until the September 1, 2005 board meeting when he was required to appear. Mr. Winters advised the board that Dr. Jaffee had not taken the time to appear before the board and there is no motion for re-consideration from the department and Dr. Jaffee had not filed such a motion.

Mr. Winters stated that the Department recommended leaving the Final Order as is and Dr. Jaffee's license would be suspended and he would be required to pay the four thousand dollar (\$4,000.00) fine and costs of one thousand two hundred and thirty nine dollars and twenty six cents (\$1,239.26).

Mr. Jones advised the board that no action by the board means that the Final Order that was passed takes effect in and of itself.

Dr. O'Neil stated that there was no action on the case by the board.

PROBATIONARY APPEARANCE

Dr. Greg Murray

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

Dr. O'Neil advised the board that Dr. Murray is making his annual appearance before the board. He had submitted a letter from the Professionals Resource Network (PRN) asking the board to consider terminating his probation. He stated

that Dr. Murray's contract with the Professionals Resource Network (PRN) will be terminated in February 2006.

Dr. O'Neil advised the board that his personal view is to leave him on probation until February 2006, lift his requirements for reporting and lift his requirement for a monitor.

After discussion by the board the following motion was made.

MOTION: Dr. Jones made a motion to continue his probation until he is released from the Professionals Resource Network (PRN) and he is not required to send quarterly reports or to have a monitor.

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

REVIEW/APPROVAL OF APPLICATIONS

Anthony Brizgys, DVM

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

Ms. Tinsley advised the board that Dr. Brizgys had applied for a Florida license by endorsement. She stated that he holds an active license in the State of Illinois and his Illinois license verification indicated that he was disciplined in 1990. Ms. Tinsley advised the board that Dr. Brizgys had answered no to question eight (8) on the application which asks if his license had ever been acted upon.

Dr. Brizgys advised the board he was addicted to pain killers. He went into treatment and he has followed the twelve (12) step treatment ever since.

Dr. O'Neil asked if Dr. Brizgys was self prescribing.

He stated that he was writing his own prescriptions.

After discussion by the board the following motion was made.

MOTION: Ms. Lewis made a motion to approve Dr. Brizgys for licensure.

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

PETITION FOR DECLARATORY STATEMENT

Dr. Hansel Leavengood

Dr. Leavengood was present and was represented by counsel, Mr. Craig Smith and Ms. Barbara Auger. Dr. Leavengood was sworn in by the court reporter.

Dr. O'Neil advised the board that the Petition states that the pharmacy would keep the medications to be sold and the veterinarian would set the price and the veterinarian would collect the fee in his office. He stated that the veterinarian would instruct the pharmacy where to send the medication and the veterinarian would pay the pharmacy.

After discussion by the board the following motion was made.

MOTION: Ms. Lewis made a motion to approve the Petition for Declaratory Statement providing that such transaction is not in violation of said provision.

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

DISCIPLINE

Hesham M. Mahdy, DVM: Case number 2004-037600

Dr. Mahdy was present and was represented by counsel, Armondo Garcia. Dr. Mahdy was sworn in by the court reporter.

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. He stated that the Settlement Stipulation imposed two hundred and twenty one dollars and ninety seven cents (\$221.97) in costs, a one thousand dollar (\$1,000.00) fine and six (6) months probation. Mr. Winters advised the board that the Department recommended adopting the Settlement Stipulation as presented.

After discussion by the board the following motion was made.

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

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 offer a Counter Stipulation that imposed a one thousand dollar (\$1,000.00) fine, two hundred and twenty one dollars and ninety seven cents (\$221.97) in costs and five (5) hours of continuing education in anesthesiology.

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

Dr. Mahdy accepted the Counter Settlement Stipulation.

RATIFICATION OF APPLICATIONS

Continuing Education

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

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

Affiliated Veterinary Specialists, Orange Park – *Otoscopy in the Cat* – 3 hours

Florida Department of Health/Epidemiology – *Emerging Zoonotic Diseases Summit* – 8 hours

Florida Department of Agriculture and Consumer Services – *Foreign Animal Disease Recognition for Florida Veterinarians* – 2 hours

Northwest Florida Veterinary Medical Association - *Dermatology presentation for the Northwest Florida Veterinary Medical Association* – 2 hours

Advances in Canine Pain Management – 2 hours

Alachua County Veterinary Medical Association – *Inventory Management; The Good, The Bad & The Ugly* – 1 hour

Broward County Veterinary Medical Association – *FDA and the Veterinarian* – 2 hours

Diagnostic Approach to the Pruritic Canine Patient – 3 hours

Florida Animal Care, Inc. – *Veterinary Dental Technician Weekend* – 14 hours

Innovative Veterinary Diets – *IBD: Incurable Bowel Disease* – 2 hours

Boehringer Ingelheim Vetmedia – *Perioperative Pain Management in Small Animal Patients* – 2 hours

Equine – *Reproduction.com – Equine Reproduction Short Course* – 18 hours

Total Compliance Solution, Inc. – *OSHA Safety* – 3 hours

OSHA Safety Interactive Web-Based Training – 3 hours

Radiation Safety-Interactive Web-Based – 1 hour

Exam and Licensure Candidates

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

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

Dr. O'Neil approved by conference call July 29, 2005.

Senior Graduates

Janine B. Bradbury, Joseph S. Eagleson, Maeva A. Lewis, James F. Wellehan, Jr., Matthew D. Wilson

AVMA Graduates

Lindsay N. Bryant, Michael Epperson, William W. Sutter

Foreign Graduates With ECFVG

Jeannine Antonacci-Inniss, Andrew Choset, Wellington W. Moore

Endorsement

Kevin T. Hill, Julie L. Hollifield, Suzanne Whitaker, Robert H. Goldsmith, Alan W. Spier, Erin P. Deturck, Amy H. Schein

Dr. O'Neil approved by conference call August 17, 2005.

Senior Graduates

Robert M. Allen, Courtney Campbell, Heather A. Craven, Orlando Diaz-Figureoa, Susan E. Harris, Jeff M. legato, Sarah Reuss, Christen M. Woodley

AVMA Graduates

Sean H. Alley, Jeffrey M. Falone, Laura T. Falone, Erin E. Wilmot

Foreign Graduates with ECFVG

Vladimit N. Cabrera, Stefan Harsch, Amalia Lopez

Endorsement

Lucy A. Anthenill, Dennis M. Barros, David E. Baughman, Erin P. Deturck, Gustavo L. Sepulveda, Charla D. Smith, Ellen Wiedner, Frank H. Williamson

Premise Permits

MOTION: Ms. Lewis made a motion to approve all of the premise permit applications initialed and approved by Dr. Horky.

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

June 29, 2005 Premise Permit Applications

Animal Hospital at Vista Lake, Banfield Pet Hospital #0339, Banfield Pet Hospital #320, Bayside Animal Hospital, Inc., Coral Springs Pet Resort & Medical Center, Country Chase Animal Clinic, Country Oaks Veterinary Clinic, Crossroads Pet Hospital, Equitransfer, Inc., Forest Animal Hospital, Fountains of Boynton Animal Hospital, Good Care Animal Clinic, Humane Society of Greater Miami N. Miami, Humane Society of Greater Miami, John Young Parkway Animal Hospital, Loving Care Animal Hospital, Mandarin Landing Animal Hospital, Mulberry Grove Animal Hospital, Pet Emergency of Palm Beach County, Port St. John Veterinary Hospital, River City Community Animal Hospital, Schenholm Veterinary Clinic, Seminole Animal Health Clinic

August 11, 2005 Premise Permit Applications

Acacia Animal Clinic, All Creatures Animal Hospital, Amelia Island Animal Hospital, American Animal Emergency, Animal Cancer Care Clinic, Animal Emergency & Critical Care, Animal Home Health, Christina Animal Hospital, Family Pet Medical Center, Flagler County Humane Society, Heron Lakes Animal Hospital, Ocala Animal Emergency Hospital, Valrico Animal clinic, VCA Lockwood Ridge Animal Hospital, Veterinary Medical Hospital of Clearwater, Welleby Veterinary Center, Tusawilla Oak Animal Hospital, Gulf Breeze Animal Hospital

DISCUSSION

Rule Change 61G18-17.001, F.A.C. – Exemptions and Exceptions

Dr. O'Neil advised the board that the proposed rule change is in response to some problems that have been brought to the board's attention in the last year. He stated that the only change is to add the following language as number four to the rule.

(4) A person hired on a part time or temporary basis by an owner to assist with traditional herd management and/or animal husbandry tasks is not deemed to be engaged in the practice of veterinary medicine. Such tasks are limited to herd animals raised for food/fiber and equines. In the case of herd animals, this includes castration, dehorning, and parasite control. In the case of equines, this includes routine, non-corrective shoeing and non-mechanical, hand floating of teeth.

Mr. Jones stated that the language was added to make a clarification to the rule. Mr. Jones stated that he had worked with Ed Bayo on drafting the language. He stated that this was being presented to the board for authorization to go forward with the rule making process.

After discussion by the board the following motion was made.

MOTION: Dr. Jones made a motion to direct board counsel to proceed with the rule making process.

SECOND: Dr. Helm seconded the motion.

Dr. O'Neil asked Ms. Tinsley to call the roll. The motion passed unanimously.

REPORTS

Jeffrey Jones – Board Counsel

No Report

Drew Winters- Prosecuting Attorney

Mr. Winters advised the board that there were currently seventeen (17) new cases and sixty three (63) cases ready for probable cause.

Juanita Chastain – Executive Director

Ms. Chastain advised the board that recently passed legislation allows the board to define by rule in a manner that a null & void licensee can be re-instated. She advised the board that they did not have to take any action if the board does not want to allow re-instatement. She stated that if the board wanted to allow re-instatement of a null & void license based on hardship or on a case by case

basis the board may want to direct board counsel to notice rule development stating how a licensee can have their null & void license re-instated.

Mr. Jones advised the board that there is some discussion in his office to address the issue in a uniform manner because it affects all of the boards.

Ms. Chastain advised the board that she and Mr. Winters would be attending an inspector's training seminar on September 15, 2005 and they will be talking about the inspection forms. She stated that the inspectors are inspecting more limited service clinics. She asked the board if there was anything they would like specifically addressed at the seminar.

Dr. O'Neil stated that the limited service clinics have gone far beyond what is allowed by rule.

Mr. Winters advised the board that he met with board staff and had gone over the rule and he and Ms. Chastain would address to the inspectors what is allowed by rule at a limited service clinic.

OLD BUSINESS

Mr. Jones advised the board that Ms. Printy, from the Joint Administrative Procedures Committee (JAPC) had some concerns with Rule 61G18-19.002 Complementary and Alternative Veterinary Medicine. He stated that he had tolled the rule so the rule would still be in process and he would address Ms. Printy's concerns.

NEW BUSINESS

Dr. Horky advised the board that a large majority of veterinary clinics drug logs are on the computer. She stated that hard copies of the narcotics log are not always available for the inspector. Dr. Horky asked the board how the board should proceed with this problem.

Dr. Jones advised the board that if the capability is there to put the log on the computer a hard copy can be printed out for the inspector.

Dr. O'Neil stated that if they cannot print the drug log they are in violation. He stated it must be readily available.

Dr. Vega advised the board that the board would be meeting in Gainesville next September and the University of Florida, College of Veterinary Medicine would require mandatory attendance for the students.

Dr. O'Neil advised the board that he would like to put in some of the Settlement Stipulations a requirement to re-take the laws and rules.

Mr. Jones stated that he and Mr. Winters would get together and work on some rule language to present at the next meeting in December.

Dr. Helm advised the board that she would be attending the American Association of Veterinary State Boards (AAVSB) meeting in September. She advised the board that in the folder was proposed language for a model practice act from the AAVSB. She stated that the language stated that a veterinary board can issue a license to practice animal physical therapy and animal chiropractic and explains what all of that entails. She asked the board if they were for the model practice act or opposed.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to oppose the American Association of Veterinary State Boards (AAVSB) model practice act.

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

The meeting adjourned at 11:20 a.m.

