

MINUTES

Board of Veterinary Medicine General Business Meeting

**Casa Monica Hotel
95 Cordova Street
St. Augustine, FL 32084**

September 12, 2006

Call to Order

Dr. O'Neil called the meeting to order at 8:08 a.m.

MEMBERS PRESENT

Dr. Robert O'Neil
Dr. Sergio Vega
Dr. Joann Helm
Dr. Katherine Horky
Ms. Cynthia Lewis

MEMBERS ABSENT

Dr. Kandra Jones – Excused
Ms. Susan Love – Excused

OTHERS PRESENT

Simone Marstiller, Secretary
Jeffrey Jones, Board Counsel
Drew Winters, Prosecuting Attorney
Juanita Chastain, Executive Director
Linda Tinsley, Government Analyst
Mary Graybosch, Volusia Reporting Company – 386.255.2150
Donald Schaefer, FVMA
Annette Poirier, VTA
Sarah Matthews, DVM

Dr. O'Neil advised the board that Secretary Marstiller was present at the meeting.

Secretary Marstiller advised the board that she was glad to be at the meeting to meet each of the board members and see what they do. She stated that she was open and accessible and she hoped she would hear from the board with

their ideas, complaints and concerns. She stated that she was available to listen and was constantly trying to improve the way the Department serves the board.

Dr. O'Neil stated that Secretary Marstiller was very accessible and he had spoken to her on several occasions and she had been very helpful.

APPROVAL OF JUNE 14, 2006 MEETING MINUTES

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

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

DISCIPLINARY HEARINGS

Michael Geraghty, DVM: Case number 2005-034160

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

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 the Respondent knowingly operated Pet Emergency Clinic of Palm Beach County without a valid premise permit. Mr. Winters stated that the Department requested that the board adopt the findings of fact and conclusions of law found in the administrative complaint.

MOTION: Dr. Helm made a motion to accept the findings of fact and conclusions of law.

SECOND: Dr. Horky 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 fifteen hundred dollar (\$1500.00) fine, eighty three dollars and six cents (\$86.06) in costs, and take and pass the laws and rules exam in sixty (60) days at his expense and if he does not pass the laws and rules exam his license will be suspended until he passes the laws and rules exam.

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

Paul R. Plante, DVM: Case number 2004-021244

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

Mr. Cable, Dr. Plante's client, was present at the meeting and testified on Dr. Plante's behalf. He was sworn in by the court reporter.

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 the administrative complaint alleges that the Respondent prescribed medications without having a valid veterinarian/ client/ patient relationship. Mr. Winters stated that the Department requested that the board adopt the findings of fact and conclusions of law found in the administrative complaint.

MOTION: Dr. Helm made a motion to accept the findings of fact and conclusions of law.

SECOND: Dr. Vega 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 (\$1000.00) fine, one thousand sixty eight dollars and eleven cents (\$1068.11) in costs and one year probation.

SECOND: Dr. Horky seconded the motion.

Dr. O'Neil asked Ms. Tinsley to call the roll.

The motion passed with Dr. O'Neil opposed.

The board granted Dr. Plante ninety (90) days to pay the fine and costs.

David J. Bryant, DVM: Case numbers 2003-077382, 2005-000674 , 2005-000682

Dr. Bryant was not present at the meeting. He was represented by counsel.

Ms. Lewis was recused due to her participation on the probable cause panel.

Mr. Winters presented the four (4) cases as a settlement stipulation. Mr. Winters advised the board that the administrative complaints alleged that the Respondent

failed to report action taken against the Respondent's license to practice veterinary medicine by the State of New York Racing and Wagering board.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to accept the settlement stipulation.

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

Dr. O'Neil was opposed.

Jose R. Jimenez, DVM: Case number 2005-027748

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

Ms. Lewis was recused due to her participation on the probable cause panel.

Dr. O'Neil advised the board that he worked at the same race track as Dr. Jimenez. He stated that he was turning the hearing over to Dr. Vega to preside over the case. Dr. O'Neil advised the board that he would vote on the matter but Dr. Vega would sign the final order.

Mr. Winters asked Dr. Jimenez if he had any objections to Dr. O'Neil hearing the case and voting on the case.

Dr. Jimenez stated that he had no objections to Dr. O'Neil hearing and voting on the case.

Mr. Winters stated that Dr. O'Neil had stated that he had no prejudice and it would not affect his judgment in the case.

Mr. Winters presented the case as a settlement stipulation. Mr. Winters advised the board that the administrative complaint alleges that the Respondent failed to report discipline imposed by Pari-Mutual Wagering.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to accept the settlement stipulation.

SECOND: Dr. O'Neil seconded the motion and the motion passed unanimously.

Michael E. Reinhart, DVM: Case number 2004-019731

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

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 the administrative complaint alleges that the Respondent failed to provide adequate diagnosis or treatment, failed to keep accurate medical records and performed an unauthorized procedure.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to accept the settlement stipulation.

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

Dr. Vega was opposed.

Julian Sandefur, DVM: Case number 2003-067889

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

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 the administrative complaint alleges that the Respondent failed to include necessary information in the patient record and failed to follow proper anesthesia protocol, patient monitoring and patient evaluations.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to reject the settlement stipulation.

SECOND: Dr. Vega 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 fifteen hundred dollar (\$1500.00) fine, four hundred and fifty four dollars and eight six cents (\$454.86) in costs, one (1) year probation and five (5) hours of continuing education.

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

Dr. Sandefur accepted the amended settlement stipulation.

Steven Schacter, DVM: Case number 2003-043408

The case was tabled until the December 5, 2006 meeting.

Clay Wilson, DVM: Case number 2003-087128

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

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 the administrative complaint alleges that the Respondent misdiagnosed the patient and prescribed medication that was not appropriate for the diagnosed condition and failed to keep adequate medical records.

After discussion by the board the following motion was made.

MOTION: Dr. Helm made a motion to reject the settlement stipulation.

SECOND: Dr. Vega 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 fifteen hundred dollar (\$1500.00) fine, one thousand one hundred and twenty five dollars and seventy cents (\$1125.70) in costs and one year probation.

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

Dr. Wilson accepted the amended settlement stipulation.

REQUEST TO BE RELEASED FROM TERMS OF FINAL ORDER

Walter H. Dornbusch, DVM

Dr. Dornbusch was present at the meeting and was sworn in by the court reporter.

Dr. O'Neil advised the board that Dr. Dornbusch was prohibited by final order from performing any declaw procedures until he appeared before the board. He stated that Dr. Dornbusch had provided documentation that he had completed the ten additional hours of continuing education hours in small animal medicine required by the final order. He stated that Dr. Dornbusch was before the board to have his ability to perform declaws reinstated.

After discussion by the board the following motion was made.

MOTION: Dr. Vega made a motion to reinstate Dr. Dornbusch's ability to perform declaws.

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

DISCUSSION

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

Mr. Jones advised the board that at the June 2006 meeting the board instructed Mr. Jones to repeal the new language in Rule 61G18-17.001, F.A.C. because the language was now in the statute. Mr. Jones advised the board that JAPC has stated that the new statute makes the current rule inconsistent with the new statutory language. He stated that the current rule needs to be changed to make it consistent with the new statutory language. Mr. Jones asked the board to make a motion to direct him to repeal the entire rule.

MOTION: Dr. Helm made a motion to repeal Rule 61G10-17.001, F.A.C.

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

RATIFICATION OF APPLICATIONS

Continuing Education

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

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

Bennett Group – *Laser Surgery Conference* – 6.5 hours

North West Florida Veterinary Medical Association – *Ophthalmic Emergencies* 2 hours
Encore Veterinary Consulting - *The Human Resources Puzzle the Pieces Together* – 10 hours
Inventory Management – 10 Hours
Florida Animal Care – *Periodontology* – 7.5 hours
Oral Surgery – 5 hours
Veterinary Dental Technician Week-End – 14 hours
Alachua Veterinary Medical Association – *Zoonotic Disease: Increasing Risk and Role of the Veterinary Hospital* – 1 hour
Thoracic Trauma – 1 hour
ASAP CE – *Diabetes Mellitus* – 9 hours
Feline Medicine for Practitioner – 9 hours
Total Compliance Solutions-Inc – *OSHA Safety* – 3 hours
OSHA Safety Interactive Web Based Training – 3 hours
Radiation Safety Interactive Web Based Training – 1 hour
Affiliated Veterinary Specialists – Orange Park – *Dispensing Drugs* – 2 hours
Merial – *Forum on Issues & Controversies Surrounding Vaccines and Vaccinations* – 2 hours
Karan L. Morrow – *Radiology Roundtable* – 1 hour
Safe-Capture International – *Chemical Immobilization of Animals* – 16 hours

Premise Permits

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

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

Dr. Horky approved July 5, 2006.

Animal Clinic of Ft. Myers, Animal ER of Southwest Florida, LLC, Bayshore Animal Hospital, Claws and Paws Animal Hospital, Cross Creek Animal Clinic, Inc, Emergency Service of Lee County, Extra Care Animal Hospital, Happy Trails Vet Clinic, Hernando Veterinary, Saint Francis Animal Hospital, Inc, S.P.C.A. of Central Florida Mobile Unit #1

Dr. Horky Approved August 1, 2006.

Acreage Animal Hospital, All about Cats Mobile Cat Clinic, Animal Coalition Spay/Neuter Clinic, Baseline Animal Hospital, Central Animal Hospital of Pinellas Park, Earth Vets, Pinellas Animal Hospital

Licensure/Exam Candidates

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

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

Dr. O'Neil approved by conference call July 7, 2006.

Senior Graduates

Jo Ann Hughes Barr, Sara R. Baum, Walter J. Bruno, Sara J. Connolly, Forrest O. Cummings, Carla A. Veg-De La Cruz, Synyee Fok, Jean K. Frazho, Monica Gardon, Darryl A. Jang, Natalie J. Lamneck, Timothy P. McComb, Ashley L. Mounts, Mandi K. Schmidt, Melissa T. Sheen, Kristin M. Sinclair, Maria C. Spriggs, Joseph J. Studer, Sonja R. Kuei-Tung, Alison J. Van Zandt, Nicole L. Zellner

AVMA Graduates

Melissa L. Madden, Angela S. Reynolds, Kimberely A. Therrien

Foreign Graduates with ECFVG

Randa S. Antar, Thirumala R. Dasari, Miroslav Drmac, Natan A. Gimbal, Erin A. McNamara, Lynnly V. Miller, Jorge A. Murga, Leah A. Smith

Foreign Graduates from Cuba

Elsa Onate, Alain Torres- Oliver

Endorsement

Thomas Reed

Dr. O'Neil approved by conference call August 2, 2006.

Senior Graduates

Tyler Baye Carmack, Seika Hashimoto-Hill, Harry Boyd House III, Ashley E. Wheatley, Janice L. Wiest, Danielle L. Yuhas

AVMA Graduates

Kelly A. Butterworth, Tetyana Vyetrogon

Foreign Graduates with ECFVG

Dona M. Brinck, Jennifer M Ditrapani, Antonio Guzman, Alvaro Luiz Marques Megalhaes, Moria Ann Roberts, Treasure L. Schultz, Matia C. Zaiter

Endorsement

Kimberely R. Goodrich, Sharon K. Hanson, Sofia C. Morales, Vikki J. Parker, Maria R. Wenzl, Daniel F. Vernon

Dr. O'Neil approved by conference call September 6, 2006.

Senior Graduates

Deborah J. Bushey, Allison B. Cannon, Elizabeth A. Klebe, Cristina A. Marictany, Robert Joseph Moore Jr., Jennifer A. Myers, Jessica Lyn Siegal-Willott

AVMA Graduates

Victoria A. Langford

Foreign Graduates with ECFVG

Angela Backus, Drew R. Doverspike, Rhian M. Stoyanovick

Endorsement

Leornado A. Ba'ez, Elizabeth A. Garcia, Vanessa J. Kuonen, Myrna A. Mercado, Noelle T. McNabb, Christopher O. Sims, William D. Swartz, Mark E. Wallace, Courtney L. Williams, James E. Woods

REPORTS

Board Chair – Dr. Robert O'Neil

No Report

Prosecuting Attorney – Drew Winters

Mr. Winters reviewed the prosecuting attorney's report with the board and thanked the probable cause panel members for their service.

Board Counsel – Jeffrey Jones

No Report

Executive Director's Report – Juanita Chastain

Ms. Chastain advised the board that the newsletter went out in August 2006. She advised the board that the week of July 22-23, 2006 thirty (30) inspections of Limited Service Clinics were conducted around the state. She stated that two (2) notices of non-compliance were issued and one (1) case was opened and no micro chipping was found. Ms. Chastain advised the board that the inspections would be conducted on a quarterly basis.

Ms. Chastain advised the board that the Bureau of Education and Testing would be conducting the continuing education audit in the next few weeks.

OLD BUSINESS

No old business.

NEW BUSINESS

Dr. Vega advised the board that he wanted to update the board regarding the veterinary technicians. He stated that there was an adverse relationship between the FVMA and the FVTA. He stated that as a board the board has the opportunity to find a solution that would please everyone. He stated that the technicians want opportunities for advancement, better working conditions, better pay and protection of the trade etcetera. He stated that if the board ignores the situation it will likely get worse and out of control. He stated that for the veterinarians and the animals it would guarantee a high standard of care. He stated that a few steps need to be taken before action is taken. He stated that the first step is for the board to take control of certification of veterinary technicians. He stated that the veterinary technician needs to be a graduate of an accredited school and take a national examination.

Ms. Chastain stated that she would suggest that the issue be put on the agenda in December instead of discussing the issue under new business.

Dr. Vega stated that he heard the FVMA is discussing licensure for technicians.

Secretary Marstiller advised the board that she hoped the board would invite the appropriate person to be involved in the discussion at every stage if the board is considering moving in that direction.

Mr. Schaefer advised the board that the FVMA was getting ready for the 2007 legislative session. He stated that during the last two legislative sessions efforts were made by non veterinarians to achieve exemption from the veterinary practice act to provide diagnosis and treatment of animals. He stated that the strategy of the FVMA to deal with the issue is to research other practice acts around the country with the assistance of the AVMA. He stated that they are looking at existing language that already exists in other practice acts for dentistry, massage therapy, acupuncture and chiropractic. He stated they are developing a statement to the legislature that if the State of Florida feels it is necessary to allow non veterinarians to engage in limited treatment there are conditions that should be met. He stated that they would identify standards of training and the scope of practice and then all of the requirements for public safety. He stated that they would like to work with the Department on this issue.

The meeting was adjourned at 11:28 a.m.

