

DEPARTMENT OF ECONOMIC DEVELOPMENT  
**STATE BOARD REPORT**

DIVISION OF PROFESSIONAL REGISTRATION  
PUBLISHED BY THE MISSOURI VETERINARY MEDICAL BOARD

Volume 2, Issue 1

October 2002

## VETERINARY ISSUES OF CONCERN

Throughout this past year, the Board has dealt with many issues relating to the practice of veterinary medicine. The Board feels the following information is important to note for its licensees.

In January 2002, the Missouri Veterinary Medical Board sent all licensed veterinarians a copy of the newest version of the Missouri Veterinary Practice Act and Rules and in June 2002 sent all licensees an additional memorandum outlining specific changes in regards to the new continuing education requirements. It is very important that all licensees are familiar with these changes.

Section 340.258, RSMo, states that all licensees are required to provide satisfactory evidence of having completed at least ten (10) hours of continuing education each year. For the license renewal due on November 30, 2002, and each subsequent renewal thereafter, the licensee shall certify that he/she has obtained at least ten (10) hours of continuing education.

The Board rule, 4 CSR 270-4.042, specifically outlines the minimum standards for continuing education for veterinarians. It is the responsibility of the veterinarian to make certain that any continuing education course attended has been approved by the Board. Continuing education programs attended that have not been previously approved by the Board will not be accepted. Any continuing education course that is not sponsored by any of the educational organizations listed in 4 CSR 270-4.042 (8) must be pre-approved by the Board. The program schedule and outline must be submitted to the Board not fewer than 60 days prior to the date of the program. The Board will not consider requests for approval of any program submitted after it has already been presented.

There are no provisions that would allow a licensee to renew his/her license if the continuing education requirement is not met. According to 4 CSR 270-4.042 (5) violations of any provisions of this rule shall be grounds for discipline. Examples of violations of this rule would be 1) falsification of the renewal by stating continuing education

was received, when audited the Board finds out continuing education was not received; 2) when audited by the Board, provides continuing education that was not an approved program; and 3) not earning the continuing education hours by the required deadline, etc.

The Board cannot stress enough the importance of maintaining continuing education documentation in accordance with the Board's rule. Also, it is extremely important to be totally honest when answering the continuing education question on the renewal application. As previously indicated, disciplinary action can be taken against licensees who do not comply with the minimum standards for continuing education. Discipline is a permanent record and is never removed from the licensee's file.

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## CHAIR'S REPORT

### Governor

The Honorable Bob Holden

### Department of Economic Development

Joseph L. Driskill, Director

### Division of Professional Registration

Marilyn Taylor Williams, Director

### MISSOURI VETERINARY MEDICAL BOARD

#### BOARD MEMBERS

Roger "Dusty" Shaw, Jr., Chair & Public Member  
Linda Hickam-Fountain, DVM, Vice-Chair  
Stephen Goff, DVM, Member  
Dan Brown, DVM, Member  
Jean Stark, DVM, Member  
Taylor Woods, DVM, Ex-Officio Member

#### BOARD STAFF

Dana K. Hoelscher, Executive Director  
Vickie Coffman, Administrative Assistant  
Jeanie Woodward, Licensure Technician

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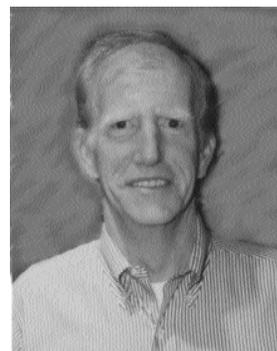
State Board Report is an official publication of the Division of Professional Registration, Missouri Veterinary Medical Board. Submit articles to: State Board Report, P.O. Box 633, Jefferson City, MO 65102.

On behalf of the Board, I would like to take this opportunity to welcome the new State Veterinarian, Taylor Woods, D.V.M. who serves as the Ex-Officio member of the State Board, also Stephen Goff, D.V.M., Grant City, Missouri and Jean Stark, D.V.M., Fayette, Missouri who are our newly appointed members of the Board and Jill Sorensen who has accepted the Board's invitation to serve on the Veterinary Technician Examining Committee.

I would like to thank John Hunt, D.V.M., R. Thomas Dunn, D.V.M. and Dawn Parsons, D.V.M. for their hard work and dedication to the Board. Dr. Hunt served as the State Veterinarian and Ex-Officio member of the Board from May 24, 1993 to October 31, 2001. Dr. Dunn served as a member of the Board from August 4, 1993 to March 13, 2002 and as vice-chairperson of the Board from April 14, 1998 to March 13, 2002. Dr. Parsons served as a member of the Board from January 29, 1998 to July 11, 2002. Dr. Hunt, Dr. Dunn and Dr. Parsons were great assets to the Board and their presence, along with their wealth of knowledge, will be greatly missed.

I would also like to thank Julie Holle for her dedication as a Veterinary Technician Committee member. Ms. Holle devoted much of her time to administering the veterinary technician national and state examinations. We wish her the best of luck in future endeavors and thank her for her services to the Board.

As always, we encourage licensees with questions to call the Board office for guidance. If questions are on complex issues, we might recommend requesting, in writing, an advisory opinion from the Board. Our hope is to make it as easy as possible for licensees to comply with Board Statutes and Regulations.



*Roger "Dusty" Shaw, Jr.,  
Board Chairman and Public Member*

## EXECUTIVE DIRECTOR'S REPORT



*Dana K. Hoelscher,  
Executive Director*

The changes to the Veterinary Medical Practice Act in 1999, allowed corporations to own veterinary facilities. Section 340.226, RSMo states that a licensed veterinarian may practice veterinary medicine as an employee of a corporation, partnership or other business organization only so long as the articles of incorporation or business organization documents clearly state that the licensed veterinarian is not subject to the direction of anyone not licensed to practice veterinary medicine in the state of Missouri in making veterinary medical decisions or judgments.

It has come to the Board's attention that veterinarians employed by facilities that are owned by corporations are being ordered to not only cut medical costs but to perform duties that may be in violation of the Veterinary Practice Act. The veterinarians are being ordered to go against their medical decisions and judgements regarding the care of their patients. Section 340.226, RSMo states that the corporation cannot interfere with veterinary medical decisions, medical procedures or go against the veterinarians medical judgements.

The Missouri Veterinary Medical Board is in charge of protecting the citizens of the state of Missouri through the examination, licensure and regulation of veterinarians, veterinary technicians and veterinary facilities. It is the responsibility of the veterinarian to ensure that the Veterinary Medical Practice Act and Rules are adhered to. The Board would like to remind all licensees that in their performance of professional services, all licensees should be cognizant that their primary responsibility is to the public's safety, health and welfare and that this responsibility shall never be compromised by self-interest, personal advantage or monetary gain.

The 2002 fiscal year ended June 30, 2002. I would like to take this opportunity to provide you with this end of the year report on Board activities as they relate to the veterinary medical profession in the State of Missouri.

### Veterinarians

Total number of Licensees - 2,706  
New Licenses Issued - 102  
Licenses Renewed  
Active - 2,261  
Inactive - 445  
Licenses Revoked (Non-renewal) - 37

### Veterinary Technicians

Total number of Licensees - 553  
New Licenses Issued - 39  
Licenses Renewed  
Active - 365  
Inactive - 188  
Licenses Revoked (Non-renewal) - 10

### Veterinary Facilities

Total number of Facilities - 761  
Original Permits Issued - 61  
Closed - 58

### Veterinary Complaints

Official Complaints Received - 39  
Investigations Conducted  
From Prior Year - 2  
Initiated - 9  
Completed - 10  
Cases at Attorney General's Office  
In Fiscal Year 2002 - 13  
Stipulation Agreements Signed - 10

The next scheduled Board meeting is October 2-3, 2002, in Branson, Missouri. The State Board Examination will be administered on October 2, 2002. Anyone wishing to attend an open session of the Board may do so at the meeting in Branson.

## MESSAGE FROM DIVISION DIRECTOR



My office has been working diligently, through team input and much planning, to develop an optical imaging system that will meet the needs of the Division. I'm glad to report that we have implemented the new optical imaging system and the boards have been trained on how to use the system. They are now using the system and have the ability to scan daily mail received or other paper files and documents maintained in the board office. The boards will each determine what documents are to be scanned.

Additionally, my office has been pursuing on-line renewals. We will provide updates as we progress in this area.

I am also pleased to report that the 2002 Board Member Orientation and Update, which was held September 26 - 27, was a great success. Many areas of interest were covered with positive comments from those present. We had approximately 40 individuals attend the September 26 session and 60 attend the September 27 session.

Please stay tuned as we continue to improve the services provided by the Division.

Yours truly,

A handwritten signature in cursive script that reads "Marilyn Taylor Williams". The signature is written in dark ink and is positioned above the printed name.

Marilyn Taylor Williams  
Division Director

## ADDRESS CHANGE

If you move your employment or residence location, don't forget to notify the Missouri Veterinary Medical Board office. If we do not have your current address, your renewal notice may not reach you.

According to the Board's rule, 4 CSR 270-1.040, a licensee whose address has changed from that printed on the certificate must inform the Board of those changes by sending a letter to the Board office within 30 days of the effective date of the change.

Postal regulations state that bulk rate mail will no longer be forwarded if you have changed your address.

You may notify the office of any address change by faxing written notification to (573) 526-3856 or by mailing written notification to P.O. Box 633, Jefferson City, MO 65102.

## New Veterinarian Licensees

July 1, 2001 to June 30, 2002

Kimberly Abernathy	Chelsea Greenberg	Kristina Narfstrom
Amy Adams	Robert Hancock	Katherine Nau
Alejandro Aguirre	Kristi Hanna	P. Michael O'Brien
Sandra Angus	Nicole Hardie	Kristen J. O'Dell
Rebecca Arbesman	Jennifer Harlin	Constance Organek
Shannon Baker	Tara Hartke	Luis Padilla
Matthew Bechtel	Jubril Hassan	Loretta Kay Pappan
Tamara Beckeman	Kevin Hatten	Tracy Reis
Kellee Blackwell	Kerri Haupt	Alisa Reniker
Ryan Bock	Heather Hedrick	Matt Richenburg
Peter J Bondy	Heather Hilvert	Wendy Rose Forbes
Alicia Boyce	Michael Hochman	Janice Scantlin
Gina Bradley	Mark Hope	Loren Schultz
Jill Brady Demuth	Erica House	Christine Schulz Way
Lisa G Britt	Amy Hunkeler	Heidi Shafford
David Burgener	Christa Irwin	Jason Simpson
Christine Burns	Susan Keil	Susann Smith
Christopher Calloway	Gal Kelmer	Emily Southward
Barbara Carter	Kurt Kreutzer	Julia Stiens
Michelle Chappell	Stephen Lane	Heather Streppa
Kathryn Christmas	Jennifer Legg	Keith Taraba
Cynthia Church	Hannah Levy	Deanna Tolliver
Heather Clark	Ronald Leon Lippert	Jayma Tourville
Mary Claypool	Lauren Locke	Serena Turner
Joseph Creech	Jennifer Love-Beaulieu	Sherry Vaughn
Craig Datz	Thomas Lowery	Marcia Whiteley
Gerald Demuth	Kimberly Lynch	Tammy Williamson
Jay Erne	Jennifer Mclain	Micah Young
Andrea Ferrell	John Middleton	
Marnie Ford	Carla Miller	
Christopher France	Rebecca Miller	
Martin Gilmore	Melissa Miltenberger	
Peter Gordon	Nathan Mitts	
Thomas Goss	Dean Morgan	
Kelly Grabeel	Mark Mosbacher	



## STATE BOARD REPORT

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### **New Veterinarian Technician Licensees**

**July 1, 2001 to June 30, 2002**

Diana Auffert	Renee Gravatt	Nicole Pfeiffer
Karen S Bequette	Susan Kimber	Christina Pontius
Mandy Bjorkman	Lisa Koontz	Rebecca Roth
Samantha Blanchard	Rachel Kuergeleis	Lynn Russell
Wendy Blanco	Amy Kurschinske	Nicole Schroeder
Joseph Boever	Jill Lurkins	Moira C Sheridan
Rebecca Burnfin	Diana Meridith	Natalie Short
Stacy Clark	Catherine Morrall	Susan Spaulding
Denyse Cobb	Nicole Naylor	Cynthia Spurgeon
Barbara Collins	Jamie Odo	Darcy Stoll
Candice Combs	Julia M Parks-Soxman	Kimberly Welte
Rebecca Corners	Dana Parvin	Shelly Williams
Mary Gratto	Rebecca Peery	Sarah Woldridge

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### **VETERINARY FACILITIES PLEASE NOTE**

If your facility is owned by a corporation, partnership or other business organization, you are required by Section 340.226 to make sure that your articles of incorporation, partnership agreement or business organization documents **clearly state that the licensed veterinarian is not subject to the direction of anyone not licensed to practice veterinary medicine in Missouri in making veterinary medical decisions or judgements.**

This provision of the statutes applies to any facility that is or has been owned by a corporation, partnership or other business entity since August 28, 1992.

- If your facility is incorporated you must make sure that the above statement is contained in your articles of incorporation.
- If your facility is owned by a partnership you must make sure that the above statement is contained in your partnership agreement.
- If your facility is owned by any other business organization (such as Limited Liability Company) you must make sure that the above statement is contained in your business organization documents.

You will be required to produce copies of your articles of incorporation, partnership agreement or business organization documents reflecting the content of this statement at any time you are required to file for a new facility permit. Facilities are required to file for a new permit if they have a change of ownership, change of name, change of location or a change of function. Failing to have the correct documentation could delay the issuance of the new facility permit, therefore, leaving a facility without a license to practice until such amendments can be made.

Also, all facility owners and veterinarians in charge of a facility should refer to 4 CSR 270-5.011 which requires that the veterinarian in charge must apply for a new permit and submit all applicable fees **prior to doing business** under the new ownership, name, location or function. Violations of this provision could result in disciplinary action against the veterinary license of the veterinarian in charge and also the facility permit of the facility.

Please be sure to contact the Board office if you have any questions regarding your facility permit.

## STATE BOARD REPORT

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### DISCIPLINARY ACTIONS

All complaints received by the Board are assigned a complaint number. A complaint may be based upon personal knowledge or beliefs based on information received from other sources. The complaints must be made in writing. Verbal or telephone communications are not acceptable, but you may request a complaint form by telephone, fill it out and mail it back to the Board. In general, the complaint is considered to be a closed record and is not accessible to the public. Any complaint that is received by the Board is acknowledged in writing. The complainant will be notified of the final outcome. Any disciplinary action taken by the Board is a matter of public record. The Board believes publication of disciplinary actions to be in the public interest and has included such in this newsletter. If you have any questions, please contact the Board's office.

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### DISCIPLINED VETERINARIANS

July 2001 - June 2002

**VIOLATION** - *Section 340.264.2(7) and (24), RSMo*

At the time of the events alleged herein, Licensee treated a clients two dogs. The animals were being seen by Licensee for teeth cleaning and vaccinations. As part of the teeth cleaning, Licensee administered anesthesia to each dog. Section 340.284, RSMo requires a veterinarian to prepare written records of veterinary medical services that the veterinary provides and requires those records to meet minimum standards as set forth in 4 CSR 270-4.041. Licensees medical records do not include any information required in 4 CSR 270-4.041 (1), (B), (C), (D), (E), (F), (G), (H), and (I). Licensee failed to obtain signed consent prior to administering anesthesia and performing the teeth cleaning procedure on the animals.

**BOARD ACTION** - Licensee's license as a doctor of veterinary medicine was placed on probation for 2 years. Licensee must also complete during the first year of probation, at least 10 hours of continuing education on medical records consistent with the Board's minimum standards for medical records.

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**VIOLATION** - *Section 340.264.2(6) and (24), RSMo*

At the time of the events alleged herein, Licensee examined a clients dog for a swollen abdomen. Licensee conducted a physical examination on the animal. Licensee could not palpate any abnormal structures in the abdomen and suggested that a radiograph be taken. When Licensee reviewed the radiograph Licensee was unable to determine the cause of the enlarged abdomen. While waiting for additional test results to come in on the animal, Licensee sent the animal home. Licensee did not communicate with the owner that Licensee could not ascertain the cause of the enlarged abdomen and recommended ultrasonography, however, did inform the owner's mother. Licensee did not document in the medical records that Licensee had referred or transferred the animal to a veterinarian who performed ultrasonography. The animal expired. Based on the autopsy, the cause of death was systemic effects of a diseased uterus. Licensee failed to properly diagnosis and treat the animal resulting in its death.

**BOARD ACTION** - Licensee's license as a doctor of veterinary medicine was suspended for 60 days, followed by 5 years probation.

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**VIOLATION** - *Section 340.264.2(7) and (9), RSMo*

Licensee was disciplined by Missouri based on the discipline imposed by the State of Washington. Licensee was disciplined by the Washington Department of Health Veterinary Board of Governors. Licensee's Washington veterinary license was suspended for one year, suspension stayed and Licensee was placed on probation for one year for the following conduct: Licensee performed a feline spay on a cat, which was approximately ten months old. Licensee began the spay procedure by making an abdominal incision 1 ½-2 inches below the umbilicus. The incision was lower than Licensee's standard approach. Upon exploratory surgery, the subsequent treating veterinarian observed that the right ureter was ligated. The incision is made at the discretion of the Veterinarian. Licensee admits in this case the incision may have prevented adequate visualization of the ureters. The conduct alleged constitutes incompetency and professional trust and confidence.

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## STATE BOARD REPORT

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**BOARD ACTION** - Licensee's license as a doctor of veterinary medicine was publicly Censured.

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**VIOLATION OF PROBATION** - Licensee's conduct was in violation of the terms and conditions of the Settlement Agreement, thus entitling the Board to impose further discipline. Terms of probation required licensee to comply with all provisions of Chapter 340 and 195, RSMo and the regulations of the Board; with all applicable federal and state drug laws, rules, and regulations; with all federal and state criminal laws; and with all federal and state animal health laws including USDA standards for accredited veterinarians. Licensee was contacted by his office assistant regarding a request from an individual for medication to put a horse down for castration. Licensee assumed that the medication would be used on the individual's horse and instructed his office assistant to give a syringe filled with a 1 ¼ cc dose of succinylcholine chloride and a dose of tetanus antitoxin. Licensee failed to provide any of the labeling requirements for the succinylcholine chloride that he provided, Licensee failed to maintain any of the required records, Licensee did not examine the animal or visit the premise prior to providing the medicine, Licensee did not have a valid veterinarian-client-patient relationship and did not dispense the medicine within the context of a valid veterinarian-client-patient relationship. Licensee sold Nuflor, Banamine, Baytril, Micotil and/or Oxytocin to an individual without examining the individual's herd or conducting a farm visit prior to prescribing the medication, failed to provide any instructions or follow-up care and failed to meet minimum standards for record keeping.

**BOARD ACTION** - Licensee's license as a doctor of veterinary medicine was suspended for 30 days, followed by 2 years probation. Licensee must also complete at least 20 hours of continuing education on equine anesthesia, federal guidelines on AMDUCA and medical records consistent with the Board's minimum standards for medical records.

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**VIOLATION** - Section 340.264.2(4)(i), (6), (7), (14), and (24), RSMo

At the time of the events alleged herein, Licensee was a consulting veterinarian for a distributor of veterinary supplies, including veterinary drugs. Licensee performed on-site visits for approximately 24 beef producers throughout Missouri. Licensee did not usually examine individual animals or review medical records. Instead, Licensee meets with the owner or herd manager to discuss the herd and medication needs. Licensee inspected part of the herd if a specific medical problem was a concern. Licensee provided no treatment plans and no written reports to the owner or herd manager following the on-site visits. Licensee did not prepare or maintain any medical records for the producers visited. The primary records relating to Licensee's on-site visits consisted of documents pertaining to the prescription. Licensee failed to properly provide for all of the labeling requirements. Licensee failed to meet minimum standards for record keeping.

**BOARD ACTION** - Licensee's license as a doctor of veterinary medicine was suspended for 30 days, followed by 5 years probation. Licensee must also complete at least 10 hours of continuing education on medical records consistent with the Board's minimum standards for medical records. During the disciplinary period, Licensee shall not work as a consulting veterinarian for any distributor of veterinary drugs or be a consulting veterinarian or write prescriptions for backgrounders or feed lots.

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**VIOLATION** - Section 340.264.2(4)(i), (5), (6), (7), (14) and (24), RSMo

At the time of the events alleged herein, Licensee was a consulting veterinarian for a distributor of veterinary supplies, including veterinary drugs. Licensee accompanied sales representatives to on-site visits to numerous swine, dairy, and beef producers. Between July 1995 and April 1997, Licensee visited approximately 477 producers throughout Missouri. During these on-site visits, Licensee did not usually examine herds or individual animals or review medical records. Licensee only occasionally examined animals when the producer specifically requested Licensee do so, but Licensee did not bring any veterinary medical equipment to the on-site visits, nor did Licensee perform any diagnostic test on the animals. Licensee provided no treatment plans and no written reports for the producers following the on-site visits. Licensee did not prepare or maintain any medical records for the producers. Licensee's prescriptions for several drugs created the potential for misuse by the producers. Licensee prescribed prescription veterinary drugs without establishing a veterinarian-client-patient relationship. Licensee failed to meet minimum standards for record keeping.

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## STATE BOARD REPORT

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**BOARD ACTION** - Licensee's license as a doctor of veterinary medicine was suspended for 60 days, followed by 5 years probation. During the disciplinary period, licensee shall not work as a consulting veterinarian for any distributor of veterinary drugs.

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**VIOLATION** - *Section 340.264.1(1), (5), (6), (23) and (24), RSMo*

At the time of the events alleged herein, Licensee consumed approximately one-half pint of grain alcohol and a six-pack of beer during the evening. Licensee's last drink of alcohol was at approximately 3 a.m. The next morning, Licensee was scheduled to work as a veterinarian beginning at 8 a.m., Licensee overslept and did not wake up until approximately 9 a.m. While driving to the Clinic to report to work, Licensee was involved in a motor vehicle accident that resulted in two pedestrians being struck and seriously injured by Licensee. Licensee was requested to submit to chemical breath test, which tested positive for the presence of alcohol. Licensee entered chemical and alcohol dependency treatment and was charged with two counts of class C felony assault in the second degree.

**BOARD ACTION** - In lieu of denial of Licensee's request for a license to practice as a doctor of veterinary medicine in Missouri, the Board issued Licensee a Probated License. Licensee's license as a doctor of veterinary medicine was placed on probation for 5 years. Licensee shall follow the requirements regarding chemical dependency treatment and rehabilitation, drug screens and in the event of conviction by the courts the requirements regarding probation and parole status.

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**VIOLATION** - *Section 340.264.2(7) and (24), RSMo*

At the time of the events alleged herein, Licensee after examination administered anesthesia to a kitten so that Licensee could perform a neutering surgery. Licensee failed to obtain the client's signed consent prior to administering anesthesia and performing the surgical procedure. Following the surgical procedure, the cat was placed in the cat's personal carrier. Staff checked on the animal around 10:30 a.m. and found that the cat was still drowsy. No one checked on the animal again until approximately 4:30 p.m. when the owner arrived to take the animal home. When the owner arrived to take the cat home, the owner discovered the cat dead in his carrier. Licensee failed to provide adequate post-surgical monitoring when the cat was placed in the personal carrier where the animal was not readily visible and no one periodically checked on the animal's status.

**BOARD ACTION** - Licensee's license as a doctor of veterinary medicine was Publicly Censured.

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**VIOLATION** - *Section 340.264.2(7) and (24), RSMo*

At the time of the events alleged herein, Licensee administered anesthesia to an animal so that an ovariohysterectomy could be performed. Licensee failed to obtain the client's signed consent prior to administering anesthesia and performing the surgical procedure. Licensee also failed to provide the client with the adequate post-surgical instructions.

**BOARD ACTION** - Licensee's license as a doctor of veterinary medicine was placed on probation for 1 year or until Licensee completes 10 hours of continuing education on medical records, whichever occurs first.

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## FLORIDA BOARD DISCIPLINES WELL-KNOWN INTERNET PHARMACIES

On Tuesday, April 16, 2002, the Florida Board of Pharmacy disciplined Pet Med Express, Inc. and Savemax, Inc. of Pompano Beach, Florida. Company pharmacists Gordon Gyor, Gary Koesten, Richard Schwartz, and Martin Wiederkehr were also disciplined.

The reasons for the discipline included the **contracting of veterinarians to write prescriptions without examining the animal and dispensing drugs not approved by the US Food and Drug Administration.**

AVMA representatives (observers), Florida Veterinary Medical Association representatives, and a *Journal of the AVMA* news reporter were in attendance.

In all, sixty-two cases were investigated. The Board's counsel expressed that prosecution-related charges would substantially increase if the cases were handled singularly, so stipulation agreements were developed for each company and pharmacist. Key stipulation content follows:

### **Pet Med Express, Inc.** (license #PH 14144)

- Shall not purchase, dispense, or distribute any drugs that are not approved by the United States Food and Drug Administration.
- Shall not knowingly fill, dispense, or distribute medication for prescriptions written by veterinary physicians who have not physically examined the animal for whom the prescription is written.
- Shall immediately terminate its alternate veterinarian program, to the extent Pet Med Express employs or contracts with veterinarians to write prescriptions for medication when the veterinarian has not physically examined the animal for whom the prescription is written.
- Shall pay an administrative fine of \$40,000 to the Florida Department of Health within 90 days.
- Shall reimburse the Department for investigation and prosecution costs totaling \$27,799 within 1 year.
- Shall be placed in a 3-year probationary period. During this period:
  - Pet Med Express shall have its pharmacy inspected quarterly by a representative of the Board of Pharmacy. Inspections shall be random and unannounced, and paid for by Pet Med Express.
  - Prescription Department Manager, Richard Schwartz, shall successfully complete 12 hours of CE on the laws and

rules governing the practice of pharmacy in Florida within 1 year. CEO Menderes Akdag must also complete 12 hours of laws and rules training.

- Pet Med Express shall perform 200 hours of community service in the form of providing free pharmaceutical services to the public within 3 years. Pet Med Express' plan must be pre-approved by the Board chair, or its designee.
- Shall not violate Chapter 456, 465, 499, and/or 893, Florida Statutes, the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or to the ability to practice pharmacy.
- Violation of the terms of the stipulation is grounds for disciplinary action.
- All pending, related cases where the complaint arises from alleged actions or complaints that occurred prior to this stipulation shall be dismissed.

### **Savemax, Inc.** (license #PH 16899)

It was made clear that Savemax had been set up in the same building as Pet Med Express for reasons of economy, and to allow continued operation in case Pet Med Express' pharmacy license was revoked.

- Within 3 months Savemax shall no longer operate at its current location.
- Shall not fill, dispense, or distribute drugs that are not approved by the United States Food and Drug Administration.
- Shall not knowingly fill, dispense, or distribute medication for prescriptions written by veterinary physicians who have not physically examined the patient for whom the prescription is written.
- The administrative fine is \$5,000.
- The investigation and prosecution costs to be paid are \$4,358.
- Random, unannounced inspections will be conducted quarterly for 1 year.
- 12 hours of CE are required of the prescription department manager.
- Savemax shall perform 100 hours of community service in the form of providing free pharmaceutical services to be preapproved by the Board Chair or designee.

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## STATE BOARD REPORT

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**Gordon Gyor, RPh** (license #PS 11402)

Mr. Gyor's discipline centered on dispensing prescription drugs without valid veterinarian authorizations.

- Shall not knowingly fill, dispense, or distribute medications for prescriptions written by veterinary physicians who have not physically examined the patient for whom the prescription was written.
- The administrative fine is \$10,000.
- The investigation and prosecution costs to be paid are \$10,117.
- 12 hours of CE, and 50 hours of community service are required.

**Gary Koesten, RPh** (license #PS 23697)

Mr. Koesten's discipline centered on dispensing prescription drugs without valid veterinarian authorizations, and dispensing drugs not approved by the US Food and Drug Administration. Mr. Koesten will be the pharmacy manager at Savemax.

- Shall not fill, dispense, or distribute drugs that are not approved by the United States Food and Drug Administration.
- Shall not knowingly fill, dispense, or distribute medication for prescriptions written by veterinary physicians who have not physically examined the patient for whom the prescription is written.
- The administrative fine is \$5,000.
- The investigation and prosecution costs to be paid are \$2,349.
- 12 hours of CE, and 50 hours of community service are required.
- Random, unannounced inspections will be conducted quarterly for 1 year.

**Richard Schwartz, RPh** (license #PS 25616)

Mr. Schwartz's discipline centered on dispensing prescription drugs without valid veterinarian authorizations, and dispensing drugs not approved by the US Food and Drug Administration.

- Shall not fill, dispense, or distribute drugs that are not approved by the United State Food and Drug Administration.
- Shall not knowingly fill, dispense, or distribute medication for prescriptions written by veterinary physicians who have not physically examined the patient for whom the prescription is written.
- The administrative fine is \$2,500.
- The investigation and prosecution costs to be paid are \$1,621.
- 12 hourse CE, and 50 hours of community service are required.

- Random, unannounced inspections will be conducted quarterly for 1 year.

**Martin Wiederkehr, RPh** (license #PS 7924)

Mr. Wiederkehr's discipline centered on dispensing prescription drugs without valid veterinarian authorizations. Mr. Wiederkehr was the interim pharmacy manager at Pet Med Express. He will be a Pet Med Express staff pharmacist.

- Shall not knowingly fill, dispense, or distribute medications for prescriptions written by veterinary physicians who have not physically examined the patient for whom the prescription was written.
- The administrative fine is \$1,500.
- The investigation and prosecution costs to be paid are \$1,031.
- 12 hourse of CE, and 50 hours of community service are required.
- Random, unannounced inspections will be conducted quarterly for 1 year.

**The stipulations for both pharmacies and all four pharmacists include these provisions:**

- Shall not violate Chapter 456, 465, 499, and/or 893, Florida Statutes, the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or to the ability to practice pharmacy.
- Violation of the terms of the stipulation is grounds for disciplinary action.
- All pending, related cases where the complaint arises from alleged actions or complaints that occurred prior to this stipulation shall be dismissed.

For additional information on Internet pharmacies, including guidance and the Pharmacy Complaint Form, please visit the AVMA web site at [www.avma.org](http://www.avma.org).

STATE BOARD REPORT  
Missouri Veterinary Medical Board  
3605 Missouri Boulevard  
P.O. Box 633  
Jefferson City, MO 65102

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**PAID**  
Permit 237  
Jefferson City, MO

## **CALENDAR OF EVENTS**

### **NOVEMBER**

November 18 through December 14, 2002 -  
Testing Window for the Administration of the North American  
Veterinary Licensing Examination (NAVLE)

### **JANUARY**

January 2002 - Board Meeting and State Board Examination  
at the Tan-Tar-A Resort, Osage Beach, Missouri

### **APRIL**

April 7-19, 2003 - Testing Window for the Administration of the  
North American Veterinary Licensing Examination (NAVLE)