

12-19-00

STATE OF FLORIDA
BOARD OF VETERINARY MEDICINE

Final Order No. BPR-2001-01182 Date: 3-17-01
FILED
Department of Business and Professional Regulation
AGENCY CLERK
Sarah Wachman, Agency Clerk

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

By: Brandon M. Nichols

Petitioner,
vs.

WALTER H. DORNBUSCH, D.V.M.,

Respondent.

AT
DBPR CASE NOS.: 98-11323
98-21230
DOAH CASE NOS.: 00-2357
00-2358

DMK-CWS

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FILED
DIVISION OF
ADMINISTRATIVE
HEARINGS

FINAL ORDER

THIS MATTER came before the Board of Veterinary Medicine (hereinafter referred to as the "Board") pursuant to Section 120.57(1)(j), Florida Statutes, on March 6, 2001, in Fort Lauderdale, Florida, for consideration of the Recommended Order (a copy of which is attached hereto and incorporated herein by reference) issued by Administrative Law Judge Daniel M. Kilbride in the above styled case. The Petitioner was represented by Joseph W. Malka, Assistant General Counsel. Respondent was present and represented by Allen Grossman, Esq.

Upon consideration of the Administrative Law Judge's Recommended Order, the arguments of the parties, and after a review of the complete record in this matter, the Board makes the following rulings and findings:

Respondent filed a Motion to Reject Recommended Order or to Decrease Penalty. This Motion was filed on or about February 23, 2001. The Recommended Order was filed on December 19, 2000. The Board considers that said Motion is an untimely attempt to argue matters which could have been raised as exceptions to the Recommended Order. After hearing argument of counsel regarding the Motion, the Board DENIED the Motion.

FINDINGS OF FACT

1. The Administrative Law Judge's Findings of Fact are hereby approved and adopted and incorporated herein by reference.
2. There is competent, substantial evidence to support the Administrative Law Judge's

Findings of Fact.

CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to the provisions of Section 120.57(1), and Chapter 474, Florida Statutes.

2. The Administrative Law Judge's Conclusions of Law, are hereby approved and adopted in toto and incorporated herein by reference.

3. There is competent substantial evidence to support the Board's findings and conclusions.

4. The Board concurs with the Administrative Law Judge's recommendation.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

That Respondent is hereby SUSPENDED from the practice of veterinary medicine for 30 days. Respondent shall pay a FINE of \$4,000 and investigative costs of \$1,557.53 no later than 30 days from the effective date of this Order. Respondent shall be on PROBATION for five (5) years. During the term of probation, Respondent shall practice under the indirect supervision of a monitor approved by the Board. The monitor shall be a Florida licensed veterinarian. During the first two years of probation, the monitor shall go to Respondent's place of practice on a quarterly basis and review 12 randomly selected patient records to determine Respondent's quality of practice and recordkeeping. The monitor shall file quarterly reports with the Board office detailing his findings. During the last three years of probation the monitor shall provide the same review and reporting on a semi-annual basis. Respondent shall bear the cost of monitoring as well as the responsibility to ensure that the monitor's reports are timely filed. Respondent shall submit one or more names of suitable monitors to the Board office no later than 30 days after receipt of this Order. The Board delegates to the chair the ability to approve the monitor. Respondent shall complete 10 hours of continuing education in anesthesia and shall submit proof of completion of said hours to the Board office, no later than one (1) year from the effective date of this Order. Said continuing education hours shall be in addition to, and not count toward, Respondent's required continuing education hours for

renewal of licensure.

Pursuant to Section 120.68, Florida Statutes, the Parties are hereby notified that they may appeal this Order by filing one copy of a Notice of Appeal with the Clerk of the Department of Business and Professional Regulation, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0792, and by filing the filing fee and one copy of the Notice of Appeal with the District Court of Appeal within thirty (30) days of the effective date of this Order.

This Order shall become effective upon filing with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this _____ day of _____, 2001.



DR. ROBERT O'NEIL,
CHAIRMAN
Board of Veterinary Medicine

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Walter Dornbusch, DVM, 1117 Malabar Road, Northeast, Palm Bay, FL 32907; to Allen Grossman, Esq., Gray Harris & Robinson, P.O. Box 11189, Tallahassee, FL 32302-3189, and by hand delivery/United States Mail to the Board Clerk, Department of Business and Professional Regulation and its Counsel, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, on or before 5:00 p.m., this _____ day of _____, 2001.
