

STATE OF FLORIDA  
BOARD OF VETERINARY MEDICINE

DEPARTMENT OF BUSINESS AND  
PROFESSIONAL REGULATION,

Petitioner,

vs.

PHILIP J. ALEONG, D.V.M.,

Respondent.

Final Order No. BPR-2008-03058 Date:

FILED

Department of Business and Professional Regulation  
AGENCY CLERK

Sarah Wachman, Agency Clerk

By: Brandon M. Nichols

DOAH CASE NO.: 07-2415PL

DBPR CASE NO.: 2004-057567

LICENSE NO.: VM 6466

FILED  
08 APR - 8 AM 10: 35  
ADMINISTRATIVE  
DIVISION

FINAL ORDER

THIS CAUSE came before the BOARD OF VETERINARY MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on March 18, 2008, in Ft. Lauderdale, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (a copy of which is attached hereto as Exhibit A) in the above-styled cause. Petitioner was represented by Drew Winters, Assistant General Counsel. Respondent was present and represented by Bradford J. Beilly, Esquire.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

2. There is competent substantial evidence to support the findings of fact.

#### CONCLUSIONS OF LAW

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

2. The Conclusions of Law in the Recommended Order except those set forth in Paragraph 28 are approved and adopted and incorporated herein by reference. The Board rejects the second sentence of Paragraph 28 to the extent that it characterized Case Number 2001-04947 as only involving "the administration of a certain drug to a certain horse." That statement takes into account only Count I of the Administrative Complaint and by doing so ignores that fact that Count II involved an allegation of failing to keep contemporaneously written medical records in violation of Section 474.213(1)(ee), Florida Statutes, and Rule 61G18-18.002, Florida Administrative Code. The Board amends Paragraph 28 by adding to the second sentence "and an allegation of failing to keep contemporaneously written medical records in violation of Section 474.213(1)(ee), Florida Statutes, and Rule 61G18-18.002, Florida Administrative Code."

3. The Board also rejects the last sentence of Paragraph 28: "All three involve violations different from the single violation proven in this case." In lieu of that assertion, the

Board concludes that one of the three prior cases involved the same violation as the violation proven in this case and amends Paragraph 28 to so state.

5. The Board approves, adopts and incorporates by reference the other provisions of Paragraph 28 as Conclusions of Law.

PENALTY

The Board rejects the penalty recommend by the ALJ as insufficient in light of the record in this case. The Board finds the following aggravating circumstances, as authorized by Rule 61G18-18.001(4) F.A.C.:

1. The Respondent has had prior disciplinary action taken against him three times and one of those times was for the same offense as the violation charged and proven in this case. (See Composite Exhibit 6) [See also Rule 18.001(4)(c) and(i), F.A.C.]

2. The failure to keep contemporaneously written medical records constitutes a potential danger and harm to the public. Rule 18.001(4)(a), F.A.C.

**WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED THAT:**

1. Respondent shall be and hereby is REPRIMANDED.

2. Respondent shall pay an administrative fine in the amount of \$1000.00 to the Board within 90 days from the date this Final Order is filed.

3. Respondent shall be required to obtain six (6) hours of continuing medical education in the subject area of medical


record documentation each year for the two (2) years following entry of this Final Order. Such continuing education must be in addition to any hours used for license renewal.

4. Respondent's license to practice veterinary medicine shall be placed on probation for a period of six (6) months. As a condition of that probation, each month a Department of Business and Professional Regulation investigator shall pick up ten (10) records and provide those records to a Board member for review.

This Final Order shall take effect upon being filed with the Clerk of the Department of Business and Professional Regulation.

DONE AND ORDERED this 2nd day of April,  
2008.

BOARD OF VETERINARY MEDICINE

  
HENRY DOVER, VICE-CHAIR

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST

DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the Final Order has been sent by U.S. Mail to Bradford J. Beilly, counsel for Respondent, at 1144 S.E. Third Avenue, Fort Lauderdale, Florida, 33316; to Linda M. Rigot, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; and by interoffice delivery to Drew Winters, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 this 7<sup>th</sup> day of April 2008.

  
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