

FILED	
<small>Department of Business and Professional Regulation Deputy Agency Clerk</small>	
CLERK	Brandon Nichols
Date	12/30/2010
File #	2010-12070

**STATE OF FLORIDA
BOARD OF VETERINARY MEDICINE**

**DEPARTMENT OF BUSINESS &
PROFESSIONAL REGULATION,
BOARD OF VETERINARY MEDICINE,**

Petitioner,

vs.

ROBIN L. CANNIZZARO, D.V.M.,

Respondent.

2011 JAN -3 A 11:55

DIVISION OF
ADMINISTRATIVE
HEARINGS

Case No. 10-2386PL
DBPR Case No: 2008-039337

FINAL ORDER

THIS CAUSE came before the Board (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on December 7, 2010, in Fernandina Beach, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order (attached hereto as Exhibit 1) in the above-styled case. Petitioner was represented by Elizabeth F. Duffy, Assistant General Counsel. Respondent was present with her counsel, Bryan W. Reynolds, Attorney at Law.

Petitioner filed an Administrative Complaint (Exhibit 2) against the Respondent alleging that Respondent violated provisions of the Veterinary Medicine Practice Act. Respondent disputed the facts alleged in the Administrative Complaint and requested an evidentiary hearing before the Division of Administrative Hearings ("DOAH"). This matter was referred to DOAH and on July 13, 2010, an evidentiary hearing was held before the Honorable J.D. Parrish, Administrative Law Judge. On October 13, 2010, Judge Parrish issued her Recommended Order.

Respondent filed exceptions to the Recommended Order. Upon review of the Recommended Order, the exceptions to the Recommended Order filed by Respondent, the

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

RULINGS ON RESPONDENT'S EXCEPTIONS

The Board reviewed and considered Respondent's Exceptions and ruled as follows:

1. EXCEPTION ONE: Respondent took exception to Paragraph 15 of the Recommended Order. Paragraph 15 sets forth the Administrative Law Judge's Finding of Fact regarding the information noted in the patient's medical records. Specifically, the Finding of Fact stated that: "Data for Maddie's weight, considered a basic "vital," was not provided". The Board reviewed the medical record which was included in Petitioner's Exhibit 2 and noted that the weight was recorded in the margin. The Board accepted Respondent's Exception One to the extent that the sentence cited above was eliminated. Paragraph 15 was revised to read:

Pertinent to this case, Respondent's notation for Maddie for the date of the blood draw indicated "WNL." The specifics of Maddie's temperature, heart rate or respiration were not stated. "WNL" is short-hand for "within normal limits." Respondent's note provided, "seems undersized for age."

2. EXCEPTION TWO: Respondent took exception to Paragraph 27 of the Recommended Order. Paragraph 27 is the Administrative Law Judge's Conclusion of Law that standard veterinary practice in Florida dictates that the term "physical examination" requires a recitation of pertinent physical information relative to the animal's status and found that Respondent's hand written notes did not contain the required information. The Board agreed with the Administrative Law Judge's Conclusion of Law. Therefore, Respondent's second exception is denied.

After a complete review of the record in this matter, the Board makes the following findings and conclusions:

FINDINGS OF FACT

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

PENALTY

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge of: a reprimand; costs of investigation; and dismissal of all counts except Count Two of the Administrative Complaint is **ACCEPTED**. The costs of investigation total **one thousand eight hundred seven dollars and eleven cents (\$1,807.11)**. Payment shall be in the form of a check or money order made payable to the Executive Director of the Board of Veterinary Medicine, Department of Business and Professional Regulation, Division of Professions, Post Office Box 5377, Tallahassee, Florida 32314-5377, and paid within **two (2) years** of the filing date of this Final Order.

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

DONE AND ORDERED this 23 day of December, 2010.

BOARD OF VETERINARY MEDICINE



ROBERT O'NEIL, D.V.M.
CHAIRMAN

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 BUSINESS AND PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE FLORIDA 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 foregoing has been furnished by certified U.S. mail to: **Robin Cannizzaro, D.V.M.**, by sending same to her attorney of record, **Bryan W. Reynolds**, Reynolds, Stowell, Parrino, 8700 4th Street North, St. Petersburg, Florida 33702; and by interoffice mail to **Deborah B. Loucks**, Assistant Attorney General, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050; and **Elizabeth F. Duffy**, Assistant General Counsel, 1940 N. Monroe St., Tallahassee, Florida 32399, and by regular U.S. Mail to **Hon. J.D. Parrish**, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060, on December 30th, 2010.

Brandon M. Nichols