

**STATE OF FLORIDA
BOARD OF VETERINARY MEDICINE**

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Brandon Nichols
Date	7/18/2016
File #	2016-05437

**DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,**

Petitioner,

vs.

**CASE NUMBERS: 2015 - 018347
LICENSE NO.: VM 9477**

ABDEL HAKIM HAMICI, D.V.M.,

Respondent.

FINAL ORDER

THIS MATTER came before the BOARD OF VETERINARY MEDICINE (hereinafter referred to as the "Board") pursuant to Sections 120.569 and 120.57(2), Florida Statutes, at a duly-noticed public meeting on June 7, 2016, in Saint Petersburg, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit "A" and incorporated herein by reference) filed in the above-styled matter pursuant to Respondent's Election of Rights and a subsequently filed proposed Settlement Stipulation agreement entered into between the parties (attached hereto as Exhibit "B," and incorporated herein by reference).

Board members present were Ms. Suzanne S. Inzina, Ms. Connie Mae Johnson, Robert B. Leonard, Jr., D.V.M., Nanette Parratto-Wagner, and D.V.M., Harvey Partridge, D.V.M.

As a member of the probable cause panel that initially reviewed the matter, Dr. Leonard was recused from participating in the proceedings. Legal advisor to the Board was Clark R. Jennings, Assistant Attorney General. Respondent was present and represented by counsel at the proceedings.

APPEARANCES

For Petitioner: Elizabeth Fletcher Henderson, Esq.
Assistant General Counsel
Department of Business and Professional Regulation
1940 N. Monroe St., Ste. 60
Tallahassee, Florida 32399-2202

For Respondent: Bryan W. Reynolds
Reynolds Parrino Spano & Shadwick, P.A.
8700 4th Street North
St. Petersburg, Florida 33702

DETERMINATION

Upon consideration of the matter, the Board voted to reject the proffered Settlement Stipulation and proposed a Counter Settlement Stipulation. The Respondent agreed *ore tenus* to accept the terms of the Counter Stipulation as did counsel for the Petitioner. The **terms** of the originally signed Settlement Stipulation attached as Exhibit B are **accepted with the following changes and additions:**

1. **Fine.** Respondent shall pay an administrative fine in the amount of **four thousand dollars (\$4,000)** within **thirty (30) days** of the filing date of this Final Order.

2. **Costs.** Respondent shall pay the costs of investigation to the Board in the amount of **eight hundred seventy six dollars and eighty-six cents (\$876.86)** within **thirty (30) days** of the filing date of this Final Order.

3. **Payment Address.** Respondent shall pay the fine and costs in the form of a check or money order 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.

4. **Probation.** Respondent's license to practice veterinary medicine shall be placed on non-reporting probation for a period of **three (3) years** from the filing date of this Final Order. During the probationary period, Respondent shall **annually attend in person two (2) board meetings** of the Board of Veterinary Medicine for a total of six (6) board meetings during the period; Respondent's appearance at the hearing which gave rise to this Order shall be credited as one of the mandatory appearances. It shall be a violation of probation for Respondent to commit a violation of Chapters 455 or 474, Florida Statutes or any rules related to the practice of veterinary medicine during the probationary period. It shall further be a violation of the probationary period for Respondent to fail to comply with any of the terms contained in this Order.

5. **Continuing Education.** Within the probationary period established by this order, Respondent shall obtain **two (2) hours** of continuing education in **Medical Record Production and Maintenance**; and **two (2) hours** of continuing education in **Laws and Rules**; and **two (2) hours** of continuing education in **Dentistry**; and **one (1) hour** of continuing education in **Client Communication**; and **two (2) hours** of continuing education in **Cardiology**; and **two (2) hours** of continuing education in **Anesthesia**; in addition to the normal credit hours required to maintain an active license to practice veterinary medicine in the State of Florida. Respondent shall submit the proposed courses to the Board Office for approval by Dr. Terry Spencer and obtain said approval **prior** to attendance.

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

DONE AND ORDERED this 14 day of July, 2016.

BOARD OF VETERINARY MEDICINE



NANETTE PARRATTO-WAGNER, D.V.M.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by United States Mail to: Counsel for Respondent, Bryan W. Reynolds, Reynolds Parrino Spano & Shadwick, P.A., 8700 4th Street North, St. Petersburg, Florida 33702; and electronic mail to breynolds@RPSlaw.net; and by hand/interoffice delivery to Elizabeth Fletcher Henderson, Esq., Assistant General Counsel, Office of the General Counsel, 1940 N. Monroe St., Ste. 60, Tallahassee, Florida 32399-2202, and Clark R. Jennings, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on or before 5:00 p.m., this 18th day of July, 2016.



Brendan M. Nichols

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2015-018347

ABDEL-HAKIM HAMICI, D.V.M.,

Respondent.

SETTLEMENT STIPULATION

Abdel-Hakim Hamici, D.V.M. ("Respondent") and the Department of Business of Professional Regulation ("Department"), hereby stipulate and agree to the following Stipulation and the entry of a Final Order of the Board of Veterinary Medicine ("Board") incorporating this Stipulation and agreement in the above-styled manner.

STIPULATED FACTS

1. For all times pertinent hereto, Respondent was a licensed veterinarian in the State of Florida, having been issued license number VM 9477.
2. Respondent was charged by an Administrative Complaint with violations of Chapter 474, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto and incorporated by reference as Exhibit "A."
3. Respondent neither admits nor denies the matters of fact alleged in the Administrative Complaints attached hereto as Exhibit "A."
4. Respondent admits no civil liability for the actions alleged in the Administrative Complaint and agrees to enter this Stipulation for the limited purpose of evading further litigation.

STIPULATED CONCLUSIONS OF LAW

5. Respondent, in his capacity as a licensed veterinarian, admits that in such capacity he is subject to the provisions of Chapter 455 and 474, Florida Statutes, the rules promulgated pursuant thereto, and the jurisdiction of the Department and the Board.

6. Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute a violation of Chapter 474, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

7. Respondent shall not, in the future, violate Chapter 474, Florida Statutes, or the rules promulgated pursuant thereto.

8. APPEARANCE: Respondent shall be present at the board hearing considering this Stipulation.

9. COSTS: Respondent shall pay \$876.86 in investigative costs to the Board of Veterinary Medicine. Payment shall be in the form of a cashier's or certified check and made payable to the Executive Director of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0792. Payment shall be made no later than thirty days from the date of filing of a Final Order adopting this Stipulation.

10. FINE: Respondent shall pay an administrative fine in the amount of \$4,000 to the Board of Veterinary Medicine. Payment is due thirty days after the issuance of the Final Order adopting this Stipulation. Payment shall be in the form of a cashier's or certified check and made payable to the Executive Director of the Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, Florida 32399-0792.

11. PROBATION: Respondent's veterinary medical license shall be placed on non-reporting probation for a period of two years. It shall be a violation of probation for Respondent to

commit a violation of Chapter 455 or 474, Florida Statutes, during the probationary period. It shall further be a violation of the probationary period for Respondent to fail to comply with any of the terms contained in this Stipulation.

12. Upon the Board's adoption of this Stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Stipulation of Facts, Conclusions of Law, the Stipulated Disposition, and the Final Order of the Department incorporating said Stipulation, or any part thereof.

13. Upon the Board's adoption of this Stipulation, the parties hereby agree that each party will bear its own attorney's fees and legal costs resulting from prosecution and/or defense of this proceeding.


14. Should this Stipulation be rejected, no statement made in furtherance of this Stipulation by the Respondent may be used as direct evidence against the Respondent in any proceeding. However, such statements may be used by the Department for impeachment purposes.

15. Respondent agrees to waive demand, notice of non-payment and protest, and in the event suit is brought for the collection of fines or costs set forth herein, Respondent shall be liable for Petitioner for reasonable attorney's fees for making such collection.

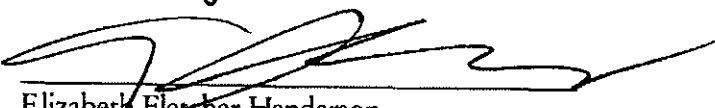
16. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Stipulation. Should this Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration, or resolution of these proceedings.

WHEREFORE, the parties hereto request the Board of Veterinary Medicine to enter a Final Order accepting and implementing the terms contained herein.

SIGNED this 4 day of February, 2016


Abdel-Hakim Hamici, D.V.M.
Respondent
Case No. 2015-018347

APPROVED this 19th day of February, 2015.


Elizabeth Fletcher Henderson
Assistant General Counsel
Florida Bar No. 0980404
Department of Business and
Professional Regulation
Office of the General Counsel
1940 North Monroe St.
Tallahassee, Florida 32399-2202
Phone: (850) 488-0062
Facsimile: (850) 414-6749

EFH/hqd

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

FILED	
Department of Business and Professional Regulation Deputy Agency Clerk	
CLERK	Evette Lawson-Proctor
Date	12/31/2015
File #	

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

Case No. 2015-018347

ABDEL-HAKIM HAMICI, D.V.M.,

Respondent.

ADMINISTRATIVE COMPLAINT

The Department Of Business and Professional Regulation (“Petitioner”), files this Administrative Complaint against Abdel-Hakim Hamici, D.V.M. (“Respondent”), and alleges:

1. Petitioner is the state agency charged with regulating the practice of veterinary medicine pursuant to Section 20.165, Florida Statutes, and Chapters 455 and 474, Florida Statutes.
2. At all times material to this Complaint, Respondent was licensed to practice veterinary medicine in the State of Florida, having been issued license number VM 9477.
3. Respondent's address of record is 595 North 99th Ave., Naples, FL 34108.
4. On or about February 14, 2015, Shelli L. Connelly (“Complainant”) brought her six dachshund dogs to Respondent at Old 41 Veterinary & Emergency Clinic for dental cleanings and nail trimming: an 8-year old male named “Henry,” a 6-year old female named “Hannah,” a 4-year old male named “Tucker”, a 4-year old named “Dakota,” a 4-year old named “Gus Gus,” and a 4-year old named “Domino.”
5. Both Domino and GusGus had been previously diagnosed with heart murmurs.

6. Domino died during the procedure for his dental cleaning, and GusGus had damage resulting from his heart stopping during his procedure and the subsequent revival efforts.

COUNT I

7. Petitioner realleges and incorporates by reference the allegations set forth in paragraphs one through six as though fully set forth herein.

8. On or about February 14, 2015, Respondent failed to provide pre-medications or induction agents to the above patients prior to administering Isoflurane and oxygen.

9. Respondent failed to take into consideration the heart murmurs of Domino and GusGus when putting them under anesthesia for the procedure.

10. Additionally, there is no notation in the medical records that any drugs were given in attempting to resuscitate either Domino or GusGus. Proper standard of care would have been to have given Atropine to attempt to save them, and it was either not given, or not noted in the medical record. Failing to utilize the proper method to resuscitate to the dogs that went into cardiac arrest during the procedure is below the level of care, skill and treatment that a reasonably prudent veterinarian would practice.

11. Failing to provide pre-medications or induction agents prior to administering Isoflurane and oxygen, and failing to utilize a safer method of anesthesia for the two dogs with known heart conditions is below the level of care, skill, and treatment that a reasonably prudent veterinarian would practice.

12. Section 474.214(r), Florida Statutes (2015), provides that “[b]eing guilty of incompetence or negligence by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent veterinarian as being acceptable under similar conditions and circumstances” provides grounds for disciplinary action.

13. Based on the foregoing, Respondent violated Section 474.214(r), Florida Statutes (2015).

COUNT II

14. Petitioner realleges and incorporates by reference the allegations set forth in paragraphs one through six as though fully set forth herein.

15. On or about February 14, 2015, Respondent noted in the medical records for “Henry”: weight of 14 lbs., temperature of 101.6, pulse of 76, respiration rate of 24, administered Isoflurane and oxygen for induction, and performed dental cleaning.

16. Respondent failed to record within the medical records for “Henry”: the flow rate of Isoflurane and oxygen administered, and any notes regarding the condition of the teeth and gums.

17. On or about February 14, 2015, Respondent noted in the medical records for “Tucker”: weight of 11 lbs., temperature of 102.1, pulse of 120, respiration rate of 36, administered Isoflurane and oxygen for induction, and performed dental cleaning.

18. Respondent failed to note within the medical records for “Tucker”: the flow rate of Isoflurane and oxygen administered, and any notes regarding the condition of the teeth and gums.

19. On or about February 14, 2015, Respondent noted in the medical records for “Dakota”: weight of 10 lbs., temperature of 101.2, pulse of 92, respiration rate of 28, administered Isoflurane and oxygen for induction, and performed dental cleaning.

20. Respondent failed to note within the medical records for “Dakota”: the flow rate of Isoflurane and oxygen administered, and any notes regarding the condition of the teeth and gums.

21. On or about February 14, 2015, Respondent noted in the medical records for “Gus Gus”: weight of 10 lbs., temperature of 101.5, pulse of 116, respiration rate of 24, was diagnosed with heart disease, administered Isoflurane and oxygen for induction, and performed dental cleaning.

22. Respondent also noted that “Gus Gus” stopped breathing during the dental cleaning, turned off the Isoflurane, administered CPR, “Gus Gus” recovered and had a weak pulse, temperature of 98.6, Respondent administered 100 ml 0.9% NaCl SC, and administered a Vitamin B injection.

23. Respondent failed to note within the medical records for “Gus Gus”: the records from the previous veterinarian showing a history of heart disease, the flow rate of Isoflurane and oxygen administered, the time when CPR was initiated, the time, concentration, and route of the Vitamin B injection, and any notes regarding the condition of the teeth and gums. Nor do the records reflect the state GusGus was in following his revival.

24. On or about February 14, 2015, Respondent noted in the medical records for “Domino”: weight of 10 lbs., temperature of 101.2, pulse of 92, respiration rate of 28, was diagnosed with heart disease, administered Isoflurane and oxygen for induction, performed dental cleaning, “Domino” stopped breathing 15 minutes after the dental procedure began, Respondent stopped the flow of Isoflurane, and performed CPR on “Domino” for about 5 minutes without recovery.

25. Respondent failed to note within the medical records for “Domino”: the records from the previous veterinarian showing a history of heart disease, the flow rate of Isoflurane and oxygen administered, the time when CPR was initiated, and any notes regarding the condition of the teeth and gums.

26. Section 474.214(1)(ee), Florida Statutes (2014), subjects a licensee to discipline for “[f]ailing to keep contemporaneously written medical records as required by rule of the Board.”

27. Rule 61G18-18.002(3), Florida Administrative Code (2015), provides that:

Medical records shall be created as treatment is provided or within 24 hours from the time of treatment and include the date of each service performed.

They shall contain the following: [n]ame of owner or agent, [p]atient identification, [r]ecord of any vaccinations administered, [c]omplaint or reason for provision of services, [h]istory, [p]hysical examination to include, but not limited to patient weight, temperature, pulse, and respiration, or noted exceptions to the collection of said information, [a]ny present illness or injury noted, [p]rovisional diagnosis or health status determination.

28. Rule 61G18-18.002(4), Florida Administrative Code (2015), provides that:

:

In addition, medical records shall contain the following information if these services are provided or occur during the examination or treatment of an animal or animals: [c]linical laboratory reports, [r]adiographs and their interpretation, [c]onsultation, [t]reatment – medical, surgical, [h]ospitalization, [d]rugs prescribed, administered, or dispensed along with the route, strength, and dosage of the drug and time said drug was administered if not otherwise discernible from the record, [t]issue examination report, [n]ecropsy findings.

29. Respondent failed to keep contemporaneously written medical records as required by rule of the Board, when Respondent failed to:

- a. Record within the medical records the history of each patient sufficiently;
- b. Record within the medical records the times and types of treatment administered or performed;
- c. Record within the medical records the route, strength, and/or dosage of drugs administered, prescribed, or dispensed, and/or
- d. Record accurate details of the procedures.

30. Based on the foregoing, Respondent violated Section 474.214(1)(ee), Florida Statutes (2015), when Respondent failed keep contemporaneously written medical records as required by rule of the Board.

WHEREFORE, Petitioner respectfully requests the Veterinary Medicine Board enter an order imposing one or more of the following penalties: suspension or permanent revocation or of Respondent's license, restriction of Respondent's practice, imposition of an administrative fine not to exceed \$5,000 for each count or separate offense, issuance of a reprimand, placement of

Respondent on probation subject to specified conditions, corrective action, assessment of costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time or any other relief that the Florida Board of Veterinary Medicine is authorized to impose pursuant to Chapters 455 and 474, Florida Statutes, and the rules promulgated thereunder.

Signed this 30th day of December, 2015.

KEN LAWSON, Secretary
Department of Business and
Professional Regulation

By: /s/ Elizabeth Fletcher Henderson

Elizabeth Fletcher Henderson
Assistant General Counsel
Florida Bar No. 0980404
Department of Business and
Professional Regulation
Office of the General Counsel
1940 North Monroe St., Ste. 42
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(850) 488-0062 Telephone
(850) 414-6749 Facsimile

PCP Found: December 10, 2015
PCP Found By: J. Helm and R. Leonard

EFH/

NOTICE OF RIGHTS

Please be advised that mediation under section 120.573, Florida Statutes, is not available for administrative disputes involving this type of agency action.

Please be advised that Respondent has the right to request a hearing to be conducted in accordance with sections 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoenas and subpoenas duces tecum issued on his or her behalf if a hearing is requested. Any request for an administrative proceeding to challenge or contest the charges contained in the administrative complaint must conform to Rule 28-106.2015, *Florida Administrative Code*. Rule 28-106.111, *Florida Administrative Code*, provides in part that if Respondent fails to request a hearing within twenty-one (21) days of receipt of an agency pleading, Respondent waives the right to request a hearing on the facts alleged.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to section 455.227(3)(a), Florida Statutes, the Board, or the Department when there is no Board, may assess costs related to the investigation and prosecution of the case excluding costs associated with an attorney's time, against Respondent in addition to any other discipline imposed.