

## TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

### BOARD MEETING MINUTES

July 19, 2016

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Tuesday, July 19, 2016, in Room #2-225 of the William P. Hobby, Jr. Building, 333 Guadalupe, Austin, Travis County, Texas. Roland Lenarduzzi, DVM, Board President, called the meeting to order at 9:17 a.m. Board Members present were, Dan Craven, DVM, Vice-President; Joe Mac King, DVM, Secretary; Janie Carpenter, DVM; Lynn Criner, DVM; James McAdams; Keith Pardue; Jessica Quillivan, DVM and Chad Upham. Board Staff present were: Nicole Oria, Executive Director; Maggie Griffith, General Counsel; Karen Phillips, Director of Enforcement; Michelle Griffin, Staff Attorney; Marilyn Hartman, Director of Licensing; Loris Jones, Executive Assistant; and Teresa Long, Chief Fiscal Officer.

**Agenda Item 2, Consideration and Approval of the April 19, 2016 Minutes.** Dr. Carpenter moved, Mr. McAdams seconded and the motion passed to approve the April 19, 2016 minutes.

**Agenda Item 3, Introduction of new staff members.** Ms. Phillips introduced Matt West, Investigator; and Ms. Oria introduced Teresa Long who was promoted to Chief Fiscal Officer.

**Agenda Item 4, Citizens Comments.** Dr. Lenarduzzi called for citizen comments. Tom D'Amura, DVM presented comments regarding agency compliance inspections. Sam Miller, DVM and Rick Wall, DVM presented comments on behalf of the Texas Veterinary Medical Association.

**Agenda Item 5, Consideration and approval of Agreed Orders.** After discussion, Dr. Carpenter moved, Dr. King seconded and the motion passed to approve the agreed orders on the following licensees: *David Faulkner, DVM; James Howard, DVM; John Alexander, DVM; Edward Dempsey, DVM; Tiffany Imke, DVM; Karen Bookout, DVM; Nancy Bozeman, DVM; John Montalbano, DVM; Courtney Forbes, DVM; Bruce Hardesty, DVM; Janice Price, DVM; Edwin McLeod, DVM; Jeffrey Schall, DVM; Joshua Harvey, DVM; Michael Brooking, DVM; Paul Wyss, DVM; and So Yoo, DVM.*

**Agenda Item 6, Consideration and approval of Cease and Desist Orders.** After discussion, **Dr. Quillivan moved, Dr. King seconded and the motion passed to approve the Cease and Desist Orders on the following individuals: *Jennifer Weems and Destini Mize.***

**Agenda Item 7, Consideration and approval of cases dismissed at Staff Conference.** Ms. Griffith explained that all cases closed at the Staff Conference level were going to be presented to the board for final approval on their dismissal. After discussion, **Dr. Carpenter moved, Mr. McAdams seconded, and the motion passed to approve the dismissal on case numbers: *CP16-130, CP16-264, CP15-444, CP16-111, CP16-112, CP16-116, CP16-117, CP16-265, CP16-267, and CP16-259.***

**Agenda Item 8, Consideration and approval of Final order regarding Eddy Soranaka, DVM.** Ms. Griffin presented information regarding the disciplinary history of Dr. Soranaka. After discussion, **Dr. Quillivan moved, Dr. Criner seconded, and the motion passed to approve the Final Order on Eddy Soranaka, DVM.**

**Agenda Item 9, Discussion, recommendation and possible action on disciplinary matrices regarding:**

- a. Controlled Substance Log
- b. DEA Registration

After discussion, **Dr. Criner moved, Dr. Craven seconded, and the motion passed to approve the disciplinary matrix regarding controlled substance logs and to direct staff to publish this matrix on the agency website.** After further discussion, **Mr. McAdams moved, Dr. Quillivan seconded, and the motion passed to approve the disciplinary matrix regarding DEA Registration and to direct staff to publish this matrix on the agency website.**

**Agenda Item 10, Report from the Rules Committee.**

- a. **Public Hearing, consideration and possible action on rules to be adopted.** Ms. Griffith presented the changes proposed at the April 19, 2016 meeting regarding changes to the following rules: §§573.10, 573.14, 573.15, 573.29, 573.41, 573.44, 573.45, 573.51, 573.52, 573.53, 573.65, 573.69, 573.82, and 577.15. After discussion, **Dr. Quillivan moved, Dr. Carpenter seconded and the motion passed to adopt the amendments to §§573.10, 573.14, 573.15, 573.29, 573.41, 573.44, 573.45, 573.51, 573.52, 573.53, 573.65, 573.69, 573.82, and 577.15.**
- b. **Discussion, recommendation and possible action on proposed rules.** Ms. Griffith presented changes to proposed rules §§573.80, 577.5, 577.15, and 577.18. After discussion, **Dr. Criner moved, Dr. Carpenter seconded and the motion passed to publish the proposed preamble and amendments to §573.80, 577.5, 577.15, and 577.18 in the *Texas Register* in accordance with law for public comment.**
- c. **Discussion, recommendation and possible action on petitions for rulemaking.** Ms. Griffith presented a petition for rulemaking from the Texas Veterinary Medical Association in regards to §573.43 Controlled Substance Registration. After discussion, **Dr. Craven moved, Dr. King seconded, and the motion passed to deny the petition for rulemaking.**
- Ms. Griffith then presented a petition for rulemaking from Kenneth Fletcher, DVM regarding §573.51 Rabies. After discussion, **Dr. Carpenter moved, Dr. Criner seconded, and the motion passed to approve the petition for rulemaking in part and direct staff to prepare a rule proposal that would add the address requirement to rule 573.51 and to deny the portions of the petition that would make changes to both the DSHS rule and the TBVME rule, as it appears that the petition for rulemaking has not been provided to DSHS, and any amendments to the TBVME rule would render the two rules inconsistent.**

**Agenda Item 12, Discussion, recommendation and possible action regarding ratification of the 2017-2021 Strategic Plan.** Ms. Oria discussed the Strategic Plan highlighting the agency's goals for the future, such as: conversion of licensee microfiche files to a digital format, the creation of a secure portal so licensees can report address changes, reporting of volunteer hours, the ability to review what documentation is lacking for licensure applicants, and reporting of continuing education hours, all of which will reduce phone calls to the Board because the licensee will have all the information they need available to them on their time schedule.

**Agenda Item 13, Discussion, recommendation and possible action regarding 2017-2018 Legislative Appropriation Request.** Ms. Oria discussed the agency's Legislative Appropriations Request (LAR) that will be submitted in August. Ms. Oria highlighted the exceptional items the agency will be requesting. These are:

1. Restoration of 4% we were asked to cut.
2. The addition of an investigator position.
3. Increase in funding for Peer Assistance.
4. Funding for temporary employee during training for the migration to the Centralized Accounting and Payroll/Personnel System.
5. Funding for the agency's portion of the Laserfiche document management system which the other Health Professions Council member agencies will also be transitioning to.

**Agenda Item 13, Executive Director's Report**

**a. Report on Health Professions Council Activities.** Ms. Oria discussed that we continue to work with HPC and they arranged a meeting and demonstration with Cities Digital the vendor for the Laserfiche document management system.

**b. Enforcement Report:**

- 1. Investigations.** Ms. Phillips discussed the enforcement statistics noting that as of July 6, 2016, the investigators had completed 760 onsite inspections which exceeded the goal of 750 onsite compliance inspections for fiscal year 2016.

- 2. Legal:** Ms. Griffith discussed the legal department's activities noting that there have been three (3) days of informal conferences held since April 19, 2016, and that there are two (2) cases docketed at SOAH pending hearing, two (2) cases at SOAH pending hearing, two (2) SOAH hearings held, and five (5) cases currently pending docketing at SOAH.
- 3. Peer Assistance:** Ms. Oria discussed the peer assistance information stating that there are currently twenty-two (22) veterinarians in the Peer Assistance Program with eight (8) of those being by board order and fourteen (14) voluntary participants.
- c. IT Report:** Mr. Rierson presented information regarding the IT items being worked on, such as the coding to implement the updated fees for the Prescription Monitoring Program, importing of temporary clinic notifications to the database, and improvements to the compliance inspection reports to help highlight required inspections.
- d. Finance Report:** Ms. Long presented information on the status of the budget and revenue for fiscal year 2016.
- e. Licensing Report:**

  - 1. Report on 2016 License Renewals.** Ms. Hartman discussed the statistics related to Licensing and Examinations, noting that as of May 30, 2016, the online renewals were at 94%.
  - 2. Licensing and Examinations Report.** Ms. Hartman noted that there are 10,426 licensees in all categories
  - 3. Report on State Board Exams.** Ms. Hartman presented information on the State Board Examinations taken on demand at testing centers between January 1, 2016 and June 30, 2016 noting that out of 282 applicants 272 passed the State Board Examination. Ms. Hartman further discussed the LVT State Board Examination noting that out of 57 applicants 46 passed that examination during the same time period.

- f. Report on Discussions with Texas Veterinary Medical Association.** Ms. Oria stated that discussions with TVMA are ongoing and we expect to work with them on other issues that come before the board. Ms. Oria further discussed that there will be a meeting during the upcoming AVMA meeting in San Antonio with Mr. Jim Arnold, with the DEA, to discuss the issue of DEA Registration requirements.

There being no further business, the meeting adjourned at 10:53 a.m.