The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Friday, September 10, 2010 in Room, #2-225 of the William P. Hobby, Jr. Building, 333 Guadalupe, Austin, Travis County, Texas. Bud Alldredge, D.V.M., President, called the meeting to order at 8:36 a.m. Board Members present were David Heflin, D.V.M., Vice-President; Janie Carpenter, D.V.M., Ms. Cynthia Diaz, Dr. J. Todd Henry, Mr. David Kercheval, Mr. Paul Martinez, and David Rosberg, D.V.M. Board Staff present were: Dewey E. Helmcamp III, JD, Executive Director; Nicole Oria, General Counsel; Ina Franz, Director of Licensing; Keith Cole, Chief Fiscal Officer; Peter Hartline, Director of Enforcement; and Loris Jones, Executive Assistant.

Dr. Rosberg moved, Dr. Carpenter seconded and the motion passed to approve the absence of John Clader, DVM.

Agenda Item 2, Approval of Minutes. Dr. Carpenter moved, Mr. Martinez seconded and the motion passed to approve the minutes of the June 28, 2010 Board meeting.

Agenda Item 3: Citizen Comments. Dr. Alldredge called for citizen comments. Mr. Greg Munson addressed the Board.

Agenda Item 4, Licensure Petitions.

a. Discussion, recommendation and possible action on petitions to take the State Board Exam.

1. Paul H. Langner, III, DVM. Dr. Langner is a 1966 graduate of the University of Pennsylvania, College of Veterinary Medicine. Upon graduation, Dr. Langner took and passed the National Board Examination (NBE) in Pennsylvania. The Clinical Competency Test (CCT) was not offered at the time.

Dr. Langner served in the US Army from June 1967 until his honorable discharge in May of 1969. Thereafter, he earned a veterinary license in several other states, and has been practicing in New Mexico since 2002.
After discussion, Dr. Rosberg moved, Mr. Kercheval seconded and the motion passed to require Dr. Langner to take and pass the State Board Examination within one year of the approval of his waiver.

Agenda Item 11(b), Report on State Board Exams. Ms. Franz discussed the results of the August 9, 2010 State Board Exam, noting the 100% pass rate.

Agenda Item 11(d)(ii), Licensing and Examinations Report. Ms. Franz discussed the statistics related to Licensing and Examinations. As of August 20, 2010 we had 7,487 licensed veterinarians in all categories.

Agenda Item 6, Consideration and Approval of Cease and Desist Orders. Dr. Carpenter moved, Ms. Diaz seconded, and the motion passed to approve the Cease and Desist Orders on case numbers 09-026, 10-090, 10-141, 10-177, 10-207, 10-208, and 10-305.

Dr. Heflin moved and Mr. Martinez seconded and the motion passed to go into Executive Session at 10:06 a.m. for private consultation and advice of counsel concerning settlement offers, and/or disciplinary action under the authority of the Open Meetings Act, Government Code, §551.071 and Occupations Code §801.407(d); and Attorney General's Opinion No. H-484. Open session resumed at 11:53 a.m. and it was announced that no action was taken. A certified agenda was made.

The Board recessed at 11:54 a.m.

The Board reconvened at 1:30 p.m.

Agenda Item 15, Introduction to new Peer Assistance Provider. Ms. Oria introduced Ms. Donna Chamberlin with the Professional Recovery Network.
Agenda Item 5, Consideration and Approval of Agreed Orders. Dr. Heflin moved, Dr. Carpenter seconded, and the motion passed to approve the Agreed Orders on the following: Jennifer Webb, DVM; John G. Manning, DVM; Teleah Grand-Bergen, DVM; Michael Dodd, DVM; Betsy Mikkelsen, DVM; Lori Honeycutt, DVM; Cassie Epstein, DVM; Adrienne Gwin, DVM; John McHalffey, DVM; Joseph Doak, DVM; Dennis Wendt, DVM; David Snyder, DVM; Molly Haffey; Lori Steele-West, DVM; Alfred Vardeman, DVM; Matthew B. Murphy, DVM; L. Denmon Shelton, DVM; Michael Moran, DVM; Randal Miles, DVM; Ellen Jefferson, DVM; Alessandra Bottesini, DVM; Anne James, DVM; William H. Eikenhorst, DVM; Douglas R. Hendrix, DVM; Larry Haugland, DVM; Marcel Perret-Gentil, DVM; Elton Haydel, DVM; Sarah Neaderhouser, DVM; Diane McGee, DVM; James Kaaz, DVM

Agenda Item 8, Report from the Rules Committee. The rules committee met as part of the full Board meeting, Ms. Oria presented the rules that were up for adoption.

a. Discussion, recommendation, and possible action on rules to be adopted. The following changes to Board rules were proposed at the June 28, 2010 Board meeting and were considered for adoption:

1. 571.3, Eligibility for Examination and Licensure
2. 577.2, Meetings
3. 573.17, Dentistry

After discussion by the Board, Mr. Martinez moved, Mr. Kercheval seconded and the motion passed to adopt the proposed amendments to §571.3 as written. Ms. Diaz moved, Mr. Kercheval seconded and the motion passed to adopt the proposed amendments to §577.2 as written 577.2 as written. Dr. Rosberg moved, Dr. Carpenter seconded and the motion passed to send §573.17 back to the rules committee for reconsideration.

Ms. Oria presented a Board Resolution which states:

As of September 10, 2010, the Texas State Board of Veterinary Medical Examiners agrees not to send out further voluntary cease and desist letters with regards to the practice of teeth floating against lay practitioners for any new or pending complaints received by the board until a rule is adopted by the
board under the Texas Administrative Procedure Act. In addition, the board will not send to the Office of the Attorney General for compliance enforcement/prosecution for any of the current outstanding signed cease and desist orders for teeth floating until a rule is adopted by the board under the Texas Administrative Procedure Act.

After discussion, Mr. Kercheval moved, Ms. Diaz seconded and the motion passed to adopt the Resolution as presented.

b. Discussion, recommendation, and possible action on rules to be proposed:
Ms. Oria presented an overview of each rule as presented for proposal. After discussion, Dr. Heflin moved, Mr. Kercheval seconded and the motion passed to approve the proposed amendments as written to §§571.62, 571.63, 573.77, 577.20, and 571.19 and to publish the proposed preambles and amendments in the Texas Register in accordance with law. After further discussion, Mr. Kercheval moved, Dr. Carpenter seconded and the motion passed to approve the proposed amendments to §575.28 with changes recommended by the Rules Committee and to publish the proposed preambles and amendments in the Texas Register in accordance with law.

Dr. Henry moved and Dr. Carpenter seconded and the motion passed to reconsider the vote on Board Rule 573.17 and the resolution presented by Board staff. After discussion, Mr. Kercheval moved, Ms. Diaz seconded and the motion passed to reject the Resolution as presented.

Agenda Item 9, Consideration and possible action regarding policy: Policy Deadline for Requesting a Copy of the Licensee’s Response to a Complaint. After discussion, Dr. Heflin moved, Ms. Diaz seconded and the motion passed to approve the policy as presented.

Agenda Item 10, Consideration and approval of the August 20, 2010 Public Hearing minutes. After discussion, Mr. Martinez moved, Ms. Diaz seconded and the motion passed to approve the minutes as written.
Agenda Item 11, Executive Director’s Report.

a. Report on Health Professions Council (HPC) Activities. Mr. Helmcamp gave a brief update on HPC activities.

d. Status of FY2010 Operating Budgets. Mr. Dewey Helmcamp, gave a brief overview of the FY2010 budget. Mr. Helmcamp further discussed budget cuts that each state agency is having to develop and potential ways the TBVME will achieve the required cuts.

e. Board Performance Update.

1. Enforcement Report: Mr. Hartline discussed the Enforcement side of the agency and noted that there has been a trend of increased number of complaints. Ms. Moriaty reviewed cases pending action at the State Office of Administrative Hearings.

3. Peer Assistance Report: Mr. Helmcamp mentioned that there are currently seventeen veterinarians under the Peer Assistance program.

f. Report on discussion with Texas Veterinary Medical Association. Mr. Helmcamp mentioned that discussions with the TVMA have been ongoing and continue to be productive.

Agenda Item 12, Election of Officers. Dr. Heflin moved, Mr. Martinez seconded and the motion passed to elect Dr. Clader as Vice-President. Dr. Heflin moved, Mr. Martinez seconded and the motion passed to elect Dr. Rosberg as Secretary.

Agenda Item 13, Appointment of Committees. Dr. Alldredge recommended for approval the following:

a. Executive Disciplinary Committee: Dr. Alldredge, Dr. Clader, and Mr. Martinez with Dr. Carpenter as a licensee alternate and Ms. Diaz as a public member alternate;
Enforcement Committee: Dr. Clader, Dr. Rosberg and one public member on a rotating basis with Dr. Henry as a licensee alternate;
Rules Committee: Ms. Diaz (chair), Mr. Kercheval, and Dr. Carpenter and Dr. Henry.

Dr. Rosberg moved, Mr. Martinez seconded and the motion passed to approve the committee appointments.

Agenda Item 14, Consideration and approval of meeting dates for calendar year 2011. After discussion, all members agreed upon the scheduled meeting dates of March 21, June 13, September 26, and December 5, 2011.

There being no further business, the meeting was adjourned at 3:30 p.m.