

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS**  
**BOARD MEETING MINUTES**  
**October 13, 2015**

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Tuesday, October 13, 2015 in Room, #2-225 of the William P. Hobby, Jr. Building, 333 Guadalupe, Austin, Travis County, Texas. Bud Alldredge, DVM, President, called the meeting to order at 9:45 a.m. Board Members present were, Roland Lenarduzzi, DVM, Vice-President; Dan Craven, DVM, Secretary; Janie Carpenter, DVM, J. Todd Henry, DVM, Joe Mac King, DVM, James McAdams, Keith Pardue, and Chad Upham. Board Staff present were: Nicole Oria, Executive Director; Michelle Griffin, Staff Attorney; Marilyn Hartman, Director of Licensing; Debi McKay, Chief Fiscal Officer; and Loris Jones, Executive Assistant.

**Agenda Item 3, Consideration and Approval of the July 21, 2015 Minutes. Dr. Carpenter moved, Dr. Henry seconded and the motion passed to approve the July 21, 2015 minutes.**

**Agenda Item 2, Introduction of new staff members.** Ms. Oria introduced Perry Goggins, Enforcement Administrative Assistant; Joel Rierson, Systems Analyst; and Na'Stashia Thomas, Legal Assistant.

**Agenda Item 4, Citizens Comments.** Dr. Alldredge called for citizen comments. There were none.

**Dr. Lenarduzzi moved, Dr. Craven seconded and the motion passed to go into Executive Session at 9:49 a.m. for private consultation and advice of counsel concerning pending or contemplated litigation or settlement offer and/or possible disciplinary action under the authority of the Open Meetings Act, GOVERNMENT CODE, §551.071; OCCUPATIONS CODE §801.407(d) and Attorney General's Opinion No. H-484.** Open session resumed at 10:27 a.m. and it was announced that no action was taken. A certified agenda was made.

**Agenda Item 5, Consideration and approval of Agreed Orders.** After discussion, **Dr. Carpenter moved, Dr. Craven seconded and the motion passed to approve the agreed orders on the following licensees:** *George McKirahan, DVM; Mark Barker, DVM; Andra Anderson, DVM; Brea Smith, DVM; Todd Hayden, DVM; Kathie Digilio, DVM; Jimmie Gill, DVM; Allen Cloutier, DVM; Mallory Tate, DVM; H. Dan Sanders, DVM; Alan Coffman, DVM; Crystal Bohanon, DVM; Krista Hunt, DVM; Michael Rainey, DVM; Douglas Sanders, DVM; Alfred Vardeman, DVM; James Rogers, DVM; Vijayshela Gudipally, DVM; Mary Ramos, DVM; Jonathan Dyes, DVM; James Tucker, DVM; Valerie Jaffee, DVM; Mark Wood, DVM; Donna Fuller, DVM; Jeffery Pruitt, DVM; B. Kent Cooper, DVM; Melissa Suarez, DVM; Kevin Sinapi, DVM; and Corrie Bates, DVM.*

**Agenda Item 6, Consideration and approval of Cease and Desist Orders.** After discussion, **Dr. Carpenter moved, Dr. Craven seconded and the motion passed to approve the Cease and Desist Orders on the following individuals:** *Linda Robinson-Pardo, Christine Watson, and Danny Jackson*

**Agenda Item 7, Report from the Rules Committee.**

- a. **Update on public hearing requested by TVMA on Rule 573.43.** Prior to the public hearing, TVMA withdrew their request so no public hearing was held.
- b. **Public Hearing, consideration and possible action on rules to be adopted.** Ms. Oria presented the changes proposed at the July 21, 2015 meeting regarding changes to the following rules: §§571.1, 571.9, 571.17, 571.55, 571.56, 571.59, 571.60, 571.61, 573.4, 573.7, 573.43, 573.50, 573.54, 573.64, 573.71, 573.72, 573.80, 575.22, 575.27, 575.28 and 577.15.

Russell Ueckert, DVM and Elizabeth Choate provided public comment in regards to §§573.7, 573.43, 573.54, and 573.71. After discussion, **Mr. McAdams moved, Dr. Henry seconded and the motion passed to adopt the amendments to §§571.1, 571.9, 571.17,**

**571.55, 571.56, 571.59, 571.60, 571.61, 573.4, 573.7, 573.43, 573.50, 573.54, 573.64, 573.71, 573.72, 573.80, 575.22, 575.27, 575.28 and 577.15.**

- c. Discussion, recommendation and possible action on proposed rules.** Ms. Griffin presented changes to proposed rules §§571.7 and 573.64. After discussion, **Dr. Lenarduzzi moved, Dr. Henry seconded and the motion passed to publish the proposed preambles and amendments to §§571.7, and 573.64 in the *Texas Register* in accordance with law for public comment.**
- d. Discussion, recommendation and possible action on proposed Rule Review of Chapter 573.** Ms. Oria presented information about the rule review of Chapter 573. After discussion, **Mr. McAdams moved, Dr. Carpenter seconded and the motion passed to publish the proposed Rule Review in the *Texas Register* in accordance with law for public comment.**

**Agenda Item 8, Appointment of Committees.** Dr. Alldredge made appointments to the following committees:

**Enforcement Committee:** Dr. Lenarduzzi, Dr. Carpenter, and one public member on a rotating basis. Dr. Craven will serve as the licensee alternate.

**Executive Disciplinary Committee:** Dr. Craven, Dr. Carpenter, and Mr. Pardue. Dr. King will serve as the licensee alternate and Mr. McAdams will serve as the public member alternate.

**Rules Committee:** Dr. Alldredge made no changes to the Rules Committee.

**Agenda Item 9, Election of Officers:** Dr. Alldredge called for nominations for the Vice-President and Secretary. Dr. Lenarduzzi nominated Dr. Craven for Vice-President, Dr. Henry seconded the nomination and the motion passed. Dr. Lenarduzzi nominated Dr. King for Secretary, Dr. Henry seconded the nomination and the motion passed.

**Agenda Item 10, Board Member Report.**

Dr. Lenarduzzi discussed his attendance at the American Association of Veterinary State Boards annual meeting. Based on information he obtained during the meeting, Dr. Lenarduzzi made the recommendation to place a copy of the inspection form investigators use while performing on-site compliance inspections on the agency website.

Dr. Alldredge discussed his attendance at the Southwest Veterinary Symposium noting that he addressed the TVMA Board of Directors and further mentioned that TVMA has set up a task force and will provide beneficial information during the agency's sunset process.

**Agenda Item 11, Executive Director's Report**

- a. Report on Health Professions Council (HPC) Activities.** Ms. Oria discussed that the Sunset process has begun for some of the HPC member agencies.

Ms. Oria further mentioned that in January 2016 the renewal process will begin with the change to renewals based on the birth month of the licensee. She further mentioned that this change will be a complicated one and that the agency will be flexible and helpful as much as possible. Ms. Oria also mentioned that based on the recommendation from Dr. Lenarduzzi, the compliance inspection form has been added to the agency website in two separate locations.

- b. Enforcement Report:**

- 1. Investigations.** Ms. Oria discussed the enforcement statistics noting that for Fiscal Year 2015 the number of complaints resolved were at an all-time high and that the average resolution time has still stayed extremely low. The resolution time was not the lowest it has been in the most recent past, however, during the Fiscal Year 2015 timeframe there was turnover of two investigators.

- 2. Legal:** Ms. Griffin discussed the legal side of the agency, noting that there have been two notices of hearing that have been filed with the State Office of Administrative Hearings (SOAH), of which one was settled and approved at this meeting, and four cases currently filed with the State Office of Administrative Hearings. Ms. Griffin provided information regarding the legal department's activities in fiscal year 2015, and thus far, they have settled 5 cases that were pending at SOAH and currently have 8 cases still pending at SOAH, the oldest of which is a complaint that was filed in November of 2013 and the others were complaints filed in 2014 and 2015.
- c. Status of 2014 Operating Budgets.** Ms. McKay presented information on the FY2016 budget, the FY2015 revenue report, and the FY2015 Governmental Funds Operating Statement.
- d. Licensing Report:**

  - 1. Report on 2015 License Renewals.** Ms. Hartman discussed the statistics related to Licensing and Examinations, noting that as of September 29, 2015, the online renewals were at 96% and there are 9,914 licensees in all categories.
  - 2. Licensing and Examinations Report.** Ms. Hartman highlighted the number of LVT applications and that 992 licenses were issued.
  - 3. Report on State Board Exams.** Ms. Hartman presented information on the August 2015 State Board Examinations, noting that there were 86 tested and 3 who failed the August exam for veterinarians. Ms. Hartman also noted that in the August exam for veterinary technicians, there were 18 tested and 5 who failed.

Ms. Hartman also discussed the changes that were being made to the examination process that will eliminate the existing testing windows and allow for an "on-demand" examination schedule.

- e. Peer Assistance Report:** Ms. McKay mentioned that there are currently twenty-one veterinarians under contract with the Peer Assistance Program, nine by board order and twelve voluntary.
- f. Report on Discussions with Texas Veterinary Medical Association.** Ms. Oria stated that discussion with TVMA in relation to the upcoming Sunset process will be scheduled.

There being no further business, the meeting adjourned at 11:59 a.m.