

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
January 27, 2015

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Tuesday, January 27, 2015 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 9:10 a.m. Board Members present were, Roland Lenarduzzi, DVM, Vice-President; Dan Craven, DVM, Secretary; Janie Carpenter, DVM, J. Todd Henry, D.V.M., James McAdams, Keith Pardue, and Chad Upham. Board Staff present were: Nicole Oria, Executive Director; Kate Fite, General Counsel; Marilyn Hartman, Director of Licensing; Debi McKay, Chief Fiscal Officer; Karen Phillips, Director of Enforcement; and Loris Jones, Executive Assistant.

Agenda Item 1, Call to Order, Roll Call, and Vote on Absences. Joe Mac King, DVM, was absent and approval of the absence was tabled until the next regularly scheduled meeting.

Agenda Item 2, Introduction of new staff members. Ms. Hartman introduced Scott Ramos, License & Permit Specialist.

Agenda Item 3, Consideration and Approval of the June 3, 2014 Minutes. Dr. Craven moved, Mr. McAdams seconded and the motion passed to approve the October 21, 2014 minutes.

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

Agenda Item 6, Discussion, recommendation and possible action on petition(s) to waive the CCT and be allowed to take the Texas State Board Exam.

a. James E. Hurrell, DVM.

Dr. James Hurrell graduated in 1974 from the University of Michigan. After graduation, he owned his own practice for 7 years before transitioning into teaching. He taught at community colleges in Michigan and Louisiana, and then moved to Texas in 2012 to begin working at Penn Foster College. Dr. Hurrell is now the Director of the Veterinary Academy at Penn Foster College and is living in Granbury, Texas. Penn Foster College is an online college offering an AVMA-accredited veterinary technician program. He is

seeking licensure in Texas as a requirement of his employment. At the time of his graduation from veterinary college, the CCT was not offered.

After discussion, **Dr. Henry moved, Dr. Carpenter seconded and the motion passed to waive the CCT and allow Dr. Brooks to take and pass the State Board Examination within one year.**

Agenda Item 6, Consideration and approval of Agreed Orders. Dr. Alldredge pulled nineteen (19) orders from consideration. After discussion, **Dr. Lenarduzzi moved, Dr. Carpenter seconded and the motion passed to approve the agreed orders on the following licensees:**

Kody Kothmann, DVM; Robert Gribble, DVM; Noel Ramirez, DVM; Donald Copeland, DVM; Eddy Soranaka, DVM; James Wilson, DVM; Cassie Epstein, DVM; Larry Grantham, DVM; Efithia Giannopoulos, DVM; Tommy Vanderford, DVM; Jennifer Keene, DVM; Katie Voitier, DVM; Bethany Harris, DVM; Curtis Sanders, DVM; Jon Taylor, DVM; Jenniffer Barr, LVT; Andrew Houser, DVM; Susan Randlett, DVM; Susan Lyus, LVT; Lisa Johnson, DVM; Brandi Edens, LVT; Rexann Morrison, LVT; Terrell Rourk, DVM; Heidi Nascimi, DVM; Constance Sack, DVM; John Stern, DVM; Rachael Smith, DVM; Kimberly Downes, DVM; Steven Koenig, DVM; Lina Aziz, DVM; David Cordray, DVM; Yasmina Sebek, LVT; John Ruppert, LVT; Devin Garver, LVT; Glen Campbell, DVM; Gregory Arthur, LVT; Deborah Kelly, LVT; Robert Bauml, DVM; Genelle Beremes, DVM; Donna Fuller, DVM; Tommy Vanderford, DVM; Catherine Banfield, DVM; Thomas Sutton, DVM; Marilyn Rowe, DVM; and Laurie Gray, DVM.

Dr. Lenarduzzi moved, Dr. Craven seconded and the motion passed to go into Executive Session at 9:30 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 10:09 a.m. and it was announced that no action was taken. A certified agenda was made.

After further discussion, **Dr. Carpenter moved, Dr. Lenarduzzi seconded and the motion passed to approve the Agreed Order on Adam Whitson, DVM.** Dr. Alldredge and Mr. Upham were recused.

Agenda Item 7, Consideration and approval of Cease and Desist Orders. After discussion, **Dr. Lenarduzzi moved, Dr. Henry seconded and the motion passed to approve the Cease and Desist Orders.**

Agenda Item 8, Consideration of the Proposal for Decision and approval of Final Order regarding Penny Kelso, DVM. Dr. Kelso did not attend. Jonathan Crabtree presented information regarding the Board Staff's position and sanction recommendations. After discussion, **Dr. Lenarduzzi moved, Dr. Carpenter seconded and the motion passed to accept the Proposal for Decision and adopt the Final Order.** Dr. Alldredge, Dr. Henry, Mr. Upham, and Mr. McAdams were recused.

Agenda Item 9, Discussion, recommendation and possible action on Policy Regarding Procedure for Board Approval of Continuing Education Courses. Ms. Fite presented information on the policy and after discussion, **Dr. Carpenter moved, Mr. McAdams seconded and the motion passed to adopt the policy.**

Agenda Item 10, Report from the Rules Committee.

- a. **Public Hearing, consideration and possible action on rules to be adopted.** Ms. Fite presented the rule changes proposed at the October 21, 2014 meeting regarding changes to the following rules: §§571.15, 571.52, 573.5, 573.11, 573.20, 573.22, 573.35, 573.54, 573.70, 573.81, 575.35, and 575.60. Tracy Colvin, DVM, Russell Ueckert, DVM, and Elizabeth Choate made public comments on the changes to §§573.11 and 573.81. Ms. Fite addressed comments received in writing as well as those presented during the

meeting. Ms. Fite further discussed three additional versions of §573.11 for consideration.

After discussion, **Mr. McAdams moved, Mr. Upham seconded and the motion passed to table the adoption of §573.11.** After further discussion, **Dr. Carpenter moved, Dr. Lenarduzzi seconded and the motion passed to adopt the amendments to §§571.15, 571.52, 573.5, 573.20, 573.22, 573.35, 573.54, 573.70, 573.81, 575.35, and 575.60 as recommended by the Rules Committee.**

- b. Discussion, recommendation and possible action on proposed rules.** Ms. Fite presented the changes proposed to §§573.23, 573.28, 573.60, 573.65, 573.151, 573.71, 573.79, and the amendments to §573.11 as discussed at the meeting. After discussion, **Dr. Henry moved, Dr. Carpenter seconded and the motion passed to publish the proposed preambles and amendments to §§573.23, 573.28, 573.60, 573.65, 573.151, 573.71, 573.79 in the *Texas Register* in accordance with law for public comment. Mr. McAdams moved, Dr. Henry seconded and the motion passed to propose the amendments to §573.11. Mr. Upham voted against the motion to propose §573.11.**
- c. Discussion, recommendation and possible action on the adoption of Chapter 571 Rule Review.** Ms. Fite presented the rule review of Chapter 571 which includes the proposed changes. After discussion, **Dr. Carpenter moved, Dr. Lenarduzzi seconded and the motion passed to adopt the rule review of Chapter 571.**
- a. Public Hearing, consideration and possible action on rules to be adopted continued.** Ms. Fite presented the revisions to §573.81 as discussed at the meeting. Sam Miller, DVM Tracy Colvin, DVM, Russell Ueckert, DVM, and Elizabeth Choate made public comments on the changes to §573.81. Ms. Fite addressed comments received in writing as well as those presented during the meeting. Ms. Fite further discussed five additional versions

of §573.81 for consideration. After discussion, **Dr. Henry moved, Dr. Craven seconded and the motion passed to adopt §573.81 with non-substantive changes.**

Agenda Item 11, Discussion, recommendation and possible action on a policy regarding the deadline by which all licensure documentation must be received by an applicant that is having to appear before the Board. Ms. Hartman presented information on the policy stating that this formalizes the current practice of the Licensing Department. After discussion, **Dr. Carpenter moved, Dr. Henry seconded and the motion passed to approve the policy.**

Agenda Item 12, Discussion, recommendation and possible action regarding results of survey regarding requirement for licensees to (1) wear name tags; (2) change to a 2 year renewal cycle; and (3) items individuals would like to see added or improved on the agency website. Ms. Oria summarized the information received in the survey. After discussion, no action was taken on item (1) or item (3), **Dr. Lenarduzzi moved, Mr. Pardue seconded and the motion passed to direct staff to explore the option of moving to a 2 year renewal cycle.**

Agenda Item 13, Board Member Report. Dr. Lenarduzzi discussed information received at the September 2014 meeting of the Council on Licensure Enforcement and Regulation. Dr. Carpenter discussed information received at the September 2014 meeting of the American Association of Veterinary State Boards. Dr. Craven discussed information received at the Professional Recovery Network Advisory Committee meeting in October 2014.

Agenda Item 14, Report from the Laser Therapy Committee. This item was covered during the discussion of the proposed rules recommended from the Rules Committee.

Agenda Item 15, Executive Director's Report

- a. Report on Health Professions Council (HPC) Activities.** Ms. Oria discussed the upcoming changes to the agency website by the HPC web designer, a legislative ad hoc committee, and information received during the Small State Agency Task Force.
- b. Enforcement Report:**
 - 1. Investigations.** Ms. Phillips highlighted the increase in complaints and the workload of the investigators, noting that there is a slight backlog of cases due to recent turnover.
 - 2. Legal:** Ms. Fite discussed the legal side of the agency, noting that there are currently three cases in litigation and four cases in which the legal department will be filing a Notice of Hearing with the State Office of Administrative Hearings. Ms. Fite provided information regarding the legal department's activities in fiscal year 2015, thus far, noting that 3 notices of hearing were filed with the State Office of Administrative Hearings and that 2 hearings and 1 mediation had occurred. Further, Ms. Fite noted that the legal department had drafted 76 proposed agreed orders and cease and desist orders and held 5 days of informal conferences for 51 cases.
- c. Status of 2014 Operating Budgets.** Ms. McKay presented information on the FY2015 budget and an overview of the General Appropriations Act.
- d. Licensing Report:**
 - 1. Report on 2014 License Renewals.** Ms. Hartman highlighted the number of LVT applications and that 840 licenses were issued which includes 341 that were issued after September 1, 2014.
 - 2. Licensing and Examinations Report.** Ms. Hartman discussed the statistics related to Licensing and Examinations noting that as of January 16, 2015 the online renewals were at 98% and there are 8,466 licensed veterinarians in all categories, 50 equine dental providers, and 1,379 licensed veterinary technicians.
 - 3. Report on State Board Exams.** Ms. Hartman presented information on the October and December 2014 State Board Examinations, noting that there was one

failure in each examination. Ms. Hartman presented information on the December 2014 Licensed Veterinary Technician Examination noting there were three failures.

e. Peer Assistance Report: Ms. McKay mentioned that there are currently fourteen veterinarians under contract with the Peer Assistance Program, seven by board order and 7 voluntary.

f. Report on Discussions with Texas Veterinary Medical Association. Ms. Oria stated that discussion related to legislation are ongoing with TVMA.

There being no further business, the meeting adjourned at 4:01 p.m.