

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
February 18, 2014**

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Tuesday, February 18, 2014 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 9:50 a.m. Board Members present were, Joe Mac King, D.V.M., Vice-President; Janie A. Carpenter, D.V.M., Secretary; Dan Craven, DVM; J. Todd Henry, D.V.M.; Roland Lenarduzzi, DVM, James McAdams, and Board Staff present were: Nicole Oria, Executive Director; Kate Fite, General Counsel; Ina Franz, 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. Dr. Henry moved, Dr. Lenarduzzi seconded, and the motion passed to deny the absences of Chad Upham and Mamie Salazar-Harper.

Agenda Item 2, Consideration and Approval of the October 22, 2013 Minutes. Dr. Carpenter moved, Dr. Henry seconded and the motion passed to approve the October 22, 2013 minutes.

Agenda Item 3, Introduction of new staff members. Ms. Franz introduced the two new licensing staff members, Wanda Bennett and Lily Lopez.

Agenda Item 14, Discussion with representatives from AAVSB and NBVME regarding Program for the Assessment of Veterinary Education Equivalence (PAVE). John Boyce, DVM and Jay Headrick, DVM attended representing NBVME and presented information regarding PAVE, the Qualifying Exam, and what services NBVME provides.

Dr. Lenarduzzi moved, Dr. Henry seconded and the motion passed to go into Executive Session at 10:30 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 11:10 a.m. and it was announced that no action was taken. A certified agenda was made.

Agenda Item 5, Consideration and approval of Proposals for Decision.

- (a) **SOAH Docket 578-14-0699, Gary Brackeen, DVM.** Mr. Jonathan Crabtree presented a summary of the case history and the staff's recommendation. Dr. Brackeen did not appear. After discussion, **Mr. McAdams moved, Dr. Henry seconded and the motion passed to accept the Proposal for Decision.**

Agenda Item 6, Consideration and approval of Agreed Orders. After discussion, **Dr. Carpenter moved, Dr. Henry seconded and the motion passed to approve the following Agreed Orders:**

Robert Tiller, DVM (2 orders); Jim Airhart, DVM (2 orders); Bryan Shedd, DVM; Betty Drummond, DVM; Danielle Garcia, DVM; Kelli Shomette, DVM; Jeffry Bynum, DVM; Sam Adams, DVM; Linda Garza, DVM; Elizabeth Hildreth, DVM; Anna Gardner, DVM; Alvaro Medina, DVM; Jay Meyer, DVM; Stephanie Webb, DVM; Virgil Partin, DVM; Ricky Myers, DVM; Elizabeth Calabria, DVM; Candace Major, DVM; Steven Garner, DVM; Brent Melloy, DVM; Daniel O'Neil, DVM; James Wilson, DVM; Rachel Brown, DVM; Keidra Carmen, DVM; Ted Hard, EDP; Shonda Stallings, DVM; Mead McGee, EDP; Liat Zilkha, DVM; and Shauna Curtis, DVM.

Agenda Item 7, Consideration and approval of Cease and Desist Orders. After discussion, **Dr. Carpenter moved, Dr. Craven seconded and the motion passed to approve the following Cease and Desist Orders:** *John Edwards; Celestino Ortiz; Melinda Wolff; Jean Motas; Marty Rosenquest; Carol Brackeen; Desiree Karr; R.F. Redden, DVM; Reginald Oliver; Susan Mooney and Stephen & Lynette Freeman.*

Agenda Item 8, Consideration and ratification of Board Order by operation of law regarding Vincent Alexis, DVM. After discussion, **Dr. Henry moved, Dr. Carpenter seconded and the motion passed to ratify the Board Order on Vincent Alexis, DVM.**

Agenda Item 9, Discussion, recommendation and possible action on petition(s) to waive the CCT and be allowed to take the Texas State Board Exam.

a. **R.F. Redden, DVM.** Dr. Redden is a 1974 graduate of Ohio State University, College of Veterinary Medicine. Dr. Redden took and passed the NBE (National Board Examination) the same year. The CCT (Clinical Competency Test) was not offered at that time. Dr. Redden owns and operates the International Equine Podiatry Center in Versailles, Kentucky. He is currently licensed in Kentucky, Ohio and Utah. According to his application, Dr. Redden has presented and taught at various RACE (Registry of Acceptable Continuing Education - a national organization under the American Association of Veterinary State Boards) approved continuing education venues. Since 1970, he attended the AAEP Annual Convention as well as the International Hoof Summit since its organization, but states that he has not done so in the last two years. Recently, Dr. Redden was found to have practiced without a license in the State of Texas, and, according to his statement, has been doing this for the past 40 years. He has executed a Cease and Desist Order which was presented to the Board today.

After discussion, **Dr. Carpenter moved, Dr. Henry seconded and the motion passed to waive the CCT and allow Dr. Redden to take and pass the SBE within 1 year.**

b. **Ronald S. Weiner, DVM.** Dr. Weiner graduated from the University of California, College of Veterinary Medicine in June of 1973. Dr. Weiner took and passed the NBE (National Board Examination) the same year. The CCT (Clinical Competency Test) was not offered at that time. Dr. Weiner is currently licensed in California and owns a practice in San Jose, California. According to his application, Dr. Weiner has regularly attended continuing education and lists between 10 to 30 approved CE hours attained annually.

After discussion, **Dr. Lenarduzzi moved, Dr. Carpenter seconded and the motion passed to waive the CCT and allow Dr. Weiner to take and pass the SBE within 1 year.**

Agenda Item 10, Discussion, recommendation and possible action on petition to take the State Board Exam.

- a. **Michael Braunstein, DVM.** Dr. Braunstein graduated from the University of Pennsylvania, College of Veterinary Medicine in May of 1977. The CCT (Clinical Competency Test) was not offered at that time. Dr. Braunstein states that he took and passed the NBE (National Board Examination) the same year. However, neither the AAVSB (American Association of Veterinary State Boards) the official national score repository agency, nor the Pennsylvania Veterinary Board can produce a document that shows proof of Dr. Braunstein's score. AAVSB has a roster with applicant numbers only for that year and cannot match it with any candidates' name. The Pennsylvania Veterinary Board had a fire in 1994 during which all records were destroyed. As Pennsylvania is the only state in which he is now or has ever been licensed, there is no other state to contact that may have the NBE information. Dr. Braunstein maintains a veterinary medical license in Pennsylvania where he currently owns and operates two veterinary facilities. Since 1994, Dr. Braunstein has attended the NAVC on an annual basis to attain his continuing education. In 2012, he became certified by the Chi Institute.

After discussion, **Dr. Carpenter moved, Dr. Lenarduzzi seconded and the motion passed to allow Dr. Braunstein to take and pass the SBE within 1 year.**

Agenda Item 4, Citizen Comments. Mr. Greg Munson and Ms. Julie Catalano presented comments to the Board.

Agenda Item 11, 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 22, 2013 meeting regarding changes to the following rules:

§§571.1, 571.4, 571.5, 571.6, 571.17, 571.21, 571.23, 571.25, 571.54, 571.60, 571.61, 571.62, 573.2, 573.10, 573.11, 573.12, 573.13, 573.14, 573.19, 573.64, 573.65, 573.71, 575.8, 575.22, 575.24, 575.25, 575.35, 575.50, 577.5, 577.12, and 577.16.

There were no public comments on the rules to be adopted.

After discussion, **Dr. Lenarduzzi moved, Dr. Carpenter seconded and the motion passed to adopt the amendments to §§571.1, 571.4, 571.5, 571.6, 571.17, 571.21, 571.23, 571.25, 571.54, 571.60, 571.61, 571.62, 573.2, 573.10, 573.11, 573.12, 573.13, 573.14, 573.19, 573.64, 573.65, 573.71, 575.8, 575.22, 575.24, 575.25, 575.25, 575.35, 575.50, 577.5, 577.12, and 577.16 as recommended by the Rules Committee.**

b. Discussion, recommendation and possible action on adoption of the rule review of Chapter 577. Ms. Fite presented the rule review of Chapter 577. After discussion, **Dr. King moved, Dr. Carpenter seconded and the motion passed to adopt the rule review of Chapter 577.**

c. Discussion, recommendation and possible action on proposed rules. Ms. Fite presented the changes proposed to §573.9, 573.27, 577.15. After discussions, **Dr. Craven moved, Dr. Carpenter seconded and the motion passed to publish the proposed preambles and amendments to §573.9 and §577.15 in the *Texas Register* in accordance with law for public comment, §573.27 was tabled as recommended by the Rules Committee.**

Agenda Item 12, Appointment of Laser Therapy Committee. Dr. Alldredge appointed the following to the Laser Therapy Committee: Rick Wall, DVM; Matt Long; John Norris, DVM; Russell Ueckert, DVM and Bud Alldredge, DVM.

Agenda Item 13, Discussion, recommendation and possible action on policy regarding continuing education required for Licensed Veterinary Technicians in calendar year 2014 for

the 2015 renewal period. Ms. Fite presented the proposed policy, after discussion, **Dr. Henry moved, Dr. Carpenter seconded and the motion passed to approve the policy.**

Agenda Item 15, Consideration and possible action on application for Equine Dental Provider Certifying Entity. Ms. Oria presented the Equine Dental Providers of America's application for Equine Dental Provider Certifying Entity. After discussion, **Dr. Henry moved, Dr. Lenarduzzi seconded and the motion passed to approve the application by Equine Dental Providers of America to be an Equine Dental Provider Certifying Entity.**

Agenda Item 14 (continued), Discussion with representatives from AAVSB and NBVME regarding Program for the Assessment of Veterinary Education Equivalence (PAVE). John Lawrence, DVM attended representing AAVSB and presented information regarding PAVE.

Agenda Item 16, Executive Director's Report

- a. **Report on Health Professions Council (HPC) Activities.** Ms. Oria discussed that HPC has lost one IT person and this is primarily due to low salary.
- b. **Report on 2014 License Renewals.** Ms. Franz discussed the renewals as of January 31, 2014 noting that 91% of the licensees who have renewed have done so online.
- c. **Report on State Board Exams.** Ms. Franz presented information on the October and December 2013 exams, noting there were two failures in October and two failures in December.
- d. **Status of 2014 Operating Budgets.** Ms. McKay gave a brief overview of FY2014 budgets noting that we are on track with our allocated budget for FY2014.
- e. **Board Performance Update.**
 1. **Enforcement Report:**
 - A. **Investigations.** Ms. Phillips discussed the Enforcement side of the agency and noted that they have completed 173 on-site compliance inspections.

- B. Legal.** Ms. Fite discussed the legal side of the agency, noting that there are currently four cases in litigation. Ms. Fite also noted that there are currently one hearing and one mediation scheduled and one notice of hearing to be filed with the State Office of Administrative Hearings.
- 2. Licensing and Examinations Report.** Ms. Franz discussed the statistics related to Licensing and Examinations noting that as of February 13, 2014 we had 8,229 licensed veterinarians in all categories.
- 3. Peer Assistance Report:** Ms. Oria mentioned that there are currently twenty veterinarians under contract with the Peer Assistance Program, twelve by order and eight voluntary.
- f. Report on Discussions with Texas Veterinary Medical Association.** Ms. Oria stated that there is no news to report.

There being no further business, the meeting adjourned at 3:15 p.m.