

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
June 3, 2014

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Tuesday, June 3, 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 9:05 a.m. Board Members present were, Joe Mac King, D.V.M., Vice-President; Dan Craven, DVM; J. Todd Henry, D.V.M.; Roland Lenarduzzi, DVM, James McAdams, and Chad Upham. 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. Mr. McAdams moved, Dr. Craven seconded, and the motion passed to approve the absences of Janie Carpenter, DVM and Mamie Salazar-Harper.

Agenda Item 2, Consideration and Approval of the February 18, 2014 Minutes. Dr. Henry moved, Dr. Lenarduzzi seconded and the motion passed to approve the February 18, 2014 minutes.

Agenda Item 3, Consideration and approval of Agreed Orders. After discussion, Dr. Henry moved, Dr. King seconded and the motion passed to approve the following agreed orders:

Lisa Howe, DVM; Jeanne Chucle, DVM (2 orders); Thomas Hooper, DVM; Joel Akin, DVM; John Key, DVM; David Espinosa, DVM; David Helcel, DVM; Stephanie Arnold, DVM; Brad Abraham, DVM; Ivan Muennink, DVM; Brooks Butler, DVM; John Bitter, DVM; Louis Sidwa, DVM; Joey Bryant, DVM; Linwood Starks, III, DVM; Daniel Braddock, DVM; Robert Granberry, DVM; Jason Walter, DVM; Jeffry Bynum, DVM; Jason Schroeder, DVM; Virginia Elliott, DVM; Pamela Langston, DVM; Eliza Wilby, DVM; Denise Smith, DVM; Randy Mullinix, EDP; Michael James, DVM; Alfonso Arca, DVM; David Hebel, DVM; Michael Brooking, DVM; Rhonda Dixon, DVM; Stephen Bowman, DVM; Terrence Mayronne, DVM; and Stephen Tucker, DVM.

Dr. Henry moved, Mr. McAdams seconded and the motion passed to go into Executive Session at 9:11 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 10:31 a.m. and it was announced that no action was taken. A certified agenda was made.

Agenda Item 3, Consideration and approval of Agreed Orders (*continued*). After discussion, **Dr. Lenarduzzi moved, Dr. Henry seconded and the motion passed to approve the following agreed orders:**

Matthew Nimmo, DVM; Constance Sack, DVM; Kellie Herrington, DVM; Patricia Rife, DVM; Sam Joy, DVM; John Williams, DVM; Charter Ramey, DVM; Huey Beckham, DVM; and Kelly Brown, DVM.

Agenda Item 6, Citizens Comments. Dr. Alldredge called for citizen comments. Ms. Nettie Dunn addressed the Board.

Agenda Item 4, Discussion, recommendation and possible action regarding Petition to Reinstate License by Edward Todd, DVM. Ms. Fite presented background information and the Enforcement Committee's recommendation to reinstate the license of Dr. Todd. Dr. Todd appeared before the Board to present information on his petition to have his license reinstated. After discussion, **Dr. Henry moved, Dr. Craven seconded and the motion passed to waive the Clinical Competency Test, allow Dr. Todd to take the State Board Examination, and upon passage of the SBE, reinstate the license of Edward Todd, DVM.**

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

Cease and Desist Orders: *Luis Romero; Charles Cooper; Ayah Istambouli; Minh Tran; Jamie Cupps; Rob Cupps; Patricia G. Thompson, DVM; Andres Torres; Desiree Laredo; and Luis Torres.*

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 February 18, 2014 meeting regarding changes to the following rules: §§573.9 and 577.15

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

After discussion, **Mr. Upham moved, Dr. Henry seconded and the motion passed to adopt the amendments to §§573.9 and 577.15 as recommended by the Rules Committee.**

- b. **Discussion, recommendation and possible action on proposed rules.** Ms. Fite presented the changes proposed to §§573.10, 573.22, 573.29, 573.41, 573.41, 573.43, 573.74, 573.76, 575.28, 575.281, 575.29, 575.30, and 577.15. After discussions, **Dr. Lenarduzzi moved, Dr. Henry seconded and the motion passed to publish the proposed preambles and amendments to §§573.10, 573.22, 573.29, 573.41, 573.41, 573.43, 573.74, 573.76, 575.28, 575.281, 575.29, 575.30, and 577.15 in the *Texas Register* in accordance with law for public comment.**

- c. **Discussion, recommendation and possible action on petition for rulemaking.** Ms. Fite presented information on a petition for rulemaking submitted by the Texas Veterinary Medical Association regarding §573.54 Patient Records Release and Charges. After discussion, **Dr. Henry moved, Dr. Craven seconded and the motion passed to direct staff to study the rule and bring back with proposed amendments at the next regularly scheduled meeting.**

Agenda Item 8, Consideration and possible action regarding pending litigation. Ms. Fite presented information and the Agreed Permanent Injunction and the Agreed Final Injunction regarding Dena Corbin. After discussion, **Mr. Upham moved, Dr. Henry seconded and the motion passed to approve the Agreed Permanent Injunction and the Agreed Final Injunction.**

Agenda Item 9, Consideration and approval of final order regarding Richard Beham. Jonathan Crabtree presented information regarding the default judgment and final Cease and Desist order against Richard Beham. After discussion, **Mr. McAdams moved, Mr. Upham seconded and the motion passed to approve the Cease and Desist Order.**

Agenda Item 10, Consideration and approval of final order regarding Andra Anderson, DVM. Jonathan Crabtree presented information regarding the default judgment and the Final Decision and Order against Andra Anderson, DVM. After discussion, **Dr. Henry moved, Dr. Craven seconded and the motion passed to approve the Final Decision and Order.**

Agenda Item 11, Discussion, recommendation and possible action on approval of 2% legislative salary increase for the Executive Director. After discussion, **Dr. Lenarduzzi moved, Dr. Henry seconded and the motion passed to approve the salary increase for the Executive Director.**

Agenda Item 12, Discussion, recommendation and possible action regarding 2015-2019 Strategic Plan. Ms. Oria presented information on the contents and related items of the Strategic Plan. Ms. Oria noted that the database project was progressing and specifically recognized the work done by Deborah McKay, Chief Fiscal Officer; Ina Franz, Director of Licensing; and Karen Phillips, Director of Enforcement. Also noted was the increase of Temporary Suspensions that have been held this fiscal year. **Dr. Lenarduzzi moved, Mr. McAdams seconded and the motion passed to approve the 2015-2019 Strategic Plan.**

Agenda Item 16, Executive Director's Report

- a. Report on Health Professions Council (HPC) Activities.** Ms. Oria discussed that the agency staff are working with HPC staff on computer upgrades, software upgrades and the re-working of the agency website.
- b. Report on 2014 License Renewals.** Ms. Franz discussed the renewals as of May 21, 2014.
- c. Report on State Board Exams.** Ms. Franz presented information on the April 2014 exam, noting there was only one.
- 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 203 on-site compliance inspections as of April 30, 2014.
 - 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 four hearings and one mediation scheduled and seven notice of hearings 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 May 21, 2014 we had 8,412 licensed veterinarians in all categories. Ms. Franz also noted that as of that same date 1 Equine Dental Provider license was issued during fiscal year 2014 and 188 Licensed Veterinary Technician licenses were also issued.

Ms. Franz, during this report, also announced that after 34 years of state service, of which 27 were with this agency, she would be retiring on July 31, 2014.

- 3. Peer Assistance Report:** Ms. McKay 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 11:55 a.m.