

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
July 16, 2013

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Tuesday, July 16, 2013 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 9:40 a.m. Board Members present were, J. Todd Henry, D.V.M., Vice-President; Joe Mac King, D.V.M., Secretary; Richard Bonner, Janie A. Carpenter, D.V.M., John Clader, D.V.M., David Rosberg, D.V.M and Mamie Salazar-Harper. Board Staff present were: Nicole Oria, Executive Director; Laura Moriarty, 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. Rosberg moved, Dr. Clader seconded, and the motion passed to approve the absence of Chad Upham.

Agenda Item 2, Consideration and Approval of the March 25, 2013 Minutes. Dr. Clader moved, Dr. Rosberg seconded and the motion passed to approve the March 25, 2013 minutes with clerical corrections as discussed.

Ms. Jones introduced the new Receptionist, Leticia Vasquez.

Agenda Item 9, Report from the Rules Committee.

- a. Public Hearing, consideration and possible action on rules to be adopted.** Ms. Moriarty presented the rule changes proposed at the March 25, 2013 meeting regarding changes to the following rules:

§§573.10, 573.14, 573.19, 573.70, and 575.38

The following individuals presented public comment on the rules to be adopted:

Elizabeth Choate, Texas Veterinary Medical Association
Katie Broaddus, DVM
Nancy Carter, DVM
Marilyn Gotbeter, DVM
Michelle Wilbanks
Linda Czisny, DVM
Courtney Bridgeman

Kathy Davis

After public comments and discussion, **Dr. Rosberg moved, Dr. Clader seconded and the motion passed to adopt the amendments with minor clerical corrections as recommended by the Rules Committee.**

- b. Discussion, recommendation and possible action on proposed rules.** Ms. Moriaty presented the changes proposed to §§571.11, 571.57, and 573.27. Dr. Alldredge called on Don Ferrill, DVM, JD who was speaking on behalf of himself and the public expressing concerns with the changes to §573.27. In addition, Dr. Alldredge called on Elizabeth Choate who was speaking on behalf of TVMA and expressed their concerns regarding §573.27. They feel that veterinarians who are sanctioned under this section would be seen as a dishonest veterinarian. After discussions, **Dr. Clader moved, Dr. Carpenter seconded and the motion passed with Dr. King voting against the motion to approve the proposed amendments as written to §§ 573.27 and to publish the proposed preambles and amendments in the *Texas Register* in accordance with law for public comment.**

Ms. Moriaty presented the changes proposed to §§573.50, 573.51, 573.52, 575.50, 575.63, and 577.15. **After further discussion, Dr. Carpenter moved and Dr. Rosberg seconded and the motion passed to approve the changes to §§571.11, 571.57, 573.50, 573.51, 573.52, 575.50, 575.63, and 577.15 and to publish the proposed preambles and amendments in the *Texas Register* in accordance with law for public comment.**

Agenda Item 3, Citizen Comments. No one signed up to speak.

Agenda Item 4, Discussion, recommendation and possible action on petition(s) to waive the CCT and be allowed to take the State Board Exam.

a. William E. DeWitt, DVM Dr. DeWitt graduated from the Auburn University, College of Veterinary Medicine on June 3, 1968. He took and passed the NBE, however, the CCT was not offered at that time.

Dr. DeWitt maintains a veterinary medical license in Alabama where he currently owns the Forestdale Veterinary Clinic and where he has been practicing since May of 1970.

Since graduation, Dr. DeWitt has maintained active membership in various veterinary organizations. He also currently serves, and served in the past, as a member or officer on various veterinary Boards, related councils, committees and associations.

In the past three years, Dr. DeWitt attended an annual average of 20 - 30 hours of continuing education, mostly in small animal medicine, to be in compliance with the Alabama Veterinary Board's CE requirements.

After discussion, **Dr. Rosberg moved, Dr. Clader seconded and the motion passed to waive the CCT and allowing Dr. DeWitt to take the State Board Exam within one year.**

b. Alan G. Brady, DVM Dr. Brady graduated from the Iowa State University, College of Veterinary Medicine on May 24, 1980. He took and passed the NBE, however, the CCT was not offered at that time.

Dr. Brady maintains a veterinary medical license in Virginia, Alabama, and North Carolina.

After graduation, Dr. Brady practiced in a small animal hospital in Washington, DC. He completed a laboratory animal residency at Wake Forest University, and, in 1987, became board-certified by the American College of Laboratory Animal Medicine.

Dr. Brady was the Director of Laboratory Animal Care at the University of South Alabama; is the Past President of the Association of Primate Veterinarians; is currently an Associate Professor of Veterinary Sciences at the Michale Keeling Center for Comparative Medicine and Research in Bastrop, Texas (part of UT's MD Anderson Cancer Center); trains veterinary residents and students from Texas A & M University and conducts research.

As an academic veterinarian, he attends annual meetings of the ACLAM, the Association of Primate Veterinarians and the American Association for Laboratory Animal Science. Additionally, he plans and assists at these meetings. During the last three years, Dr. Brady averaged 28 hours of AAVSB (RACE) approved continuing education. He is also required by MD Anderson to attend and present at weekly meetings.

After discussion, **Dr. Rosberg moved, Dr. Clader seconded and the motion passed to waive the CCT and allow Dr. Brady to take the State Board Exam within one year.**

Agenda Item 5, Discussion, recommendation and possible action on petition to take the State Board Exam.

a. Margaret Klein, DVM Dr. Klein is an applicant for a veterinary license in the State of Texas.

Dr. Klein answered 'yes' to the question if she had been convicted or indicted of a criminal offense and she attached pertinent documentation. As is customary, the information was forwarded to the legal department for review. The legal department requested that the material is presented to the full Board for review and consideration.

After discussion, **Dr. King moved, Dr. Clader seconded and the motion passed to allow Dr. Klein to take and pass the State Board Exam within one year and also be allowed to take the Provisional State Board Exam.**

Agenda Item 6, Consideration and approval of Agreed Orders. Dr. Alldredge pulled Agreed Order 2013-76 on David Rosberg, DVM, Dr. Carpenter moved, Ms. Salazar-Harper seconded, and the motion passed to approve the order. Dr. Rosberg was recused from the vote.

Dr. Alldredge pulled Agreed Order 2013-85. After discussion, Dr. Clader moved, Dr. Carpenter seconded and the motion passed to decline this order and directed staff to close this case with no violation found.

After discussion, Dr. Rosberg moved, Dr. Clader seconded and the motion passed to approve the following agreed orders: *Melanie Mercer, DVM; Joe Neff, DVM; Eliza Wilby, DVM; Robert Rosebrock, DVM; Darrell Kinnard, DVM; Larry Ellis, DVM; Joel Akin, DVM; Patricia Cooper, DVM; Elaine Caplan, DVM; Rhonda Dixon, DVM; James Kunkel, DVM; David Rosberg, DVM; Garry Lewis, DVM; Bruce Hardesty, DVM; Robert Webster, DVM; Granville Wright, DVM; Edwin McLeod, DVM; LuAnn Groves, DVM; Joey Bryant, DVM; James Prescher, DVM; Kristie Anderson, DVM; Bob O'Quinn, DVM; Alice Frei, DVM; Barbara Whitlock, DVM; Lauren Peruffo, DVM; Larry Shaw, DVM; Gregory Knape, DVM; E. Michael Kopf, DVM; Blythe Parham, DVM; David Schmitz, DVM; Maria Montemayor, DVM; Ryan Royse, DVM; David McGookey, DVM; James Loftis, DVM; Steve Lozzi, DVM; Rex Maddox, DVM; Stephen Williams, DVM; Lauren Leckie, DVM; Timothy Holt, DVM; Richard Wall, DVM; Jennifer Beattie, DVM; Bobby Barham, DVM; Michelle Gomulak, DVM; Ruann Pittman, DVM; Sarah Crawford, DVM; Thomas Evans, DVM*

Agenda Item 7, Consideration and approval of Cease and Desist Orders. After discussion, Dr. Carpenter moved, Dr. Clader seconded and the motion passed to approved the following

Cease and Desist Orders: 11-219; 12-250; 12-308; 12-333; 13-032; 13-066; 13-087; 13-141, 13-142; 13-176; 13-197, 13-199, 13-200; 13-253; 13-258; 11-260.

Agenda Item 8, Consideration and approval of Proposals for Decision. Mr. Crabtree presented a summary of the case history and the staff's recommendation. Ms. Jennifer Melton did not appear. After discussion, **Dr. Clader moved, Dr. Rosberg seconded and the motion passed to adopt the findings of fact and conclusions of law and directed staff to issue a Cease and Desist Order to Ms. Melton.**

Dr. Carpenter moved, Dr. Rosberg seconded and the motion passed to approve the following agenda items:

10. Consideration and Approval of May 29, 2013 Executive Disciplinary Committee Minutes, regarding Sarah Vick, D.V.M., Temporary Suspension Without Notice.

18. Consideration and Approval of June 11, 2013 Enforcement Committee Minutes, regarding Sarah Vick, D.V.M., Temporary Suspension With Notice.

Agenda Item 15, Discussion, recommendation and possible action regarding Report From Equine Dental Provider Certifying Entity Advisory Committee and Agenda Item 16, Policy regarding the requirements for Equine Dental Provider Certifying Entity Applications. Ms. Moriarty presented a report from conference calls held and the policies and procedures that have been developed as a result of these conference calls. After discussion, **Dr. Henry moved, Dr. King seconded and the motion passed to approve the report and resulting policies.**

Agenda Item 17, Discussion, recommendation and possible action regarding discussions with AAVSB related to RACE continuing education approvals. Ms. Oria presented information on issues related to continuing education approvals by RACE. No action was taken by the Board.

Agenda Item 18, Executive Director's Report

- a. Report on Health Professions Council (HPC) Activities.** Ms. Oria discussed that new IT person has been hired by HPC and that they were given the authority by the legislature to hire a web administrator.
- f. Report on Discussions with Texas Veterinary Medical Association.** Ms. Oria reported on the ongoing discussions with TVMA in regards to the herd rule and the transition of Licensed Veterinary Technicians to TBVME
- g. Legislative Update.** Ms. Oria discussed the legislation that granted the TBVME the authority to license and discipline Licensed Veterinary Technicians. Ms. Oria also gave an overview of the upcoming process and criminal history background checks.

Ms. Oria noted that the legislation authorizing the agency to commission investigators as peace officers did not pass, and further thanked TVMA for their work on that legislation.

Ms. Oria discussed the Legislative Appropriations Request noting that the agency did receive additional funding for legal expenses, the employee retirement costs were

being increased, and the agency did not receive funding for retention salary increases.

Ms. Oria also discussed that legislation passed granting the Texas Racing Commission authority to share information on their investigations with other agencies, however the TBVME cannot share information on our investigations with them.

- b. Report on 2013 License Renewals.** Ms. Franz discussed the renewals as of May 31, 2013 noting that there continues to be an increase each year in the number of online renewals. Ms. Franz noted that 91% of the licensees who have renewed have done so online. Ms. Franz also noted that there have been fewer delinquent renewals this year.
- c. Report on State Board Exams.** Ms. Franz presented information on the April 2013 exam, noting there were five failures.
- d. Status of FY2013 Operating Budget.** Ms. McKay gave a brief overview of the FY2013 budget noting that we are on track with our allocated budget.
- e. Board Performance Update.**
 - 1. Enforcement Report:**
 - A. Investigations.** Ms. Phillips discussed the Enforcement side of the agency and noted that they have completed 736 inspections of which 286 were by mail, and they have closed out the remaining cases that were over 180 days old.
 - B. Legal.** Ms. Moriaty discussed the Legal side of the agency, noting that the case regarding Kody Kothmann, DVM is completed, the case regarding Gene Giggelman, DVM has been appealed and we are awaiting the decision and the cases regarding Janek Vluggen and Ronald Hines, DVM are still outstanding.

- 2. Licensing and Examinations Report.** Ms. Franz discussed the statistics related to Licensing and Examinations noting that as of May 31, 2013 we had 7,953 licensed veterinarians in all categories.
- 3. Peer Assistance Report:** Ms. McKay mentioned that there are currently twenty-two veterinarians under contract with the Peer Assistance Program, ten by order and 12 voluntary.

Agenda Item 19, Board Member Report. Dr. Alldredge noted that the terms of Drs. Clader and Rosberg as well as Richard Bonner are expiring August 27, 2013 and they will continue to serve until such time as they are replaced by the Governor.

There being no further business, the meeting adjourned at 2:52 p.m.