# TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS BOARD MEETING MINUTES October 23, 2018

The Texas Board of Veterinary Medical Examiners met for a scheduled meeting on Tuesday, October 23, 2018, at 10:30 a.m. in Room #2-225 of the William P. Hobby, Jr. Building, 333 Guadalupe, Austin, Travis County, Texas.

#### Agenda Item 1. Full Board Call to Order, Roll Call.

Jessica Quillivan, DVM, Board President, called the meeting to order at 10:30 a.m. Board Members present were: Jessica Quillivan, DVM; Keith Pardue, Vice President; Lynn Criner, DVM, Secretary; Carlos Chacon; Samantha Mixon, DVM; Michael White, DVM; Randy Skaggs, DVM; George Antuna; and Sue Allen, LVT. Board Staff present were: Executive Director, John Helenberg, General Counsel, Michelle Griffin; Operations Director, Candice Simon; Executive Assistant, Patricia Prentice; Chief Financial Officer, Arlethia Middleton; Enforcement Supervisor, Mike Tacker; Staff Attorney, Stephen White; Compliance Investigator, Jerod Honrath and Legal Secretary Valerie Mitchell.

#### Agenda Item 2. Consideration and Approval of the July 31, 2018 Minutes.

Dr. Skaggs moved, Dr. Criner seconded, and the motion passed unanimously to approve the July 31, 2018 minutes.

### Agenda Item 3. Executive Director's Report.

Mr. Helenberg reported on agency updates since the end of FY18; the AAVSB annual conference; and Enforcement division update.

# Agenda Item 4. Information from staff and discussions of the legality of cannabis products in veterinary medicine.

Ms. Griffin presented background information on the legality of cannabis products in veterinary medicine, including an explanation of terminology and the differing interpretations of state and federal law. Ms. Griffin explained that Federal agencies currently take the position that most cannabis products are illegal, but that there may be changes to the law in the near future.

### Break at 10:50 am Returned from break at 11:05am

#### Agenda Item 5. Consideration and approval of Agreed Orders.

Docket #	Case #	<u>Name</u>	License #	<b>Practice City</b>
DK2016-165	CP15-439	Michael Doherty, DVM	4047	New Braunfels, Texas
DK2017-073	CP16-468	Crystal Sousa, DVM	11235	Pilot Point, Texas
DK2017-093	CP16-300	Charles Anderson, DVM	7705	San Antonio, Texas
DK2017-100	CP16-364	Roger Snodgrass, DVM	7643	Fort Worth, Texas
DK2017-110	CP16-392	Laura Beckworth, DVM	10658	Dallas, Texas
DK2017-148	CP16-430	Lu Ervin, DVM	5474	Waco, Texas
DK2017-149	CP16-424	Kent Trinh, DVM	5916	Amarillo, Texas
DK2017-150	CP16-425	Kent Trinh, DVM	5916	Amarillo, Texas
DK2017-151	CP16-426	Kent Trinh, DVM	5916	Amarillo, Texas
DK2017-152	CP17-004	Kent Trinh, DVM	5916	Amarillo, Texas

Docket #	Case #	<u>Name</u>	License #	<b>Practice City</b>
DK2017-203	CP17-157	Jennifer Ramirez, DVM	13221	Spokane, Washington
DK2017-207	CP16-494	Bonnie Kemnitz, DVM	13284	Bastrop, Texas
DK2017-214	CP16-486	M. Iqbal Javaid, DVM	4476	Houston, Texas
DK2017-224	CP17-038	Michael Doherty, DVM	4047	New Braunfels, Texas
DK2017-240	CP17-253	M. Iqbal Javaid, DVM	4476	Houston, Texas
DK2017-243	CP17-275	Robert Zamorano, LVT	11165	McAllen, Texas
DK2018-006	CP17-341	James Kaaz, DVM	7539	Montgomery, Texas
DK2018-008	CP17-325	John Morton, DVM	2789	Athens, Texas
DK2018-024	CP17-272	Jason Beard, DVM	6960	Lindale, Texas
DK2018-031	CP17-378	Byron Jones, DVM	4966	Denton, Texas
DK2018-069	CP18-007	Flint Immel, DVM	4128	Mineral Wells, Texas
	CP18-006			
	CP18-204			

The following agreed orders were pulled for executive session; DK2016-165, DK2017-093, DK2017-148, DK2017-149, DK2017-150, DK2017-151, DK2017-152, DK2017-203.

Dr. Criner was recused from case DK2017-093.

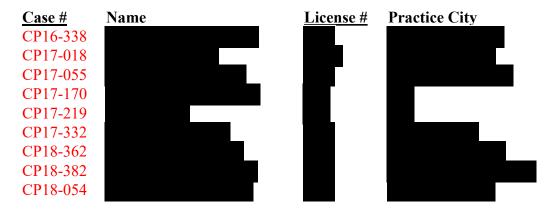
Dr. Quillivan and Mr. Pardue did not vote on cases DK-2017-073, DK2017-093, DK2017-100, DK2017-110, DK2017-148, DK2017-149, DK2017-150, DK2017-151, and DK2017-152.

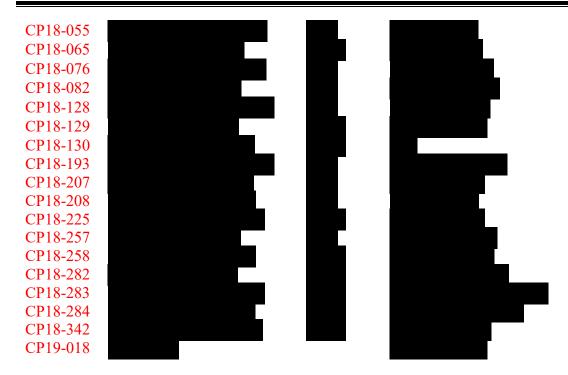
Dr. Quillivan, Dr. Criner and Mr. Chacon did not vote on cases DK2017-203, DK2017-214, DK2017-240, DK2018-006, DK2018-008, and DK2018-031.

Dr. Quillivan, Dr. Criner and Mr. Pardue did not vote on cases DK2017-207, DK2017-224, DK2017-243, DK2018-024 and DK2018-069.

Mr. Chacon made a motion that the board approve the above agreed orders, with the exceptions of the few cases that were pulled for executive session, Dr. Skaggs seconded the motion, and the motion was unanimously approved.

Agenda Item 6. Consideration and Approval of cases recommended for dismissal by staff.





The following case was pulled for executive session; CP18-207.

Dr. Criner recused herself from CP17-362 & CP18-342.

Dr. Quillivan did not vote on cases CP17-018 & CP17-055.

Dr. Quillivan and Mr. Pardue did not vote on cases CP16-338

Dr. Quillivan and Dr. Criner did not vote on case CP17-382

Dr. White made a motion to approve dismissal of the cases except for those pulled for executive session, Mr. Chacon seconded that motion, and the motion was unanimously passed.

Agenda Item 7. Consideration and Approval of cases recommended for dismissal from Medical Review.



The following case was pulled for executive session; CP18-078

Dr. White did not vote. Mr. Chacon made a motion to approve dismissal of the cases except for those pulled for executive session, Dr. Skaggs seconded that motion, and the motion was unanimously passed.

#### Agenda Item 8. Distribution and discussion of FY2019 board member training manual.

All board members were presented with a FY2019 board member training manual to keep for their records.

#### Agenda Item 9. Citizen Comments.

Heather Kutbya suggested a rule change to protect veterinarians cooperating with an investigation from being investigated for possible related violations. Ms. Kutbva also suggested more consistency with the board and releasing of the board materials and data.

#### Agenda Item 10. Discussion of possible agenda for future board meetings.

The board discussed possible agenda items for the next board meeting, which will be held January 29, 2019. Dr. Quillivan requested updates on the legality of cannabis products in veterinary medicine. Dr. Quillivan also suggested looking into the American Association of Veterinary State Boards (AAVSB) and how they can benefit current board members. John Helenberg suggested a in house meeting with or Board presentation from AAVSB. Dr. Skaggs suggested the staff provide regular updates on older cases that have not been resolved.

#### The board entered closed executive session at 11:20am

Agenda Item 11. Executive Session to discuss pending and contemplated litigation and personnel matters, including evaluation of the Executive Director.

No action was taken at this time.

The board returned to open session at 12:25pm.

Agenda Item 12. Return from executive session to report or discuss further actions to be taken following Executive Session. Possible action on items discussed in Executive Session. No action was taken at this time.

#### Agenda Item 5. Consideration and Approval of Agreed Orders.

The board returned to this agenda item after executive session discussion. Dr. Skaggs made the motion to adopt approval of the pulled cases from executive session. (<u>DK2016-165</u>, <u>DK2017-093</u>, <u>DK2017-148</u>, <u>DK2017-149</u>, <u>DK2017-150</u>, <u>DK2017-151</u>, <u>DK2017-152</u>, <u>DK2017-203</u>) Mr. Chacon seconded and the motion was passed unanimously.

#### Agenda Item 6. Consideration and Approval of cases recommended for dismissal by staff.

The board returned to this agenda item after executive session discussion. Mr. Chacon made the motion to approve dismissal of the pulled cases from executive session (<u>CP18-207</u>). Dr. Mixon seconded, and the motion was passed unanimously.

# Agenda Item 7. Consideration and approval of cases recommended for dismissal from Medical Review.

The Board returned to this agenda item after executive session discussion. Mr. Antuna made the motion to approve CP18-078, Mr. Pardue seconded and the motion was passed unanimously. Dr. Quillivan, Dr. Criner, Dr. Mixon, Dr. White and Mr. Chacon did not vote. Dr. Skaggs recused himself.

## Agenda Item 14. Adjourn.

Dr. Criner made a motion to adjourn the October 23, 2018 board meeting, Dr. Skaggs seconded the motion and the motion was unanimously approved. The board adjourned at 12:28pm.