

# Board Notes

Spring/Summer 2013  
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*A Publication of the Texas Board of Veterinary Medical Examiners*  
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## Controlled Substances Recordkeeping

Recently, the Board was asked who, ultimately, is responsible for the proper maintenance of the controlled substance log. Board rule 573.50, Controlled Substances Records Keeping for Drugs on Hand states: "Texas veterinarians shall maintain at their place of business records for all scheduled drugs listed in the Texas Controlled Substances Act in their possession." Therefore, it is the responsibility of the veterinarian that the records be complete and accurate.

The Texas Department of Public Safety (DPS) allows the function to be delegated to a member of the health care staff that is supervised by the registrant. A list must be kept on premises with names of the designated agents. In addition, DPS requires that "the registrant must make the record contemporaneously with the event recorded, and ensure the record is kept current." (Texas Administrative Code, Title 37, Chapter 13, Section 13.205 and 13.202 b) Rule 573.50 also states: "The form for keeping records of those drugs shall contain the following information in addition to the

name of the drug; (1) date of acquisition; (2) quantity purchased; (3) date administered or dispensed; (4) quantity administered or dispensed; (5) name of client and patient receiving the drug(s); and (6) balance on hand."

Licensees are to maintain accurate records and inventories of Schedules I and II separately. Schedules III, IV, and V are also to be kept separately from the other records per Section 1304.04(a) of the Code of Federal Regulations. These controlled substance records are to be readily retrievable. (DEA website has a Practitioner's Manual that addresses this and related issues.) Sections 1304.04 specifically states the records are to be available for inspection and copying by authorized employees of the DEA for two years.

TBVME Rule 573.50 requires controlled substance records be kept at their place of business for five years.



## Upcoming Board Meeting Dates

October 22, 2013

## Board Adopts Changes to Rules

At the March 25, 2013 Board meeting, the Board voted to adopt the following rules. These rules went into effect on May 12, 2013.

### **§575.10 Costs of Administrative Hearings**

The amendment more specifically defines the costs that the Board may assess against opposing parties that lose a hearing at the State Office of Administrative Hearings ("SOAH") or choose to appeal a SOAH ruling to make the rule follow more closely to the Administrative Procedures Act.

### **§575.20 Board Proceedings Relating to Licensure**

This new rule provides an informal process to decide licensure eligibility issues that cannot be determined by a rule waiver from the Board. This parallels the informal process the Board uses to determine disciplinary issues, allowing a subcommittee of the Board to determine whether the applicant is eligible for licen-

sure and to offer agreed licensure orders.

### **§575.28 Complaints—Investigations**

The amendment removed the requirement that the board secretary review disciplinary cases involving medical issues, and instead allows any veterinarian member of the Board to serve on the committee that reviews the cases involving medical issues.

### **§575.29 Informal Conferences**

The amendment removed the requirement that the board secretary sit on the Enforcement Committee that reviews disciplinary cases during informal settlement conferences to determine whether a violation of either the Board's rules or the Veterinary Licensing Act has occurred.

### **§575.30 Contested Case Hearings at SOAH**

The amendment created the process by which the Board will schedule and conduct hearings before SOAH to include individuals who have been found ineligible for licensure.

### **§575.50 Criminal Convictions**

The amendment added a reference to equine dental providers to ensure that the crimes listed in the rule are considered "related to the practice" for both equine dentistry as well as veterinary medicine for the purposes of determining whether a licensee should be disciplined by the Board for having committed one of the listed crimes.

At the July 16, 2013 Board meeting, the Board voted to adopt the following rules. These rules go into effect on August 29, 2013.

### **§573.10 Supervision of Non-Licensed Persons**

The adopted amendment to §573.10 removes the term "chiropractor" to clarify that the provision does not refer or pertain only to licensed chiropractors.

### **§573.14 Alternate Therapies—Chiropractic and Other Forms of Musculoskeletal Manipulation**

The adopted amendment to §573.14 clarifies that the rule only applies to musculoskeletal manipulation performed on animals, and is in no way intended to regulate chiropractic treatments that licensed chiropractors perform on humans.

### **§573.19 Dentistry**

The adopted amendment to §573.19 to clarify and standardize the terminology used across all of §573, to eliminate confusion and potential conflict in the usage of "employee" in various parts of the chapter.

### **§573.20 Responsibility for Acceptance of Medical Care**

The Board adopts the amendment to clarify the Board's interpretation of §801.351 of the Veterinary Licensing Act (VLA), Texas Occupations Code, which requires

that a veterinarian establish a veterinarian-client-patient relationship (VCPR) prior to practicing veterinary medicine. To establish a VCPR under §801.351 of the VLA, a veterinarian must attain sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the animal's medical condition by either examining the animal, or making medically appropriate and timely visits to the premises on which the animal is kept. The Board interprets §801.351(b)(2) of the VLA, which allows a veterinarian to attain sufficient knowledge of an animal by visiting the premises on which the animal is kept, to apply only to animals that are members of a herd. Thus, the Board interprets §801.351 of the VLA to require that a veterinarian individually and personally examine all animals that are not members of a herd prior to practicing veterinary medicine on them.

### **§573.70 Reporting of Criminal Activity**

The Board adopts the amendment to §573.70 to clarify that a licensee must inform the Board when he or she is either charged with a felony, or charged with a misdemeanor that is associated with the practice of veterinary medicine. Since only felony charges receive indictments, the

adopted amendment replaces "indictment" with "charged" to encompass all means that prosecutors may employ in bringing criminal charges. The adopted amendment is not intended to require veterinarians to report arrests.

### **§573.80 Definitions**

The adopted amendment is meant to clarify and standardize the definitions of the terms "non-veterinarian employee" and "herd," as used throughout Chapter 573.

### **§575.38 Proceeding for the Modification or Termination of Agreed Orders and Disciplinary Orders**

The adopted amendment to §575.38 creates a procedure whereby a licensee who is subject to ongoing discipline under a board order can request to have the order terminated or modified. The procedure adopted in §575.38 allows a licensee to request an informal conference with the Board's Enforcement Committee and present evidence that the agreed order should be terminated or modified.

## Operation of Temporary Limited-Service Veterinary Services

Board Rule §573.71 sets out the requirements for temporary limited service clinics. The rule states:

- (a) Requirements for operation. Veterinarians operating temporary limited service clinics shall:
- (1) maintain sanitary conditions at the clinic site, including, but not limited to, removal of animal solid waste and sanitizing/disinfecting of urine and solid waste sites;
  - (2) provide injections with sterile disposable needles and syringes;
  - (3) utilize a non-porous table for examining and/or injecting small animals;
  - (4) maintain biologics and injectable medications between temperature range of 35 to 45 degrees Fahrenheit;
  - (5) perform and complete blood and fecal examinations before dispensing relevant federal legend medications;
  - (6) maintain rabies vaccination records and treatment records for five years, indexed alphabetically by the client's last name and by vaccination tag numbers, if issued; and
  - (7) provide clients with a printed form that contains the identity of the administering veterinarian and the address of the places where the records are to be maintained.
- (b) Required notification to the Board prior to operation. Before any temporary limited-service clinic may be operated, the veterinarian is required to provide notification to the Board office at least 48 hours before the clinic begins operation. Notice must include the veterinarian's full name, license number, and daytime phone number; the date the clinic will be held, the specific location of where the clinic will be held, and times of operation; and the permanent address where records for the clinic will be kept. Notice may be made by telephone call, facsimile, electronic transmission, or mail. Mailed notice will be considered to have met the notification requirement if the written notice is postmarked at least five days prior to the operation of the clinic.



### Upcoming TBVME Office Holiday Closures

The TBVME offices will be closed on the following dates:

November 11, 2013 in observance of Veteran's Day.

November 28–29 in observance of Thanksgiving.

December 24–26 in observance of Christmas.

*You must provide notice of any temporary limited-service clinic at least 48 hours before the clinic begins operation.*

## How to Find Proposed and Adopted Rules

Did you know that you can keep up with rules that the TBVME has proposed or adopted online?

The TBVME posts all proposed and adopted rules onto our homepage at [www.tbvme.state.tx.us](http://www.tbvme.state.tx.us) under the "Rules" link.

Additionally, you can view current rules from the Secretary of State website ([www.sos.state.tx.us/tac](http://www.sos.state.tx.us/tac)), which is linked to our homepage under the "Statutes and Rules" link.

All proposed and adopted rules are published in the *Texas Register*. Current and past issues of the *Texas Register* are available at [www.sos.state.tx.us/texreg](http://www.sos.state.tx.us/texreg). If you'd like to be notified by

email whenever the TBVME proposes/adopts/withdraws a rule or schedules an open meeting or public hearing, you can contact the Texas Register at 512-463-5561 or by email at [register@sos.state.tx.us](mailto:register@sos.state.tx.us).



## ENFORCEMENT ISSUES

### Disciplinary Actions

The following veterinarians have had disciplinary actions taken against their licenses. If you would like to receive additional information regarding these or other disciplinary actions that have been imposed, please send your written request to the Texas Board of Veterinary Medical Examiners, ATTN: Open Records, 333 Guadalupe, Suite 3-710, Austin, TX 78701 or by email to [vet.board@tbvme.state.tx.us](mailto:vet.board@tbvme.state.tx.us).

Name	License #	City, State	Disciplinary Date	Discipline	Disciplinary Order
Vincent Alexis, DVM	11628	Elgin, TX	3/25/13	Formal reprimand; must take and pass the jurisprudence exam	2012-100
Walter Anderson, DVM	11327	Columbus, MS	3/25/13	Voluntary surrender of license	2013-09
Mikel Athon, DVM	6376	Cedar Hill, TX	3/25/13	Formal reprimand; must take and pass the jurisprudence exam; license suspended for 2 years with all stayed and placed on probation; \$2,000 administrative penalty	2013-02
Martin Brillhart, DVM	3235	Slaton, TX	3/25/13	Formal reprimand; \$1,500 administrative penalty; an additional 3 hours of CE in recordkeeping	2013-55
John Burch, DVM	1603	Splendora, TX	3/25/13	Voluntary surrender of license	2013-27
Alan Chastain, DVM	8874	Albuquerque, NM	3/25/13	Voluntary surrender of license	2013-63
Britton Conklin, DVM	9033	Amarillo, TX	3/25/13	Formal reprimand; \$1,000 administrative penalty	2009-29
Kathie Digilio, DVM	4103	Hockley, TX	3/25/13	Formal reprimand; \$500 administrative penalty	2012-87
David Guitar, DVM	3259	Brownwood, TX	3/25/13	Formal reprimand; \$500 administrative penalty	2013-56
Eddie Hayes, DVM	8049	Sinton, TX	3/25/13	Formal reprimand; \$500 administrative penalty; must take and pass the jurisprudence exam	2013-21
Emberly Henson, DVM	6286	Garland, TX	3/25/13	Formal reprimand; \$500 administrative penalty; must take and pass the jurisprudence exam; an additional 3 hours of CE in recordkeeping	2013-70
Justin High, DVM	8350	Weatherford, TX	3/25/13	Formal reprimand; \$1,000 administrative penalty	2009-28
Lori Hill, DVM	7526	Denton, TX	3/25/13	Formal reprimand; an additional 6 hours of CE in feline internal medicine; must pay restitution of \$921.73	2013-22
Ronald Hines, DVM	2419	Brownsville, TX	3/25/13	Formal reprimand; \$500 administrative penalty; license suspended for 1 year with all stayed and placed on probation for 1 year	2012-98
Thomas Hooper, Jr., DVM	6015	Gary, TX	3/25/13	Formal reprimand; \$1,000 administrative penalty	2012-112
Elaine Knape, DVM	7888	Haslet, TX	3/25/13	Formal reprimand; an additional 3 hours of CE in soft tissue surgery	2013-60
Marilyn Maltby, DVM	6473	Austin, TX	3/25/13	Voluntary surrender of license	2013-30
Jay Meyer, DVM	8248	Austin, TX	3/25/13	Formal reprimand; \$2,000 administrative penalty; must take and pass the jurisprudence exam; license suspended for 5 years with all but 30 days stayed and placed on probation	2012-115
Jay Meyer, DVM	8248	Austin, TX	3/25/13	Formal reprimand; \$1,000 administrative penalty	2013-71

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## Disciplinary Actions Continued...

Name	License #	City, State	Disciplinary Date	Discipline	Disciplinary Order
Jon Michler, DVM	10037	Jasper, TX	3/25/13	Formal reprimand; \$1,000 administrative penalty	2013-80
Eunice Ohashiegbula-Iwunze, DVM	10307	Katy, TX	3/25/13	Formal reprimand; \$1,500 administrative penalty; must take and pass the jurisprudence exam	2013-18
Frank Pace, DVM	11660	Syracuse, KS	3/25/13	Formal reprimand; \$500 administrative penalty; must take and pass the jurisprudence exam	2013-06
M. Gordon Parham, DVM	10258	Houston, TX	3/25/13	Formal reprimand; \$2,000 administrative penalty; must take and pass the jurisprudence exam	2013-41
Ali Rohani, DVM	9257	Allen, TX	3/25/13	Formal reprimand; \$2,000 administrative penalty	2013-32
Robert Spitz, DVM	5612	Austin, TX	3/25/13	Formal reprimand; \$1,000 administrative penalty	2013-67
Lynn Stucky, DVM	5268	Sanger, TX	3/25/13	Formal reprimand; must take and pass the jurisprudence exam	2013-31
Patricia Thompson, DVM	8273	Arlington, TX	3/25/13	Voluntary surrender of license	2013-17
Robert Tiller, DVM	4002	Waskom, TX	3/25/13	Formal reprimand; \$1,000 administrative penalty; an additional 3 hours of CE in recordkeeping	2013-24
Robert Tiller, DVM	4002	Waskom, TX	3/25/13	Formal reprimand; \$1,000 administrative penalty	2013-80
Stephen Tucker, DVM	11877	Houston, TX	3/25/13	Formal reprimand; \$1,000 administrative penalty; license suspended for 5 years with all but 90 days stayed and placed on probation; must continue on peer assistance contract for an additional 5 years	2013-26
Timothy Holt, DVM	7095	Terrell, TX	7/16/13	Formal reprimand; \$1,500 administrative penalty; 3 additional hours of CE in recordkeeping	2013-110
Darrell Kinnard, DVM	3595	Mabank, TX	7/16/13	Formal reprimand; \$500 administrative penalty	2013-46
James Kunkel, DVM	6463	Atlanta, TX	7/16/13	Formal reprimand; \$1,500 administrative penalty	2013-75
David McGookey, DVM	8166	San Antonio, TX	7/16/13	Formal reprimand; \$1,500 administrative penalty	2013-104
Melanie Mercer, DVM	9738	Wills Point, TX	7/16/13	Formal reprimand; \$1,500 administrative penalty; 3 additional hours of CE in recordkeeping	2011-65
Joe Neff, DVM	2143	Big Spring, TX	7/16/13	Formal reprimand; license suspended for 2 years	2012-96

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## Disciplinary Actions Continued...

Name	License #	City, State	Disciplinary Date	Discipline	Disciplinary Order
Bob O'Quinn, DVM	4165	Dime Box, TX	7/16/13	Formal reprimand; \$1,000 administrative penalty; license suspended for 2 years with all stayed and placed on probation	2013-90
Robert Rosebrock, DVM	4582	Buda, TX	7/16/13	Formal reprimand; \$500 administrative penalty	2013-44
Ryan Royse, DVM	10753	Argyle, TX	7/16/13	Formal reprimand; \$1,000 administrative penalty	2013-102
Robert Webster, DVM	9938	Georgetown, TX	7/16/13	Formal reprimand; \$1,000 administrative penalty	2013-81
Sarah Crawford, DVM	10858	Austin, TX	7/16/13	Formal reprimand; \$1,000 administrative penalty	2013-119
Rhonda Dixon, DVM	8526	Sugar Land, TX	7/16/13	Formal reprimand	2013-72
Larry Ellis, DVM	4301	Abilene, TX	7/16/13	Formal reprimand; \$1,000 administrative penalty; 3 additional hours of CE in recordkeeping	2013-47
Thomas Evans, Jr., DVM	5177	Alvin, TX	7/16/13	Formal reprimand; \$2,000 administrative penalty; must take and pass the jurisprudence exam	2013-120

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## “Working Interviews” - Are They Legal?

In recent months, US and other AVMA accredited veterinary schools graduated several hundred veterinary students who are now looking for work as a veterinarian. A large number of new graduates want to work in Texas. Every state has different laws and rules governing the practice of veterinary medicine in their state. Something which is legal to do in one state may not be legal to do in another.

Transcripts and references may not reflect the true skills of a new graduate and many potential veterinary employers like to see a job applicant “in action” before they hire that person. Your applicant **MUST POSSESS A VALID, CURRENT TEXAS VETERINARY LICENSE** to perform any tasks that constitute the practice of veterinary medicine. To allow them to do so without a license is against the Texas laws and rules pertaining to the practice of veterinary medicine. Allowing an unlicensed individual to practice without a license not only jeopardizes their future license here in Texas, but may also result in disciplinary action against you.

Please call our licensing or legal department if you have any questions regarding this issue. We are always glad to help. Our main number is (512) 305-7555.



*In Memoriam...*

*“Let us hold our lives up to the light of those who walked before us, remembering the footprints they left behind and preserving the pathways they created.”*

*Jack Fritts, Texas A&M Class of ‘53*

<u>Name</u>	<u>City, State</u>	<u>Vet School/Grad Year</u>	<u>Date of Death</u>
Louis Boening, DVM	Yoakum, TX	TAMU/1957	March 12, 2012
G. David McCarroll, DVM	Blanchard, OK	TAMU/1973	May 25, 2012
Karen Gunn, DVM	Spring, TX	TAMU/1994	May 28, 2012
William Dominy, DVM	Abilene, TX	TAMU/1971	June 24, 2012
Dennis Jensen, DVM	Houston, TX	TAMU/1964	July 3, 2012
Timothy Stone, DVM	San Antonio, TX	Purdue/1971	September 23, 2012
Will Hodden, III, DVM	Tyler, TX	TAMU/1975	October 31, 2012
Gail Appling, DVM	Buckholts, TX	UC Davis/1996	November 6, 2012
William Stewart, DVM	Munday, TX	TAMU/1950	November 23, 2012
Alva Duhon, DVM	Cuero, TX	TAMU/1956	November 27, 2012
Charles Miles, DVM	Tilden, TX	TAMU/1985	December 25, 2012
Cheryl Harris, DVM	Dallas, TX	TAMU/1980	January 7, 2013
Patricia Huff, DVM	Aloha, OR	TAMU/1976	January 8, 2013
Walter Robinson, DVM	Fort Worth, TX	TAMU/1971	January 17, 2013
Kevin Hertel, DVM	Portales, NM	TAMU/1986	January 22, 2013
Bill McDougal, DVM	Houston, TX	Oklahoma 1965	January 22, 2013
Jack Sanders, DVM	Marshall, TX	TAMU/1945	January 24, 2013
James Vulgamott, DVM	Magnolia, TX	Univ. of Missouri/1977	January 26, 2013
Terry Lee, DVM	College Station, TX	TAMU/1970	January 30, 2013
Robert Bluntzer, Jr., DVM	Corpus Christi, TX	TAMU/1959	February 6, 2013
Jerald Stewart, DVM	China Spring, TX	TAMU/1976	February 8, 2013
Deidra Blackmon, DVM	Grapevine, TX	TAMU/2010	March 3, 2013
Max Pachar, DVM	Orange, TX	TAMU/1949	March 3, 2013
Eugene Dillon, DVM	Horseshoe Bay, TX	TAMU/1945	March 4, 2013
James Gandy, DVM	Brownwood, TX	TAMU/1951	March 6, 2013
James Prine, DVM	Stayton, OR	TAMU/1951	March 13, 2013
William Winkler, DVM	Stone Mountain, GA	TAMU/1961	March 17, 2013
Bud Alldredge, Sr., DVM	Sweetwater, TX	TAMU/1946	March 25, 2013
Thomas Hubert, DVM	George West, TX	TAMU/1958	March 26, 2013
Robert Harben, DVM	Amarillo, TX	TAMU/1964	April 6, 2013
Susan Doyle Parham, DVM	Houston, TX	TAMU/1976	April 13, 2013
John Baugh, DVM	Plano, TX	TAMU/2001	April 13, 2013
Mary Pittari, DVM	Houston, TX	Florida/1990	April 13, 2013
William Bay, DVM	Bryan, TX	TAMU/1948	May 29, 2013

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*In Memoriam Continued...*

<b>Name</b>	<b>City, State</b>	<b>Vet School/Grad Year</b>	<b>Date of Death</b>
Herbert Corum, DVM	Del Rio, TX	TAMU/1954	June 2, 2013
Stanley Vezey, DVM	Athens, GA	TAMU/1944	June 4, 2013
Karon McCreary, DVM	Greenville, TX	TAMU/1964	June 26, 2013
Oscar Browning, DVM	Waco, TX	TAMU/1949	June 26, 2013
Arthur Erwin, DVM	Midland, TX	TAMU/1972	July 4, 2013
Lionel Garcia, DVM	Seabrook, TX	TAMU/1965	July 8, 2013
Kenneth Herbst, DVM	Boerne, TX	TAMU/1963	July 10, 2013
Thomas Matthews, DVM	Luling, TX	TAMU/1951	July 15, 2013
Henry Dismukes, Jr., DVM	Luling, TX	TAMU/1956	July 22, 2013
Robert Moore, DVM	Fountain, CO	Colorado/1963	July 28, 2013
Donald Scarbrough, DVM	Palestine, TX	TAMU/1978	August 9, 2013
Earl Grogan, DVM	San Antonio, TX	TAMU/1946	August 11, 2013
Floyd Jones, DVM	Bryan, TX	TAMU/1959	August 13, 2013

### Continuing Education Offerings

Information on available CE may be obtained through the following sources. Additional offerings may be available through other sources.

<p><b>RACE</b> (Registry of Approved Continuing Education)</p> <p>Search for Available CE: <a href="http://www.aavsb.org/RACE/Search">http://www.aavsb.org/RACE/Search</a></p> <p>RACE requires approved providers to issue signed certificates of completion, maintain attendance records for four years and provide qualification of instructors and CE personnel who develop and implement courses.</p>	<p><b>Texas A&amp;M</b></p> <p>Phone: (979) 845-9102                  Fax: (979) 862-2832                  Email: <a href="mailto:ceoffice@cvm.tamu.edu">ceoffice@cvm.tamu.edu</a></p>
	<p><b>Texas Veterinary Medical Association</b></p> <p><a href="http://www.tvma.org">www.tvma.org</a>                  8104 Exchange Dr.                  Austin, TX 78754                  Phone: (512) 452-4224                  Fax: (512) 452-6633</p>

### TBVME Forms Available Online

The following forms may be found on the TBVME website under the Frequently Asked Questions.

- [Address Change Form](#) (must be submitted within 60 days of the change of practice, mailing and/or home address)
- [Name Change Form](#) (a copy of the legal document changing a name MUST be submitted with the completed name change form)
- [Temporary Clinic Notification Form](#) (notification of a temporary clinic MUST be submitted at least 48 hours prior to the clinic)
- [Complaint Form—Licensee](#) (for a complaint against a licensee)
- [Complaint Form—Non-Licensee](#) (for a complaint against a non-licensee)
- [Notice to Clients](#) (this must be either prominently displayed in the clinic; provided in a brochure; or on each bill, invoice or receipt)

## Disciplinary Actions Continued...

In addition to the disciplinary actions previously listed, there were an additional 51 actions taken against veterinarians at the March 25, 2013 and July 16, 2013 meetings. If you would like to receive additional information regarding these or other disciplinary actions that have been imposed, please send your written request to the Texas Board of Veterinary Medical Examiners, ATTN: Open Records, 333 Guadalupe, Suite 3-810, Austin, TX 78701 or by email to [vet.board@tbvme.state.tx.us](mailto:vet.board@tbvme.state.tx.us)

Number of Licensees Disciplined	Violation Type	Sanction	Disciplinary Date
2	Failure to report criminal activity	Informal reprimand and administrative penalty	3/25/13
1	Failure to obtain authorization for alternate therapies—acupuncture	Informal reprimand	3/25/13
3	Failure to maintain adequate patient records	Informal reprimand; administrative penalty; additional continuing education	3/25/13
3	Failure to obtain required continuing education	Administrative penalty and additional continuing education	3/25/13
2	Failure to maintain adequate patient records; failure to properly label medications dispensed; improper delegation to non-licensed employees	Informal reprimand; administrative penalty; must take and pass the jurisprudence exam	3/25/13
1	Improper use of prescription drugs by ordering drugs that were not necessary	Informal reprimand; administrative penalty; must take and pass the jurisprudence exam	3/25/13
2	Advertising	Informal reprimand	3/25/13
1	Responsibility for acceptance of medical care	Informal reprimand	3/25/13
1	Direct responsibility to clients, allowing management services organization control in veterinary practice	Informal reprimand; must take and pass the jurisprudence exam	3/25/13
10	Misuse of DEA registration	Administrative penalty	3/25/13
1	Failure to maintain the professional standard of humane treatment	Informal reprimand	3/25/13
1	Failure to timely notify the Board of a change of address	Administrative penalty	7/16/13
1	Failure to maintain the professional standard of humane treatment	Informal reprimand	7/16/13
1	Failure to maintain the professional standard of humane treatment	Administrative penalty; 3 additional hours of CE in recordkeeping; 1 hour of additional CE in vaccines or immunology	7/16/13
1	Default on child support	Informal reprimand; administrative penalty; license will not be renewed if child support payments are in arrears	7/16/13
6	Misuse of DEA registration	Administrative penalty	7/16/13

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## Disciplinary Actions continued...

Number of Licensees Disciplined	Violation Type	Sanction	Disciplinary Date
1	Misuse of DEA registration and dispensing or prescribing a drug without establishing a veterinarian-client-patient relationship	Informal reprimand; administrative penalty	7/16/13
1	Misuse of DEA registration and failure to maintain adequate patient records	Informal reprimand; administrative penalty; 3 additional hours of CE in recordkeeping	7/16/13
8	Failure to maintain adequate patient records	Informal reprimand; administrative penalty; 3 additional hours of CE in recordkeeping	7/16/13
1	Failure to maintain adequate records for controlled substances on hand	Informal reprimand; administrative penalty	7/16/13
2	Failure to report criminal activity	Informal reprimand; administrative penalty	7/16/13
1	Improper labeling of medications dispensed	Informal reprimand; administrative penalty	7/16/13
7	Failure to obtain the required number of CE hours	Administrative penalty; additional hours of CE	7/16

## Cease &amp; Desist Orders

The following Cease & Desist Orders have been signed and approved by the Board. If you would like to receive additional information regarding these or other disciplinary actions that have been imposed, please send our written request to the Texas Board of Veterinary Medical Examiners, ATTN: Open Records, 333 Guadalupe, Suite 3-810, Austin, TX 78701 or by email to [vet.board@tbvme.state.tx.us](mailto:vet.board@tbvme.state.tx.us).

Name	City, State	Violation	Disciplinary Date
Oldimar Garcia	Aubrey, TX	Practicing without a license and using the title "M.V." on advertisement websites and publications	3/25/13
Jorge Haddad	Troy, TX	Diagnosing the need for, prescribing and dispensing a prescription drug	3/25/13
Thiago Scaramuzza	Aubrey, TX	Practicing without a license and using the title "M.V." on advertisement websites and publications	3/25/13
Karen Yates	Austin, TX	Practicing musculoskeletal manipulation without a license	3/25/13
Doug Smith	Chewelah, WA	Practicing chiropractic and/or musculoskeletal manipulation without a license or under supervision of a licensed veterinarian	3/25/13
Warren Pennell	Georgetown, TX	Practicing chiropractic, musculoskeletal and laser treatments on animals without a license or under supervision of a licensed veterinarian	3/25/13
Loren Hardie	Mart, TX	Practicing musculoskeletal manipulation without a license	3/25/13
Tamara Russell	Bullard, TX	Diagnosing and/or treating animals without a license	3/25/13
Karoline Brewer	Hurst, TX	Diagnosing the need for and administering a vaccine without a license	3/25/13

Continued on page 11

## Cease &amp; Desist Orders continued...

Name	City, State	Violation	Disciplinary Date
Joe Kerby	Salado, TX	Diagnosing or treatment of animals, determining the need for and dispensing prescription drugs or therapeutic substances without a license	7/16/13
Jennifer Melton	Natchez, MS	Administering sedatives and performing equine dental services without the supervision of a veterinarian	7/16/13
Richard Gonzalez	Rio Hondo, TX	Cropping or docking ears of animals without a license	7/16/13
Jennifer Lang	Frisco, TX	Diagnosing or treatment of animals; determining the need for and dispensing prescription drugs or therapeutic substances without a license	7/16/13
Kay Douglass	Flower Mound, TX	Performing dentistry on animals without the supervision of a veterinarian	7/16/13
Christine Gietzen	Webster, TX	Diagnosing or treatment of animals without a license	7/16/13
Tony Miranda	Houston, TX	Performing musculoskeletal manipulation on animals without a license	7/16/13
Brandon Beasley	Cedar Hill, TX	Diagnosing or treatment of animals, determining the need for and dispensing prescription drugs or therapeutic substances without a license	7/16/13
Laban Tubbs	Clarendon, TX	Performing palpations on a bovine to diagnose pregnancy	7/16/13
Margaret Hummen	Glenn Heights, TX	Diagnosing the need for and dispensing/administering prescription vaccines or drugs without a license	7/16/13
Raul Urbina	Chaparrel, NM	Diagnosing the need for and dispensing/administering prescription vaccines or drugs without a license	7/16/13
John Orchard	Beeville, TX	Surgical invasion of the reproductive tract of an animal without a license	7/16/13
Brittany Pugliese	Fort Worth, TX	Performing dentistry on animals without the supervision of a veterinarian	7/16/13
Ronita Pitts	Houston, TX	Determining the need for and administering vaccines	7/16/13

## 2013 Licensing Exam Dates

### State Board Examination (SBE) Schedule

All of the following State Board Exams will be administered at participating COMIRA testing centers. Please read the deadline dates carefully. An application must be submitted to TBVME for **ALL** exams to determine eligibility for veterinary licensure in Texas.

Only approved applicants will be able to purchase and schedule the exam through our website.

#### **October 2013**

Deadline for application to be received by TBVME:  
Window for purchasing and scheduling exam:  
Window for taking the exam:

**August 30, 2013**  
**September 16–27, 2013**  
**October 14–25, 2013**

#### **December 2013**

Deadline for application to be received by TBVME:  
Window for purchasing and scheduling exam:  
Window for taking the exam:

**October 25, 2013**  
**November 11–22, 2013**  
**December 9–20, 2013**

## Transfer and Disposal of Patient Records

When a veterinarian closes, discontinues, or sells their practice, they must provide reasonable notification to their clients and offer them the opportunity to obtain a copy of their patient records. In addition, a veterinarian who has had their license revoked or have voluntarily surrendered their license in lieu of disciplinary action must notify their clients within 30 days of the effective date of the voluntary surrender or revocation AND obtain a custodian for their records to be approved by the Board within 30 days of the effective date of the voluntary surrender or revocation. These requirements, as well as the accepted methods of notification, are outlined in Board Rule §573.55.

### **RULE §573.55 TRANSFER AND DISPOSAL OF PATIENT RECORDS**

(a) Required Notification of Discontinuance of Practice. When a veterinarian discontinues the provision of veterinary services without the continuation of their practice, he or she is responsible for ensuring that clients receive reasonable notification and are given the opportunity to obtain copies of their records or arrange for the transfer of their patient records to another veterinarian.

(b) Method of Notification.

(1) When a veterinarian discontinues the provision of veterinary services without the continuation of their practice, he or she shall provide notice to clients of when the veterinarian intends to terminate the practice or relocate, and will no longer be available to clients, and offer clients the opportunity to obtain a copy of their patient records.

(2) Notification shall be accomplished by:

(A) placing written notice in the veterinarian's office; and

(B) sending written notification to clients seen in the last three years notifying them of discontinuance of practice, or placing a notice in the local newspaper.

(c) Voluntary Surrender or Revocation of Veterinarian's License.

(1) Veterinarians who have voluntarily surrendered their licenses in lieu of disciplinary action or have had their licenses revoked by the Board must notify their clients, consistent with subsection (b) of this section, within 30 days of the effective date of the voluntary surrender or revocation.

(2) Veterinarians who have voluntarily surrendered their licenses in lieu of disciplinary action or have had their licenses revoked by the Board must obtain a custodian for their records to be approved by the Board within 30 days of the effective date of the voluntary surrender or revocation.

## 2014 Veterinary Licensing Exam Dates State Board Examination (SBE) Schedule

All State Board Exams, **with the exception of the April exam**, will be administered at participating COMIRA testing centers. Please read the deadline dates carefully. An application must be submitted to TBVME for **ALL** exams to determine eligibility for veterinary licensure in Texas.

### **April 2014**

Date of Exam:

Deadline for application to be received by TBVME:

Location:

**April 7, 2014**

**February 21, 2014**

**Texas A&M University, College Station, TX**

Only approved applicants will be able to purchase and schedule the exam through our website.

### **June 2014**

Deadline for application to be received by TBVME:

Window for purchasing and scheduling exam:

Window for taking the exam:

**April 25, 2014**

**May 12–23, 2014**

**June 9–20, 2014**

### **August 2014**

Deadline for application to be received by TBVME:

Window for purchasing and scheduling exam:

Window for taking the exam:

**June 27, 2014**

**July 14–25, 2014**

**August 11–22, 2014**

### **October 2014**

Deadline for application to be received by TBVME:

Window for purchasing and scheduling exam:

Window for taking the exam:

**August 29, 2014**

**September 15–26, 2014**

**October 13–24, 2014**

### **December 2014**

Deadline for application to be received by TBVME:

Window for purchasing and scheduling exam:

Window for taking the exam:

**October 24, 2014**

**November 10–21, 2014**

**December 8–19, 2014**

## Board Proposes Changes To Rules

At the July 16, 2013 Board meeting, the Board voted to publish the following proposed rules in the *Texas Register* for comment. Once the rules have been published, they will also be available on our website at <http://www.tbvme.state.tx.us/>

**§571.11 Provisional Veterinary Licensure:** The Board proposes the amendment to close a loophole that allowed individuals who failed to take the state board exam in a timely manner to renew their provisional licenses potentially indefinitely, without ever taking a State Board Exam.

**§571.57 Application of Monetary Funds to Outstanding Balances:** The Board proposes this amendment to clarify that unpaid fees or hearing costs assessed against a licensee must be paid when the licensee renews, in addition to the licensure fees.

**§573.27 Honesty, Integrity and Fair Dealing:** The Board recently had a SOAH decision in which the ALJ held that a veterinarian could not be considered in violation of honesty, integrity and fair dealing when the veterinarian's staff charged clients for services that the veterinarian did not perform, as long as there was no evidence to prove that the veterinarian acted intentionally in charging for the services not performed. The Board has interpreted the current Rule 573.27 as holding a veterinarian responsible for the accuracy of their charges to clients for time, services rendered, facilities, appliances and drugs, if the improper charges resulted from the veterinarian acting either intentionally, or recklessly or with gross negligence by ignoring red flags that would have made it obvious to a reasonable person that the charges were incorrect. This standard mirrors that used in civil fraud, where the defendant is equally liable whether the action in question was either intentional, or conducted with recklessness or gross negligence. The Board intends the amendment to clarify the rule and prevent future misinterpretation.

**§573.50 Controlled Substances Recordkeeping for Drugs On Hand:** Keeping drug records by bottle rather than by type of drug creates an added risk of diversion because a diverter could easily remove a whole bottle along with the record that applied to that bottle, making it difficult for the veterinarian to discover and determine that any of the drug inventory was missing without going through the time-consuming process of checking all drug log records against the original invoices. The Board proposes this amendment to clarify and prevent future confusion by specifying that licensees must keep an accurate total of the balance on hand by drug, rather than by bottle.

**§573.51 Rabies Control:** The Board proposes this amendment to correct a typographical error in the rule, "Suspension" to "Supervision."

**§573.52 Veterinarian Patient Record Keeping:** The Board proposes this amendment to create an exception from the patient record keeping requirement that requires veterinarians to record drug concentrations. The proposed exception allows a veterinarian to not record a concentration for drugs that are only FDA-approved in a single concentration. The purpose of the patient record keeping requirements is to provide details necessary for other veterinarians, or for the Board, to be able to understand what happened in the treatment of the animal, including what drugs were prescribed and in what concentrations. When there is only one concentration of a drug is FDA-approved and available in a non-compounded form, the concentration is not necessary for the Board or another veterinarian to understand what happened in the treatment of the animal.

**§575.50 Criminal Convictions:** There are two ways that the Board can seek to discipline a licensee who commits a crime: Chapter 53 of the Texas Occupations Code, which allows the board to revoke a license or deny licensure for crimes that "relate to" the licensed practice, and §801.401 and §801.402 of the Veterinary Licensing Act ("VLA"), Texas Occupations Code, which allow the Board to discipline a licen-

see or deny licensure for crimes "connected with" the licensed practice. The Board has historically used §575.50 to prosecute disciplinary cases in the past that did not rise to the level of revocation or licensure denial under Chapter 53, and thus were brought under the authority of §801.401 and §801.402 of the VLA. The Board proposes an amendment to §575.50 to clarify its authority by adding an explicit reference to §801.401 and §801.402 of the VLA, which give the Board authority to discipline licensees for crimes "connected with" the practice of veterinary medicine. The proposed amendment also adds the "connected with" language from §801.401 and §801.402 of the VLA to §575.50, in addition to the "relate to" language from Ch. 53 that is already in the rule, to clarify that the rule applies to both statutes.

**§575.63 Board Approval of Equine Dental Provider Certification Programs:** Under the VLA, a prerequisite for licensure as an equine dental provider is that the applicant is certified by either the International Association of Equine Dentists, or another board-approved organization. The Board proposes this new rule to create a procedure that the Board will follow to determine whether to approve equine dental provider certifying organizations. Under the proposed new rule, the Board cannot approve an equine dental provider certifying organization that also has an educational degree program for equine dental providers, because combining education and certification in one entity creates an inherent conflict of interest. The proposed rule sets forth the information an applicant organization must submit for the Board to review, including information on finances and training for staff. The applicant organization must also submit a \$1500 application fee, to cover the Board's costs of reviewing the application and to ensure that only financially stable organizations apply for board approval. The applicant organization must identify a director, who must be licensed as either a veterinarian or an equine dental provider in Texas and have ten years of experience in the practice of equine dentistry. All examiners that work for a board-approved certifying entity must be licensed as either an equine dental provider or a veterinarian in Texas and have five years of experience in the practice of equine dentistry. A board-approved certifying organization must test applicants for certification on equine anatomy, harm and potential side effects of associated with equine dentistry, sterilization and disease control, and the legal limits of a licensed equine dental provider's legal practice, including the requirements and limitations of supervision by a veterinarian. A board-approved certifying organization must retain documents and records for five years. After the applicant organization submits the required information, a board representative may conduct a survey visit to gather information on some aspect of the application that is not clear from the documentation submitted, such as to see the organization's facilities or to observe a practical examination. When board staff has finished gathering information, the application for board approval goes before the full Board, which can approve the application, deny it, defer it for further investigation, or grant approval with conditions. If an applicant leaves an application inactive at any stage in the application process for more than one year, the applicant organization will have to start over with a new application. If the Board denies the application, the applicant organization will have to wait a year before applying again. After the Board approves an equine dental provider certifying program, if the program closes, the certifying organization must notify the Board of the closure and create a plan for records preservation. The Board can rescind approval for a certifying program if it fails to comply with Board rules and requests or lacks sufficient financial resources. If the Board rescinds approval, the organization must wait a year before reapplying for approval.

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**§577.15 Fee Schedule:** During the last legislative session, the Texas Legislature granted the Board authority to license and regulate veterinary technicians, and required the Board to increase revenue. Board therefore proposes amendments to add fees for Veterinary Technician licenses and to increase fees for veterinarians by \$1 to cover the increase in revenue required by the Legislature. The proposed amendment also adds a fee for application processing for organizations seeking board approval as an equine dental provider certifying entity under proposed new Rule 575.63.

## Frequently Asked Questions

**Q. What is the time period during which I have to earn my continuing education (CE) credits?**

A. CE must be earned during the calendar year just prior to renewal. Some exceptions exist.

Please see [Board Rule 573.64—Continuing Education Requirements](#) and [Board Rule 573.65 - Proof of Acceptable Continuing Education](#).

**Q. How many hours of Continuing Education do I need each year?**

A. You need a total of 17 hours of Continuing Education each year. If you attain more than the required 17 hours in a given year, you may carry-over a maximum of 17 hours to be applied toward the following year's requirements. For example, if you earn 34 hours in calendar year (January 1—December 31) 2011, you have enough hours for your 2012 AND your 2013 renewal. However, you must earn 17 hours during 2013 for your 2014 renewal.

Please see [Board Rule 573.64—Continuing Education Requirements](#) and [Board Rule 573.65 - Proof of Acceptable Continuing Education](#).

**Q. When is my renewal due?**

A. Renewals are due annually, unless it's in a retired status, between January 1 and March 1. We do encourage on-line renewals. If you do not renew your license before March 1st, YOU MUST CEASE THE PRACTICE OF VETERINARY MEDICINE. Renewals after March 1st will be assessed a statutorily required late fee. Continued practice with a "delinquent" or "expired" license is illegal and action against your license can be taken.

Please see [Board Rule 571.59—Expired Licenses](#).

**Q. Is there a grace period during which I can practice without a license in Texas?**

A. There is no grace period in which you can practice veterinary medicine without an active license.

Please see [Board Rule 571.59\(a\) - Expired Veterinary Licenses](#).

## Licensed Veterinary Technician Information

A new law was recently passed by the 83<sup>rd</sup> Legislature and it authorizes the Texas Board of Veterinary Medical Examiners to license and regulate veterinary technicians. This law becomes effective on September 1, 2014.

Should you wish to gain a veterinary technician license and become a Licensed Veterinary Technician (LVT) in Texas, you may do so by completing the application and submitting it with ALL required supporting documentation AFTER December 15, 2013.

The law allows a 'grandfathering' period that ends on August 31, 2014. Between December 15, 2013 and August 31, 2014, you may download the application and submit it with ALL required documentation and a \$70 fee.

In order to be eligible for licensure under the 'grandfather' provisions, you must:

1. Submit the application with all supporting documentation and fee; **AND**
2. Submit verification from TVMA (Texas Veterinary Medical Association) showing current registration through TVMA; **AND**
3. Gain a license by no later than August 31, 2014.

Please note that having an application on file does not mean that you hold a license. We must issue you a license with an issue and expiration date before you are considered licensed as an LVT.

After September 1, 2014, an individual may not use the term 'LVT' or refer to themselves as a 'Licensed Veterinary Technician' without a license. Giving the impression that one holds a license is against the law. A license to work as a veterinary technician is not mandatory; however, it is an option available to you.

The application will be available on December 15, 2013. It will be downloadable from our web site under the "License Information" tab.

Questions? Please call 512-305-7555 or send us an e-mail [vet.board@tbvme.state.tx.us](mailto:vet.board@tbvme.state.tx.us)

The TBVME is on Facebook, you can find us at <http://www.facebook.com/tbvme>



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### **Our Mission:**

The mission of the Texas State Board of Veterinary Medical Examiners is to establish and enforce policies to ensure the best possible quality of veterinary services for the people of Texas.

### **Our Goals:**

The Board and its staff will ensure that Texans are effectively and efficiently served by quality veterinary professionals by setting clear standards for professional conduct, by assuring compliance with the rules of professional conduct and the community standard of care, and seeking solutions to issues that strengthen the profession and protect the public.

### **Did You Know???**

Unless you owe for more than the current year, all veterinary licensees can renew their license online through our website.

### **Peer Assistance**

If you or someone you know has a substance abuse problem, it is far better to voluntarily participate in the Peer Assistance Program than to run the risk of disciplinary action, up to and including license revocation. The toll free hotline number is (800) 727-5152.

### **ADA Accommodations**

The TBVME does not discriminate on the basis of race, color, religion, sex, national origin, age or disability in employment or in the provision of services, programs, or activities. Individuals requesting reasonable accommodations should contact the Board's ADA Coordinator, Loris Jones, at 333 Guadalupe, Ste. 3-810, Austin, TX 78701-3998, or call (512) 305-7555 or by email at [loris.jones@tbvme.state.tx.us](mailto:loris.jones@tbvme.state.tx.us).