



BOARD NOTES

Spring 2010 Issue
Phone: (512) 305-7555

A Publication of the Texas State Board of Veterinary Medical Examiners Dewey Helmcamp, Executive Director
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FROM THE EXECUTIVE DIRECTOR

One of the least understood aspects of Board operations is the development of the operating budget (known as the Legislative Appropriation Request or "LAR"). In this issue of Board notes, I'll explain how the Board develops its' LAR and the impact on your license renewal fee.

In each even numbered year between each legislative session, all state agencies receive guidance from the Legislative Budget Board (LBB) on basic LAR submission. For example, in 2008, the LBB guidance was to prepare and submit a budget that did not exceed the 2008/2009 authorization/appropriation levels (a "zero" growth LAR). In addition, LBB directed that we submit an LAR with a 10% reduction from our 2008/2009 budget. Then, agencies are allowed to ask the Legislature to approve "exceptional" items. Exceptional items are such things as the authority to hire more employees (FTE's) or purchase laptop computers for Board members use during meetings, etc. The state operates on a two year budget cycle and each new Fiscal Year begins on September 1. For example, on September 1, 2010, the state starts Fiscal Year 2011.

Once the session begins, each agency's LAR is set for committee hearing (Senate Finance and House Appropriations Committees). The LBB staff lays out each agency's budget request, and then the agency is allowed to testify about its' general submission and why its' exceptional item request is necessary and should be approved. Once each committee has held the hearing, the members then discuss and vote item by item on each agencies budget request to approve or not approve each one.

Once each chamber has finished the LAR review, each chamber prepares a state budget incorporating all state spending. Then, assuming there are differences between the Senate and House versions, a Conference Committee composed of five Senators and five Representatives is appointed and meets to resolve the differences. The result becomes the state budget that is passed by both houses and signed by the Governor.

One key point that is often misunderstood by many is that the state chose years ago to make regulatory agencies like this Board, the Medical Board, the Dental Board etc. self-funding rather than fund state operations via an income tax. This means that we (and virtually all other regulatory agencies, save only three agencies that are self-directed) must set our licensing fees at the level sufficient to collect the money the Legislature has approved and authorized us to spend to pay for our operations. In the simplest terms, the Legislature approves a spending level for the Board and "loans" the Board the money to meet monthly expenses, and the Board "repays" this money when it collects the license renewal fee from January 1 through March 1.

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PATRICK MIKE ALLEN, DVM

September 19, 1939—April 20, 2010

Dr. Pat Allen, a dedicated and active member of the Texas Board of Veterinary Medical Examiners passed away suddenly the morning of April 20, 2010 at the age of 71. Dr. Allen was appointed to the Texas Board of Veterinary Medical Examiners in September of 2005 and served until his death on April 20, 2010. Dr. Allen will be remembered for his compassion, kindness and humor and will be truly missed by all.

Important 2010 License Renewal Information

Renewal Notices:

As with renewal year 2009, the agency sent out post card renewal reminders in January for renewal year 2010. **All licensees should have renewed their license on-line at www.tbvme.state.tx.us by before March 1, 2010.** The online renewal system is still available.

Practicing With An Expired License Is Illegal:

All licensees should be aware that if they have not renewed their license on or before March 1, 2010, **they must cease practicing until the license has been renewed.** The law requires that veterinarians not practice without a current license. Penalties for practicing with an expired license can include a reprimand, a \$1,000 per day fine, or other measures.

Continuing Education Requirements:

Veterinarians must have attained 17 hours of acceptable continuing education during calendar year 2009 (January 1 through December 31). Of those 17 hours, seven must have been obtained from personal attendance at live seminars. Please remember, if you **EARNED** in excess of 17 hours during any calendar year prior to the renewal year, you may carry-over the excess hours earned.

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.”

<u>NAME</u>	<u>CITY, STATE</u>	<u>VET. SCHOOL/GRAD YEAR</u>	<u>DATE OF DEATH</u>
Patrick M. Allen, DVM	Lubbock, TX	Texas A&M 1975	April 20, 2010
T. E. Fitzpatrick, DVM	Lynnville, IA	Iowa State 1959	Jan. 19, 2010
Terry Gee, DVM	El Paso, TX	Colorado 1973	March 1, 2010
Robert James, DVM	Selma, TX	Texas A&M 1958	Feb. 24, 2010
Thomas Mason, DVM	Abilene, TX	Texas A&M 1990	Jan. 20, 2010
Roland Roudon, DVM	Keller, TX	Texas A&M 1968	Feb. 15, 2010

Licensing Exam Dates

State Board Exam 2010

Exam Date	Application Deadline	Location
4/5/10	2/19/10	TAMU, College Station
6/7/10	4/23/10	UT, JJ Pickle Center, Austin
8/9/10	6/25/10	UT, JJ Pickle Center, Austin
10/11/10	8/27/10	UT, JJ Pickle Center, Austin
12/6/10	10/22/10	UT, JJ Pickle Center, Austin

NAVLE 2010

Exam Date	Application Deadline	Location
4/12/10 – 4/24/10	1/3/10	Various
11/15/10—12/11/10	8/1/10	Various



CONTINUING EDUCATION OFFERINGS

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

<p><u>RACE</u> (Registry of Approved Continuing Education) Search for Available CE: http://www.aavsb.org/RACE/RaceSearch.asp</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><u>Texas A&M</u> Phone: (979) 845-9102 Fax: (979) 862-2832 Email: ceoffice@cvm.tamu.edu</p> <hr/> <p><u>Texas Veterinary Medical Association</u> www.tvma.org 8104 Exchange Dr. Austin, TX 78754 Phone: (512) 452-4224 Fax: (512) 452-6633</p>
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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.

ENFORCEMENT ISSUES

DISCIPLINARY ACTIONS

At the March 22, 2010 meeting, the Board accepted Agreed Orders in 23 docketed cases. Following are summaries of the findings of 3 of those cases. These summaries do not contain all of the facts of each case. For the full text of an Agreed Order, please submit an open records request to our office.

Case No. 2009-80, TBVME vs. Gregor A. Ulteig, DVM, Lic.# 6725, Plano, TX

On March 22, 2010, the Board found that Dr. Ulteig violated rule §573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT by amputating the leg of a feline that did not require amputation and not performing the necessary femoral head ostectomy for a femoral head fracture. **Disciplinary Action: Formal Reprimand.**

Case No. 2010-31, TBVME vs. Gary F. Parker, DVM, Lic.# 4359, Lufkin, TX

On March 22, 2010, the Board found that Dr. Parker violated rule §573.62, VIOLATION OF BOARD ORDER/NEGOTIATED SETTLEMENTS by failing to comply with previous Agreed Order 2009-83. **Disciplinary Action: Voluntary Surrender of license and will not be able to seek reinstatement of license for five (5) years.**

Case No. 2010-52, TBVME vs. Susan C. Boeving, DVM, Lic.# 7315, Keller, TX

On March 22, 2010, the Board found that Dr. Boeving violated rule §573.41, USE OF PRESCRIPTION DRUGS by diverting controlled substances for self medication. **Disciplinary Action: Formal Reprimand, license is suspended for 5 years with all stayed and probated. Dr. Boeving is required to continue on her contract with Peer Assistance Program, she can not apply for a DEA Registration for Schedule I, II and III controlled substances in her name for 1 year, and must appear before the Board prior to applying for DEA Controlled Substances registration.**

The remaining approved Agreed Orders consist of:

- 2 who received Administrative Penalties and/or were required to obtain additional hours of Continuing Education for failure to obtain the required number of hours annually.
- 6 who received an Administrative Penalties for failure to maintain their Department of Public Safety Controlled Substances Registration.
- 2 who received Administrative Penalties for failure to notify the Board of felony arrests.
- 1 who received an Administrative Penalty and is required to receive an evaluation from the Peer Assistance Program and must follow any recommendations from the Board's Peer Assistance Program.
- 1 who received an Administrative Penalty for failure to notify the Board of a change in address within 60 days of the change.
- 1 who received an Informal Reprimand and must obtain an additional 3 hours of Continuing Education in Record Keeping.
- 1 who received an Administrative Penalty for failure to ensure that employee veterinarians maintained a current Department of Public Safety Controlled Substances Registration.
- 1 who received an Informal Reprimand and must obtain an additional 3 hours of Continuing Education in Record Keeping for failure to maintain adequate patient records and for administering a medication in excess of the normal dosage and frequency generally accepted.
- 1 who received an Informal Reprimand, an Administrative Penalty and must pay \$65.00 in restitution for failure to adequately perform a declaw procedure.

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From the Executive Director continued...

If, for example, as part of the state's two year budget, the Legislature authorized the Board to spend \$1,000,000 each year of the biennium on all its' operations and functions we would divide that figure by the total licensee population of say 7,000 veterinarians and set the base fee at \$142 per licensee. To this base amount, we must add the \$200 professional license tax the Legislature requires each agency to collect for the General Revenue Fund. In addition, starting with the 2010-2011 budget the Legislature required the Board to raise an additional \$207,000 each Fiscal Year for deposit to the General Revenue Fund. The Board then determines the amount of the license fee required to cover what the Board must "repay" to the state. At the June Board meeting after the session ends, the Board proposes the new fee schedule as an agency rule. The proposed fee schedule is then adopted as a rule at the October Board meeting and becomes effective the following January when all veterinarians renew their license. I would like to mention that in past years when the Legislature has approved lesser budgets or actually directed budget cuts, the agency was able to lower license fees rather than keep them at the same level as many other agencies do.

It's also very important to know that of all the money we collect that we can actually spend on operations, more than 90% is dedicated to "fixed" costs like employee salaries (including retirement contributions, insurance payments, the Peer Assistance payment to TVMA, Texas On-Line payment, etc.)

Finally, earlier this spring, state leaders directed the Board, along with almost all state agencies, to submit a plan to cut 5% from the 2010 and 2011 operating budget. For the Board this means a \$100,000 cut, if actually implemented. Obviously, this will significantly impact the Board's ability to meet some performance measures and some enforcement activities.

Frequently Asked Questions

Q. Can a veterinarian refuse to write a prescription for a client/patient?

A. There is no requirement in Texas law for a veterinarian to write prescriptions. Veterinarians are among the few professionals that maintain their own drug and medication inventories. This does give some clients concern, but we do not have the authority to change the practice. We are aware of the AVMA's Principles of Veterinary Medical Ethics that encourages the writing of prescriptions upon request, but these are guidelines only and the Texas Board of Veterinary Medical Examiners cannot enforce them. Some veterinarians are willing to negotiate prices for medications to compete with lower cost pharmacies.

Q. Do I need a permit to utilize controlled substances?

A. Yes, you do need a permit to utilize controlled substances. The Board has seen an increasing number of licensees who were unaware that they are required to obtain a Texas Department of Public Safety (DPS) Controlled Substances Registration prior to utilizing controlled substances. Many had confused the requirements with those for a DEA Controlled Substances Registration. These are actually two different registrations and a licensee may be required to have one or both.

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. E.g. if you earn 34 hours in calendar year (Jan 1 through Dec 31) 2009. You have enough hours for your 2010 AND your 2011 renewal. However, you must EARN 17 hours during 2011 for your 2012 renewal.

Continuing Education requirements at a glance:

Out of the 17 required hours to be earned annually, at least 7 must be earned via live seminars and actual attendance. Up to 10 hours may be earned on-line, as long as the on-line venue is: interactive, participatory and monitored, and you are issued a certificate of completion at the conclusion of the participation. You may earn up to 5 hours annually in the correspondence category (see rule 573.64 for definition) and up to 3 hours annually in the self-study category (see rule 573.64 for definition).

BOARD ADOPTS CHANGES TO RULES

The Board adopted the following changes to rules at its March 22, 2010 Board meeting, these rules become effective April 28, 2010:

- **573.51, Rabies Control.** *The amendment removes the requirement that the rabies vaccination certificate shall include the vaccine used producer and expiration date and adds the requirements of the vaccine used product name and manufacturer.*
- **573.69, Reporting of Criminal Activity.** *The amendment adds a time period for the required reporting of criminal activity under the rule, specifically no later than the 30th day after the criminal activity. In addition, the proposed amendment clarifies the language in the rule to add the required reporting of the arrest for a felony to the Board.*
- **575.26, Complaint Form.** *The repeal is in conjunction with a new rule proposed, §575.26. The proposed repeal will remove the form from rule and will allow board approved changes to be made to the form when needed without the requirement of a rule change. The proposed new rule requires all complaints filed against a licensee to be submitted to the Board on the Board-approved complaint form. The proposed new rule states where the complaint form may be obtained and how the complaint will be received by the Board.*
- **Rule Review of Chapter 577, General Administrative Duties.**

Veterinary Student Loan Repayment Program

In recent years there has been growing national attention to the shortage of food animal veterinarians, and to the shift in veterinary employment away from large and mixed animal practice. The rising cost of veterinary education matched against the salaries obtainable in food animal practice is a factor cited in several studies. As many hard-working rural practitioners approach retirement, concerns arise about who will care for their clients and ensure the health of food animals.

As a result of a federal law passed in January 2003, a new program administered by the USDA's National Institute of Food and Agriculture (NIFA) was introduced this year. The Veterinary Medicine Loan Repayment Program (VMLRP) repays up to \$25,000 per year of student loan debt to veterinarians who commit to serving a minimum of three years in a designated shortage area. Areas of shortage may include large animal exclusive practice, mixed animal practice in a rural area, or public practice. Applicants must hold a DVM or equivalent degree from an accredited school, have qualifying educational loan debt and meet certain eligibility requirements.

The Texas Animal Health Commission (TAHC) was designated to nominate specific areas within Texas for this federal program. A panel of TAHC veterinarians solicited input from a variety of industry and veterinary associations and private practitioners from across the state. Written nominations and other input were reviewed, and eight Texas nominations were submitted. Approved shortage areas will be posted by USDA on April 30 and veterinarians will have until June 30 to apply for loan repayment. Information on the application process can be found online at http://www.nifa.usda.gov/nea/animals/in_focus/an_health_if_vmlrp.html.

It was a daunting task in a state the size of Texas to choose only eight areas of need that met all USDA criteria. As with any new program, there will likely be challenges and changes made over the next several years. Hopefully this program will succeed in bringing practitioners to underserved areas. TAHC welcomes continued input. Comments can be directed to comments@tahc.state.tx.us Attn: Holly Poremski, DVM or to 800-550-8242 ext. 718.

Holly Poremski, DVM
Staff Veterinarian
Texas Animal Health Commission

BOARD PROPOSES CHANGES TO RULES

At the March 22, 2010 Board meeting, the Board directed staff to post the following proposed changes in the *Texas Register* for comment, the full text of the changes can be found on the agency website.

- **571.1, Criminal History Evaluation Letters.** *The proposed new rule is proposed based on the passage of House Bill 963 during the 81st Legislative Session and allows potential applicants for licensure to obtain criminal history evaluation letters regarding potential eligibility for licensure. The new rule also establishes the process for potential licensure applicants to obtain criminal history evaluation letters.*
- **571.3, Eligibility for Examination and Licensure.** *The proposed amendment deletes wording referring to application to the North American Veterinary Licensing Examination (NAVLE) as the Board has previously decided to allow the National Board of Veterinary Medical Examiners to process the applications for NAVLE. In addition, the requirement for a candidate to apply for NAVLE is changed from the applicant being 6 months from the student's expected graduation date to the applicant being 8 months from the student's expected graduation date.*
- **573.24, Issuance of Certificates Through Direct Knowledge Only.** *The proposed amendment clarifies that a licensee is deemed to have knowledge of any health certificates issued in his or her name by the licensee's employee and/or maintained in the licensee's patient or client records. The amendment places responsibility for the security of the licensee's health certificate forms solely on the licensee, and requires the licensee to take reasonable care to prevent the misuse of said forms. The amendment also requires a licensee to report any theft or misuse of health certificates to the Board.*
- **573.65, Definitions.** *The proposed amendment clarifies that the designated caretaker is required to be under the appropriate level of supervision as set out by Board rules, if any are applicable.*
- **573.75, Notification of Licensee Addresses.** *The proposed amendment clarifies that a licensee is required to notify the Board of any change in the items set out earlier in the rule, in subsection (a), not later than the 60th day after the change takes place.*
- **575.281, Complaints-Appeals.** *The proposed new rule puts into rule the procedure for the public to appeal the dismissal of a complaint.*
- **575.35, Temporary License Suspension Proceeding.** *The proposed amendment corrects a numbered rule referenced within the rule.*
- **577.15, Fee Schedule.** *The proposed amendments adds an additional fee for the criminal history evaluation letters as required by the passage of House Bill 963 during the 81st Legislative Session, and proposed in Rule 571.1.*

Board Meeting Dates*

June 28, 2010
September 10, 2010
December 13, 2010

*These dates are not official until posted with the Secretary of State.

Enforcement Issues Continued...

- 1 who received an Informal Reprimand and must obtain an additional 3 hours of Continuing Education for failure to maintain adequate patient records and for dispensing an excessive amount of medication.
- 1 who received an Administrative Penalty, must pay Restitution in the amount of \$1,252.29, and must obtain 6 additional hours of Continuing Education of which 3 must be in Record Keeping and 3 must be in Endocrinology for failure to maintain adequate patient records and failure to perform monitoring blood work and failure to monitor electrolyte levels.
- 1 who received an Administrative Penalty and must also complete the remaining time on her Peer Assistance Program Contract for issuing prescriptions for her own personal use under the name of her personal canine.
- 1 who must enter into a 5 year Peer Assistance Program contract and follow all recommendations including random drug screening.

CEASE & DESIST ORDERS

At the March 22, 2010 meeting, the Board approved 5 Cease & Desist.

- One individual in Athens, TX whom the Board identified as practicing veterinary medicine without a license by performing equine dentistry services.
- One individual in Shepherd, TX whom the Board identified as practicing veterinary medicine without a license by performing fetal ultrasounds of bovine and deer and/or palpation of a bovine.
- One individual in Alpine, TX whom the Board identified as practicing veterinary medicine without a license by signing Coggins forms (USDA form 10-11).
- One individual in Corpus Christi, TX whom the Board identified as practicing veterinary medicine without a license by determining the need for and administering a vaccine.
- One individual in Bellville, TX whom the Board identified as practicing veterinary medicine without a license by performing equine dentistry services.

DID YOU KNOW???

- This publication as well as other important information is available on our website, www.tbvme.state.tx.us.
- Unless you owe for more than the current year, all 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 1-800-288-7996.

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 requiring reasonable accommodations should contact the agency's ADA Coordinator at 333 Guadalupe, Suite 3-810, Austin, TX 78701-3998, or call (512) 305-7555 or 1-800-877-8973 (TDD). This document may be requested in alternative formats by contacting the Board offices.

ADA ACCOMODATIONS

Individuals seeking ADA accommodations should contact the Board's ADA Coordinator, Loris Jones, at 512/305-7555 or by email at loris.jones@tbvme.state.tx.us.

NOTICE TO CLIENTS

To file a commendation or grievance concerning a veterinarian,
please contact:

Texas Board of Veterinary Medical Examiners

333 Guadalupe, Tower 3, Suite 810

Austin, Texas 78701-3942

Phone: (512) 305-7555

Fax: (512) 305-7556

To obtain information about filing a complaint, you may access the Board's
voicemail 24 hours a day by calling toll free: 1-800-821-3205

NOTICE OF ADDRESS CHANGE

Please email, fax, or mail to:

Texas Board of Veterinary Medical Examiners
333 Guadalupe, Suite 3-810
Austin, Texas 78701
FAX: 512-305-7556
Email: vet.board@tbvme.state.tx.us

Please print or type

Name _____

License Number _____

Mailing Address:

Street/PO Box _____
City, State _____ Zip Code _____

Practice Address:

Practice Name _____
Street _____
City, State _____ Zip Code _____
Phone _____ Fax _____

Home Address:

Street _____
City, State _____
Home Phone _____ Cell Phone _____
Email _____

Note: The mailing address is the default address. All documents, forms and letters sent to you from this agency will be mailed to this address.

The mailing address is printed on your license renewal certificate. If you have changed your mailing address and need a duplicate renewal certificate, please indicate below.

___ Please send a duplicate renewal certificate.

Pursuant to Board Rule 573.75(e) A veterinarian shall notify the Board of any change of name, address or name of clinic not later than the 60th day after the change takes place.