

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
October 26, 2009**

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Monday, October 26, 2009 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 8:31 a.m. Board Members present were, Janie Carpenter, D.V.M., Vice-President; David Heflin, D.V.M., Secretary; Patrick Allen, D.V.M.; John Clader, D.V.M.; Ms. Cynthia Diaz, Mr. David R. Kercheval, Mr. Paul Martinez, and David Rosberg, D.V.M. Board Staff present were: Dewey E. Helmcamp III, JD, Executive Director; Nicole Oria, General Counsel; Nikki Hopkins, Assistant General Counsel; Ina Franz, Director of Licensing; Peter Hartline, Director of Enforcement; Keith Cole, Chief Fiscal Officer; and Loris Jones, Executive Assistant.

Mr. Helmcamp welcomed and introduced to the board, six newly hired staff members, Artisha Baxter, Receptionist; Tracy Bohmer, Investigator; Elizabeth Chavana, Fiscal Administrative Assistant; Nikki Hopkins, Assistant General Counsel; Lisa James, Legal Secretary; and Jimmy Seale, Investigator.

Agenda Item 2, Approval of Minutes. Mr. Kercheval moved, Mr. Martinez seconded and the motion passed to approve the minutes of the June 11, 2009 Board meeting.

Agenda Item 3, Citizen Comments. No members of the public signed in to address the Board.

Dr. Heflin moved and Dr. Clader seconded and the motion passed to go into Executive Session at 8:47 a.m. for private consultation and advice of counsel concerning settlement offers, and/or disciplinary action under the authority of the Open Meetings Act, Government Code, §551.071 and Occupations Code §801.407(d); and Attorney General's Opinion No. H-484. Open session resumed at 10:17 a.m. and it was announced that no action was taken. A certified agenda was made.

Agenda Item 4, Licensure Petitions.

a. Discussion, recommendation and possible action on petitions to take the State Board Exam.

1. Edward Mapes, D.V.M. Dr. Mapes appeared to petition the Board to allow him to sit for the State Board Examination (SBE) for licensing. Dr. Mapes was licensed in Michigan in 1980 and practiced there until he ceased practice in 2000 to pursue a different career route. Dr. Mapes has passed the required national examinations and appeared before the board due to the fact that he has not been practicing veterinary medicine for the last 9 years. After discussion, **Mr. Kercheval moved, Dr. Clader seconded and the motion passed to allow Dr. Mapes to sit for, take, and pass the State Board Examination (SBE) within one year of the effective date of the Order, and upon doing so is granted a Texas Veterinary License subject to the following terms and conditions;**

1. Dr. Mapes must obtain 34 hours of Continuing Education within 1 year to be completed by December 31, 2010.
2. Dr. Mapes must submit for approval, prior to commencing the practice of veterinary medicine, the name of a monitoring licensed veterinarian to the Executive Director of the Board.
3. The approved monitor must submit a letter to the Board acknowledging that they have been made aware of the terms and conditions placed on Dr. Mapes' license, and their responsibility to submit quarterly reports.
4. Dr. Mapes must work under the general supervision of the approved monitor for a period of twelve (12) months.
5. It is the responsibility of Dr. Mapes to ensure that the approved monitor submits 4 reports at quarterly intervals to begin 3 months from the date of licensure and continuing for the term of this order regarding Applicant's proficiency and attesting to Applicant's:
 - a. Adherence to the laws and rules;
 - b. Veterinary skills; and
 - c. Proper record keeping.

b. Discussion, recommendation and possible action on petitions to waive the Clinical Competency Test.

1. Dickson D. Varner, DVM. Dr. Varner is a 1978 graduate of the University of Missouri, College of Veterinary Medicine. Upon graduation, Dr. Varner took and passed the National Board Examination (NBE) but not the Clinical Competency Test (CCT), as it was not offered at the time. Currently, Dr. Varner holds licenses in Kentucky, Missouri, Kansas and New Mexico, but not all are active. In 1986, Dr. Varner earned his special license to practice veterinary medicine at Texas A & M University, in College Station, Texas, where he is a Professor of Theriogenology and Pin Oak Stud Chair of Stallion Reproductive Studies. Dr. Varner is board certified by the American College of Theriogenologists since 1984. He has served in various capacities (president, chair, member of board of directors, etc) for various veterinary associations and committees pertaining to his specialty. Additionally, Dr. Varner authored, co-authored and was published in various scientific referred manuscripts, publications, abstracts and textbooks. After discussion, **Dr. Carpenter moved, Dr. Heflin seconded and the motion passed to approve the waiver** with the following conditions: Dr. Varner is required to take and pass the State Board Examination within one year of the approval of his waiver.

Agenda Items 5 and 6, Consideration and Approval of Agreed Orders and Consideration and Approval of Cease and Desist Orders, Mr. Kercheval moved, Mr. Martinez seconded and the motion passed to approve the Agreed Orders on the following: 2009-07, James Roberts, DVM; 2009-24, Ronald Box, DVM; 2009-66, Patricia D. Ballard; 2009-67, Jon K. McClain, DVM; 2009-70, Erwin H. Meyer, Jr., DVM; 2009-71, Stephanie Hutchinson, DVM; 2009-72, Melissa C. Libal, DVM; 2009-73, Christopher Durham, DVM; 2009-74, Roy Cruzen, DVM; 2009-75, Lee K. Sims, DVM; 2009-77, Joshua Harvey, DVM; 2009-78, Lauren Fletcher, DVM; 2009-79, Cheryl Zengler, DVM; 2009-81, Jess Adkins, DVM; 2009-83, Gary F. Parker, DVM; 2010-01, Scott A. Weeks, DVM; 2010-02, James G. Bailey, DVM; 2010-04, Byron K. Jones, DVM; 2010-09, Heidi S. Ritthaler, DVM.

Dr. Carpenter moved and Mr. Kercheval seconded and the motion passed to table Agreed Orders 2009-59, 2009-65, and 2009-80 and send them back to the Enforcement Committee for reconsideration.

Dr. Carpenter moved, Dr. Allen seconded and the motion passed to approve the following Cease and Desist Orders: 07-119, 07-132, 07-152, 07-153, 08-061, 08-123, 08-125, 08-275, 08-291, 08-404, 08-414, 08-415, 09-030.

Agenda Item 7, Consideration and approval of Proposals for Decision on Brian Winterton and Richard D. Wiest, DVM. Neither Mr. Winterton or Dr. Wiest appeared, Ms. Nicole Oria represented the board. Ms. Oria presented a summary of the case history and the Proposals for Decision. After discussion, **Mr. Kercheval moved, Ms. Diaz seconded and the motion passed to adopt the Findings of Fact and Conclusions of Law recommended by the Administrative Law Judge in the Proposal for Decision and for staff to issue the appropriate Cease and Desist Orders.**

Agenda Item 8, Discussion, recommendation and possible action regarding Termination of Suspension Petitions.

- 1. Christopher S. Arnold, DVM.** Mr. Helmcamp presented information regarding the suspension of Dr. Christopher Arnold's license and the options available to the Board on terminating the suspension. Dr. Arnold addressed the board regarding his petition to have the suspension on his license terminated. After discussion, **Dr. Clader moved, Mr. Kercheval seconded and the motion passed to take no action at this time.** Dr. Alldredge informed Dr. Arnold that should he submit the information and supporting documentation as required from previous appearances before the Board, his petition will be placed on the agenda for the next meeting. Dr. Alldredge further informed Dr. Arnold that if the information is not received, his petition will not be placed on the agenda for the next meeting.

Agenda Item 9, Report from the Rules Committee. Ms. Oria presented the rules that were up for adoption.

a. Discussion, recommendation, and possible action on rules to be adopted. The following changes to Board rules were proposed at the June 11, 2009 Board meeting and were considered for adoption:

1. *571.56, Military Service Fee Waiver*
2. *573.10, Supervision of Non-Licensed Employees*
3. *573.24, Issuance of Certificates Through Direct Knowledge Only*
4. *575.25, Recommended Schedule of Sanctions*
5. *575.28, Complaints-Investigations*
6. *577.15, Fee Schedule*

After discussion by the Board, **Ms. Diaz moved, Dr. Heflin seconded and the motion passed to adopt the proposed amendments to §§571.56, 573.10, 573.24, 575.25, 575.28, and 577.15.**

b. Discussion, recommendation, and possible action on rules to be proposed.

1. *573.17 Dentistry in Equines*
2. *573.51 Rabies Control*
3. *573.69 Reporting of Criminal Activity*
4. *575.26, Complaint Form – repeal*
5. *575.26, Complaint Form – new*

c. Discussion, recommendation and possible action on rule review.

1. *Rule Review Schedule*
2. *Chapter 577, General Administration and Duties*

After discussion, **Mr. Kercheval moved, Ms. Diaz seconded and the motion passed to approve the proposed amendments to §§573.51 Rabies Control, 573.69 Reporting of Criminal Activity, 575.26 Complaint Form – repeal, and 575.26 Complaint Form – new; and the rule review schedule and review of Chapter 577 General Administration and Duties.** After further discussion, **Dr. Rosberg moved, Dr. Clader seconded and the**

motion passed to approve §573.17 Dentistry in Equines as written. Mr. Kercheval voted against the proposed rule.

Agenda Item 10, Consideration and Approval of the October 5, 2009 Rules Committee Minutes. Mr. Kercheval moved, Dr. Rosberg seconded, and the motion passed to approve the minutes of the October 5, 2009 Rules Committee.

Agenda Item 11, Approval of August 26, 2009 Executive Disciplinary Committee Minutes, regarding Jon C. Taylor, D.V.M., Temporary Suspension without notice. Mr. Kercheval moved, Dr. Carpenter seconded and the motion passed to approve the minutes of the August 26, 2009 Executive Disciplinary Committee Minutes.

Agenda Item 12, Approval of September 2, 2009 Enforcement Committee Minutes, regarding Jon C. Taylor, D.V.M., Temporary Suspension with notice. Dr. Carpenter moved, Dr. Clader seconded and the motion passed to approve the September 2, 2009 Enforcement Committee Minutes.

Agenda Item 13, Consideration and approval of Board meeting dates for Calendar Year 2010. Dr. Clader moved, Dr. Heflin seconded and the motion passed to approve the March 1, June 21 and October 25, 2010 meeting dates.

Agenda Item 14, Update on AAVSB Meeting in Minneapolis, MN on September 24 – 26, 2009. Mr. Helmcamp provided a brief summary of discussions during the AAVSB annual meeting and informed the Board that he is now a member of the AAVSB Nominating Committee.

Agenda Item 15, Executive Director's Report.

- a. Report on Health Professions Council (HPC) Activities.** Mr. Helmcamp gave a brief update on HPC activities including that the Texas Board of Nursing and the Texas

State Board of Pharmacy are looking into options to provide staff in the building with H1N1 vaccinations.

- b. Report on 2009 License Renewals.** Ms. Franz discussed the annual renewals as of August 31, 2009.
- c. Report on State Board Exams.** Ms. Franz discussed the results of the June 8, August 10, and October 12, 2009 State Board Exam, noting the 100% pass rate.
- d. Status of FY2009 and FY2010 Operating Budgets.** Mr. Keith Cole, Chief Fiscal Officer, gave a brief overview of the budgets for FY2009 and FY2010.
- e. Board Performance Update.**
 - 1. Enforcement Report:** Mr. Hartline discussed the Enforcement side of the agency and noted that with the recent hire of two new investigators he expected the number of cases closed to be between 450 and 500 in Fiscal Year 2010. He also stated that he expects the average resolution time for complaints to increase.
 - 2. Licensing and Examinations Report:** Mr. Helmcamp discussed the statistics related to Licensing and Examinations, as of August 31, 2009 we had 7,309 licensed veterinarians in all categories.
 - 3. Peer Assistance Report:** Mr. Helmcamp mentioned that there are currently thirteen veterinarians under contract with the Peer Assistance.
- f. Report on discussion with Texas Veterinary Medical Association.** Dr. Alldredge gave a brief overview of the TVMA Southwest Symposium meeting.

Agenda Item 16, Election of Officers. Dr. Carpenter moved, Dr. Allen seconded and the motion passed to elect Dr. Heflin as Vice-President. Dr. Allen moved, Dr. Carpenter seconded and the motion passed to elect Dr. Clader as Secretary.

Agenda Item 17, Appointment of Committees. Dr. Alldredge recommended for approval the following:

Executive Disciplinary Committee: Dr. Alldredge, Ms. Diaz, Dr. Heflin, and Mr. Martinez as an alternate;

Enforcement Committee: Dr. Heflin, Dr. Clader, and one public member on a rotating basis;

Rules Committee: Ms. Diaz (chair), Dr. Allen, Mr. Kercheval, and Dr. Rosberg.

Dr. Rosberg moved, Mr. Martinez seconded and the motion passed to approve the committee appointments.

Agenda Item 18, Discussion, recommendation and possible action regarding the NBVME processing all national board applications. Mr. Helmcamp and Ms. Franz gave an overview of the proposal for the NBVME to process all applications for the NAVLE exam. After discussion, **Dr. Heflin moved, Mr. Kercheval seconded and the motion passed to accept the proposal by the NBVME.** The Board directed Mr. Helmcamp to notify the NBVME of the acceptance.

Agenda Item 19, Approval of October 15, 2009 Executive Disciplinary Committee Minutes, regarding Robert David Langley Jr., D.V.M., Temporary Suspension without notice. Dr. Carpenter moved, Dr. Heflin seconded and the motion passed to approve the minutes of the **October 15, 2009 Executive Disciplinary Committee Minutes.**

There being no further business, the meeting was adjourned at 2:03 p.m.