

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

BOARD MEETING MINUTES

February 27, 2017

The Texas Board of Veterinary Medical Examiners met for a scheduled meeting on Monday, February 27, 2017, in Room #2-225 of the William P. Hobby, Jr. Building, 333 Guadalupe, Austin, Travis County, Texas. Jessica Quillivan, DVM, Board President, called the meeting to order at 1:02 p.m. Board Members present were: Janie Carpenter, DVM; Lynn Criner, DVM, Secretary; James McAdams; and Keith Pardue, Vice-President. Board Staff present were: Rudy Calderon, Interim Executive Director joined the meeting in progress; Michelle Griffin, Interim General Counsel; Matthew West, Interim Director of Enforcement; Marilyn Hartman, Director of Licensing; Loris Jones, Executive Assistant; and Teresa Long, Chief Fiscal Officer.

Agenda Item 2, Consideration and Approval of the January 23, 2017 Minutes. Dr. Carpenter moved, Dr. Criner seconded and the motion passed to approve the January 23, 2017 minutes.

Agenda Item 3, Citizen Comments. Ms. Judy Santerre presented comments on behalf of herself related to a complaint she had filed against a licensee.

Dr. Carpenter moved, Mr. McAdams seconded and the motion passed to go into Executive Session at 1:07 p.m. for private consultation and advice of counsel concerning pending or contemplated litigation or settlement offer and/or possible disciplinary action under the authority of the Open Meetings Act, GOVERNMENT CODE, §551.071; OCCUPATIONS CODE §801.407(d) and Attorney General's Opinion No. H-484. Open session resumed at 1:28 p.m. and it was announced that no action was taken. A certified agenda was made.

Agenda Item 4, Consideration and Approval of Agreed Licensure Order. After discussion, Dr. Criner moved, Dr. Carpenter seconded and the motion passed to reject the Agreed Licensure Order and send it back to staff for further investigation.

Agenda Item 5, Consideration and Approval of Cases Dismissed at Staff Conference. After discussion, Mr. Pardue moved, Dr. Carpenter seconded and the motion passed to approve the

dismissals of the following cases: CP16-309, CP16-339, CP16-340, CP16-341, CP16-385, CP16-412, CP17-028, CP17-029, CP17-032, CP17-042, CP17-045, CP17-062, CP17-064, CP17-095, and CP17-127.

Dr. Quillivan moved, Dr. Carpenter seconded and the motion passed to go into Executive Session at 1:33 p.m. for private consultation and advice of counsel concerning pending or contemplated litigation or settlement offer and/or possible disciplinary action under the authority of the Open Meetings Act, GOVERNMENT CODE, §551.071; OCCUPATIONS CODE §801.407(d) and Attorney General's Opinion No. H-484. Open session resumed at 2:25 p.m. and it was announced that no action was taken. A certified agenda was made.

Agenda Item 6, Rules discussion on Schedule of Sanctions and Agenda Item 7, Information and Discussion on Rule Review of Chapter 575. Ms. Griffin provided an update on the rule review of Chapter 575 to include a comprehensive schedule of sanctions. In addition, the goals of the rule review will be to modernize and streamline the chapter, an update of the investigative process, new rules on what can be given to parties in an investigation, updated rules on conflicts of interest and recusals, priorities of complaints and the informal conference process.

Agenda Item 8, Discussion, recommendation, and possible action regarding informal conference processes. Ms. Griffin discussed the current constraints on the informal conference process due to the current number of board members. Ms. Griffin also noted that currently there are about 40 to 50 cases that are pending informal conference. The board directed staff to begin taking cases to informal conference.

Agenda Item 9, Discussion, recommendation and possible action on the creation of a Finance Advisory Committee and other advisory committees to oversee particular agency functions.

After discussion, Dr. Quillivan appointed the following to the newly created Finance Advisory Committee: Dr. Criner (chair), Mr. McAdams, Ms. Long, and any future TBVME Finance Department staff.

Mr. McAdams discussed the plans for the Staff Relations Committee noting that the committee will plan to discuss any items by conference call or email and then report to the full board. Dr. Quillivan appointed the two staff members elected by TBVME support staff, Perry Goggins and Narcissa Pena to the Staff Relations Committee.

Agenda Item 10, Discussion, recommendation, and possible action on the agency's organizational chart and salary apportionment, and request to the Governor's office for a waiver from the hiring freeze and the priority of position(s) subject to that request and Agenda Item 11, Discussion, recommendation, and possible action on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, including the Executive Director, Director of Finance, Director of Enforcement, Director of Licensing, and General Counsel.

Mr. McAdams moved, Dr. Carpenter seconded and the motion passed to go into executive session at 2:50 p.m. to discuss matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee under the authority of the Open Meetings Act, Government Code, Section 551.074. Open session resumed at 3:09 p.m. and it was announced that no action was taken. A certified agenda was made.

After discussion, the board directed staff to proceed with waiver requests for the current open positions in the following order:

Priority 1: Temporary contract services for a Systems Analyst to support the agency database and temporary contract services for a Director of Finance.

Priority 2: One Investigator III and one Investigator IV to fill the two vacant investigator positions.

Priority 3: Executive Director position.

Mr. McAdams moved, Dr. Carpenter seconded and the motion passed to go into executive session at 4:05 p.m. to discuss matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee under the authority of the Open Meetings Act, Government Code, Section 551.074. Open session resumed at 4:26 p.m. and it was announced that no action was taken. A certified agenda was made.

Agenda Item 12, Discussion, recommendation and possible action regarding the frequency of board meetings. After discussion, the board directed staff to move the meeting originally scheduled for Monday, April 3, 2017 to Tuesday, March 28, 2017 due to scheduling conflicts.

Agenda Item 13, Executive Director's Report.

a. Report on Health Professions Council Activities. There was nothing to report on this item.

b. Enforcement Department Report. Mr. West discussed the statistics of the enforcement division, specifically noting case resolution times have improved but are still not in the target range. Mr. West also noted that compliance inspections increased, but due to the state budget issue and investigator staffing issues, inspections for the remainder of the fiscal year may remain under goal.

Mr. West also reported and gave an example of the proposed administrative notification book that would be utilized in conjunction with inspection reports. This administrative notification would provide documentation to a licensee of a specific violation and whether it was a warning or a complaint that would require administrative action.

c. Legal Department Report. Ms. Griffin discussed the number of cases pending informal conferences and pending filing at the State Office of Administrative Hearings. Ms. Griffin also discussed the number of participants in the Board's Peer Assistance Program.

d. Finance Department Report. Ms. Long discussed the budget and revenue reports, noting the current budget and revenue were on track. Ms. Long also noted the remaining payroll for the open positions showing that approximately \$258,819 that will be returned to the general revenue due to the hiring freeze.

e. Licensing Department Report. Ms. Hartman discussed licensing department statistics, noting that 1,328 renewals have been processed since 1/1/17 and 178 applications have been received (33 LVTs, 144 DVMs, and 1 EDP). She also stated that Licensing is working on processing the A&M exam applications and the exam is being re-written to avoid a stagnant exam, per Sunset request. Also discussed was the idea of conducting an outreach to the LVT programs in Texas (currently there are 10) and providing information to the students pertaining to licensing, renewals, continuing education, and rule changes.

f. Operations Department Report. Ms. Jones discussed the customer outreach noting that the February 24, 2017 email blast to licensees was regarding the Veterinary Continuing Education Tracking (VCET) system through the American Association of Veterinary State Boards (AAVSB). Ms. Jones had been notified by a representative from AAVSB that in the short time from when that email was sent out, the AAVSB had received more than 100 requests for new accounts from Texas licensees.

Ms. Jones discussed the "lunch and learn" trainings that have been held and the options that were provided to agency staff for future trainings.

Mr. Calderon discussed legislation related to the agency specifically noting that it appears that most agencies are not going to be getting their appropriation request exceptional items. It

was noted that most agencies that contract for a peer assistance program are seeking increased funding due to the contract amount increasing and that those requests will all be considered separately. Ms. Jones discussed the two livestreaming bills (S.B. 115 and S.B. 126) that have an impact on the agency noting that the fiscal note the agency submitted would have a one-time set up cost that would be incurred in fiscal year 2018 to have the system set up and ready to implement in fiscal year 2019 and that there would be an approximate cost of \$19,800 per year for the cost of the vendor to provide the livestreaming, closed captioning, and archiving of the recordings of open meetings.

There being no further business, the meeting adjourned at 5:37 p.m.