

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

BOARD MEETING MINUTES

March 28, 2017

The Texas Board of Veterinary Medical Examiners met for a scheduled meeting on Tuesday, March 28, 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 1:05 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; 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 February 27, 2017 Minutes. Dr. Carpenter moved, Dr. Criner seconded and the motion passed to approve the February 27, 2017 minutes with corrections as discussed.

Agenda Item 3, Citizen Comments. Ms. Jodi Ware and Mr. Toby Ware presented comments on behalf of herself related to a complaint she had filed against a licensee. Ms. Heather Katyba presented comments regarding a complaint that had been filed as well.

Agenda Item 4, Executive Director's Report.

a. Report on Health Professions Council Activities. Mr. Calderon noted that several of the Sunset Bills of Health Professions Council agencies had been heard in their respective committees.

b. Enforcement Department Report. Mr. West discussed the statistics of the enforcement division, specifically noting that there are currently twenty-two (22) licensees enrolled in the Peer Assistance Program (nine by board order and thirteen voluntarily). Mr. West further noted that there are currently 114 open cases and that case resolution times have improved but are still not in the target range. Mr. West also noted that all enforcement staff are doing a good job at working through the backlog of cases. Mr. West further noted that with the approval of the waiver request by the Office of the Governor, we will begin the process to hire a new investigator.

c. Legal Department Report. Ms. Griffin discussed the number of cases pending informal conferences and pending filing at the State Office of Administrative Hearings.

d. Finance Department Report. Ms. Long discussed the budget and revenue reports, noting the current budget and revenue were on track. Dr. Criner directed staff to provide future finance reports in more detail and in Microsoft Excel format.

e. Licensing Department Report. Ms. Hartman discussed licensing department statistics, noting that 1,648 renewals have been processed since 1/1/17. Ms. Hartman also discussed that she and Dr. Carpenter met to discuss the DVM exam as well as a process for the Examination Committee to review future exams. Ms. Hartman also noted that the licensing department was preparing for the April 13, 2017 exam to be given at Texas A&M.

f. Operations Department Report. Ms. Jones discussed the customer outreach noting that the next email blast that will be sent will focus on the recently adopted rules that went into effect on March 26, 2017 and that the email will be sent within the next week.

Mr. Calderon discussed legislation related to the agency specifically noting that it appears that the Senate Finance Committee appeared to be more open to granting exceptional item requests. He noted that the recommendation that came out of that Committee for TBVME was the addition of an investigator position, the addition of an accounting technician position, the salary increase for the Director of Finance position, money to pay for temporary employees during the time permanent staff members are in training for the conversion to the Centralized Accounting Payroll and Personnel System (CAPPS), and a 3% merit salary increase for all employees making less than \$75,000 per year.

g. Report on Discussions with Texas Veterinary Medical Association. Mr. Calderon and Dr. Quillivan discussed their attendance at the recent Texas Veterinary Medical Association Annual Meeting noting that they attended the Board of Directors meeting where they made a brief presentation. They both noted that the discussions during that meeting were productive for both the Association and the Board.

Dr. Quillivan moved, Dr. Carpenter seconded and the motion passed to go into Executive Session at 2:02 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 5, Consideration and approval of Agreed Orders. After discussion, **Mr. Pardue moved, Dr. Carpenter seconded and the motion passed to approve agreed orders on the following licensees:** *Alice Lippitt, DVM; Ellaina Belmares, DVM; Robert Wilcox, DVM; Jonathan Dyes, DVM; Aaron Schultze, DVM; Andrew Garcia, DVM; and Michelle Gilbertson, DVM.*

Agenda Item 6, Consideration and approval of Proposal(s) for Decision. Dr. Carpenter was recused from discussion and vote on this case. Dr. Charboneau-McInnis was present and presented statements on her behalf. Ms. Griffin presented a summary of the case history and the staff's recommendation. After discussion, **Dr. Quillivan moved, Mr. Pardue seconded and the motion passed** to adopt the Findings of Fact and Conclusions of Law with technical corrections and directed staff to draft a Final Order with the following terms and conditions:

1. License suspended and placed on probation for two years beginning the first day following completion of criminal probation or upon the effective date of the Order whichever is later.
2. During the period of probation, Dr. Charboneau-McInnis shall limit her practice to a clinic with at least one other licensed veterinarian who agrees to provide general supervision. This supervising veterinarian will send to the Board a written notification that they have read and understood the Order.
3. Dr. Charboneau-McInnis shall also limit her practice to behavioral medicine with no patients in her unsupervised custody.
4. Dr. Charboneau-McInnis shall submit quarterly reports to the Board certifying compliance with the Order and include a certification of compliance by the supervising veterinarian.

5. In addition to the annual continuing education required for license renewal, Respondent shall complete six (6) hours of continuing education in the area of animal welfare within one year of the date the Board approves the Order

Agenda Item 7, Discussion, recommendation and possible action on Board Policy on Division of Responsibilities Between Board and Staff. Mr. McAdams discussed that there be a direction to staff that no major budgeting or staffing changes be made without the approval of a panel of the Board or consultation with a panel of the Board. The panel of the Board would be comprised of the officers. He also stated that there are no changes that need to be made to the existing policy. After discussion, **Mr. McAdams moved that agency actions regarding money or staff be reviewed by the Board officers before they are acted upon. The motion failed due to lack of a second.**

Agenda Item 8, Information and discussion on the review and refining of agency compensation methods. Mr. McAdams discussed the need for clarity on the career ladder, performance standards and merit increase process as it applies to agency personnel. After questions related to the performance evaluation and merit process, and further discussion, the Staff Relations Committee will coordinate with Ms. Jones to review job descriptions and the performance evaluation process.

There being no further business, the meeting adjourned at 3:40 p.m.