

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS  
BOARD MEETING MINUTES  
March 29, 2011**

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Tuesday, March 29, 2011 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, John Clader, D.V.M., Vice-President; David Rosberg, D.V.M., Secretary; Janie Carpenter, D.V.M., David Heflin, D.V.M., Dr. J. Todd Henry, D.V.M., and Mr. Paul Martinez. Board Staff present were: Dewey E. Helmcamp III, JD, Executive Director; Nicole Oria, General Counsel; Ina Franz, Director of Licensing; Keith Cole, Chief Fiscal Officer; Michael Miller, Acting Enforcement Director; and Loris Jones, Executive Assistant.

**Dr. Clader moved, Mr. Martinez seconded and the motion passed to approve the absence of Cynthia Diaz.**

Dr. Alldredge introduced Debbie Cullison as our new Legal Assistant and welcomed her to the agency.

**Agenda Item 2, Approval of Minutes. Dr. Heflin moved, Dr. Henry seconded and the motion passed to approve the minutes of the December 13, 2010 Board meeting.**

**Agenda Item 3, Citizen Comments.** Dr. Alldredge called for citizen comments. Ms. Courtney Bolin, Mr. Ken Roberson, and Dr. Cara Campbell addressed the Board. .

**Agenda Item 4, Licensure Petitions.**

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

- 1. Alice A. Dodge, DVM.** Dr. Dodge is a 2005 graduate of Texas A&M University College of Veterinary Medicine. Dr. Dodge has taken and passed both the NAVLE and the SBE and was issued Texas license number 10093 in May of 2005. Dr. Dodge's Texas license was cancelled March 1, 2010 for failure to renew.

Dr. Dodge has practiced veterinary medicine during the time that her license was cancelled. Board staff sent notification to the address of record for Dr. Dodge in 2009

that she had failed to renew her license by March 1, 2009. Notification was sent again in 2010 that she still had not renewed her license for 2009, that her fees for renewal in 2010 were due and that her license is cancelled as of March 1, 2010, as required by law, unless she renews. Dr. Dodge failed to notify the Board that her address had changed therefore she did not receive these notifications. Dr. Dodge was made aware that her license was cancelled when she was notified by USDA that she could not update her accreditation with them as she did not hold a valid veterinary license. Dr. Dodge has maintained her DPS Controlled Substances Registration and CE requirements during the time that her license was cancelled.

After discussion, **Mr. Martinez moved, Dr. Clader seconded and the motion passed to** approve Dr. Dodge's petition to be allowed to take the State Board Examination within one year.

**Agenda Item 5 and 6, Consideration and Approval of Agreed Orders and Cease and Desist Orders. Dr. Rosberg moved, Dr. Heflin seconded, and the motion passed to approve the Agreed Orders on the following:** *Marvin Hare, DVM; Kenneth Stubblefield, DVM; Kevin Stehn, DVM; Aaron Spiegel, DVM; Ika Vlok, DVM; Justin Goebel, DVM; Lori J. Hill, DVM; Jeffrery Schall, DVM (2 Agreed Orders); Russell Donathan, DVM; John Wood, DVM; Kay Stephens, DVM; Victor Sancho, DVM; Robert Uselton, DVM; Karri McCreary, DVM; Rebecca Blackwood, DVM; Alfred Vardeman, DVM (2 Agreed Orders)* **and approve the Cease and Desist Orders on the following case numbers:** *08-010, 09-220, 10-132, 10-430, and 10-051.*

**Agenda Item 7, Discussion, recommendation and possible action on request by Randal K. Daniels, DVM to be allowed to renew his license as active.** Ms. Oria presented the background on Dr. Daniels' license being placed in inactive status and the requirement that he appear before the Board to present satisfactory evidence to establish that he is free of any illegal controlled substances. Dr. Daniels appeared and answered questions by the Board. After discussion, **Dr.**

**Heflin moved, Dr. Henry seconded and the motion passed to allow Dr. Daniels to renew his license as active with the following terms and conditions:**

1. Applicant enter into a two-year Peer Assistance Contract under the Board's Peer Assistance Program. Applicant shall enter into the Peer Assistance contract prior to license renewal. Applicant shall follow all recommendations of the Peer Assistance Program Coordinator.
2. Applicant 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 Applicant's license, and their responsibility to submit quarterly reports.
4. Applicant must work under the general supervision of the approved monitor for a period of twelve (12) months.
5. It is the responsibility of the Applicant to ensure that the approved monitor submits 4 reports at quarterly intervals to begin 3 months from the date of active renewal 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.

**Agenda Item 8, 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 December 13, 2010 Board meeting and were considered for adoption:
  - i. §573.17, Dentistry
  - ii. §577.15, Fee Schedule

The following members of the public signed up and spoke regarding the proposed adoption of Board Rule §573.17, Dentistry: Peter Rakestraw, DVM; Cleet Griffin, DVM; Lori Teller, DVM; James Hard, Bill Howard, DVM; and Chris Copeland. Dr. Heflin requested that the vote on this item be delayed to later in the day.

After discussion by the Board, **Dr. Rosberg moved, Dr. Clader seconded and the motion passed to adopt the amendments to Board Rule §577.15 as presented.**

**b. Discussion, recommendation, and possible action on Adoption of Chapter 571 Rule Review:**

After discussion, **Dr. Clader moved, Dr. Rosberg seconded and the motion passed to adopt the repeal and replacement of Chapter 571.**

**c. Petitions for Rulemaking.**

Michael Nicolazzo, DMD appeared and discussed his petition for rulemaking relating to vaccinations and informed consent for vaccinations. After discussion, **Dr. Rosberg moved, Dr. Clader seconded and the motion passed to deny the petition for rulemaking.**

**Agenda Item 9, Discussion, recommendation and possible action on request from the Chi Institute of Chinese Medicine to be approved/recognized as an acceptable provider of continuing education for Texas licensed veterinarians.** Mr. Helmcamp discussed the background on the reason the Chi Institute of Chinese Medicine is seeking this approval. After discussion, **Dr. Heflin moved, Dr. Henry seconded and the motion passed with Dr. Rosberg voting no to grant the Chi Institute of Chinese Medicine approval and recognition as an acceptable provider of continuing education for Texas licensed veterinarians for 2011.**

**Agenda Item 10, Discussion, recommendation and possible action on request from the Options for Animals – College of Animal Chiropractic to be approved/recognized as an acceptable provider of continuing education for Texas licensed veterinarians.** Ms. Franz and Mr. Helmcamp presented the request for approval. After discussion, **Dr. Heflin moved, Dr. Carpenter seconded and the motion passed to table this discussion until the next regularly scheduled meeting and to direct staff to request additional information, specifically regarding any requests to become RACE approved.**

**Agenda Item 11, Future Board meeting dates.** The Board directed staff to combine the regularly scheduled meetings of September and December into an October meeting due to budget constraints.

**Agenda Item 8(a)(1) continued.** After further discussion, **Dr. Heflin moved, Dr. Clader seconded and the motion passed to adopt the new rule §573.17, Dentistry with the discussed non-substantive changes.** After further discussion, **Dr. Rosberg moved, Mr. Martinez seconded and the motion passed to set the effective date for this rule as July 1, 2011.**

**Agenda Item 13, Executive Director's Report.**

- a. **Report on Health Professions Council (HPC) Activities.** Mr. Helmcamp gave a brief update on HPC activities, specifically the discussion on the consolidation bills that have been filed by the legislature.
- b. **Report on 2011 License Renewals.** Ms. Franz discussed the renewals as of March 16, 2011.
- c. **Report on State Board Exams.** Ms. Franz discussed the results of the December 6, 2010 State Board Exam, noting the 97% pass rate.
- d. **Status of FY2011 Operating Budgets.** Mr. Cole gave a brief overview of the FY2011 budget. Mr. Helmcamp noted that the agency would have to make a lump sum payment for Mr. Hartline's vacation time due to his retirement.
- e. **Board Performance Update.**

- 1. Enforcement Report:** Mr. Miller discussed the Enforcement side of the agency and noted that there has been a trend of increased number of complaints.
- 2. Licensing and Examinations Report.** Ms. Franz discussed the statistics related to Licensing and Examinations. As of March 14, 2011 we had 7,404 licensed veterinarians in all categories.
- 3. Peer Assistance Report:** Mr. Helmcamp mentioned that there are currently fifteen veterinarians under the Peer Assistance program.
- f. Report on discussion with Texas Veterinary Medical Association.** Mr. Helmcamp mentioned that discussions with the TVMA have been ongoing and continue to be productive.
- g. 2011-2012 NAVLE State Letter of Agreement between TBVME and NAVLE.** Mr. Helmcamp noted that he has reviewed, signed and returned the current Letter of Agreement.
- h. Update on Legislation.** Mr. Helmcamp discussed legislation that the agency is tracking.

**13. Discussion, recommendation and possible action regarding the employment and evaluation of the Executive Director.**

**Dr. Clader moved and Mr. Martinez seconded and the motion passed to go into Executive Session at 1:45 p.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; and to deliberate 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, §551.074.** Open session resumed at 4:15 p.m. and it was announced that no action was taken. A certified agenda was made.

Dr. Alldredge presented the following options to Mr. Helmcamp in regards to his employment with the Texas Board of Veterinary Medical Examiners:

1. Probation
2. Termination
3. Resignation

After discussion, **Dr. Rosberg moved and Mr. Martinez seconded to place Mr. Helmcamp on probation for three months and re-evaluate in June 2011. Dr. Rosberg and Mr. Martinez voted in favor of the motion, Dr. Carpenter, Dr. Clader, Dr. Heflin, and Dr. Henry voted against the motion and the motion failed. Dr. Heflin moved and Dr. Henry seconded to terminate the employment of Mr. Helmcamp. Dr. Carpenter, Dr. Clader, Dr. Heflin and Dr. Henry voted in favor of the motion, Mr. Martinez and Dr. Rosberg voted against the motion and the motion passed to terminate Mr. Helmcamp's employment.**

Dr. Alldredge directed staff to immediately post the position of the Executive Director and to leave the Director of Enforcement position open until such time as a new Executive Director is chosen and that person is able to provide input on the hiring of the new Director of Enforcement.

**Dr. Heflin moved, Dr. Clader seconded and the motion passed to allow the Board President to name an Interim Executive Director and to set the salary for that position not to exceed the statutory amount.**

There being no further business, the meeting was adjourned at 4:42 p.m.