

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
June 28, 2011**

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Tuesday, June 28, 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 9:05 a.m. Board Members present were, John Clader, D.V.M., Vice-President; David Rosberg, D.V.M., Secretary; Richard Bonner, Janie Carpenter, D.V.M., David Heflin, D.V.M., and J. Todd Henry, D.V.M. Board Staff present were: Nicole Oria, Executive Director; Laura Moriaty, General Counsel; Ina Franz, Director of Licensing; Keith Cole, Chief Fiscal Officer; Karen Phillips, Director of Enforcement; and Loris Jones, Executive Assistant.

Dr. Henry moved, Dr. Carpenter seconded and the motion passed to approve the absences of Cynthia Diaz and Paul Martinez.

Dr. Alldredge introduced Richard Bonner, newly appointed Board member and Tyler Vance, the agency's new attorney and welcomed them to the Board and agency.

Agenda Item 2, Consideration and Approval of March 29, 2011 Minutes. Dr. Rosberg moved, Dr. Heflin seconded and the motion passed to approve the minutes of the March 29, 2011 Board meeting.

Agenda Item 3, Citizen Comments. Dr. Alldredge called for citizen comments. Bob Rogers, DVM and Kathryn Van Winkle, DVM addressed the Board.

Agenda Item 4, Licensure Petitions.

a. Discussion, recommendation and possible action on petition(s) to take the State Board Exam.

1. **Norman Ward, DVM.** Dr. Ward is a 1984 graduate of Purdue University. He has taken and passed the NBE and CCT, the two national examinations. Dr. Ward has held a license in Arizona, Indiana, Kentucky and Illinois. Based on information submitted, only his Arizona license is active at this time. His license in Arizona has been sanctioned, and he

was on probation for a period of time. Information received from the Executive Director of the Arizona Veterinary Medical Examining Board, Ms. Jenna Jones, states that he has fulfilled the terms of his probation in Arizona. The Illinois Veterinarian Licensing and Disciplinary Board reprimanded Dr. Ward, based on his probation with Arizona.

Upon applying to this agency to be able to take the Texas State Board Examination for licensing, Dr. Ward submitted explanations as to several occurrences during his practice of veterinary medicine in Arizona. The information was reviewed by the licensing staff, as well as the legal staff. The information and material submitted is confusing and contradicts itself at times.

After discussion, **Dr. Rosberg moved, Dr. Henry seconded and the motion passed to** table Dr. Ward's petition to take the SBE and invite Dr. Ward to the October 18, 2011 meeting so that he may be present to answer any questions the Board may have regarding his petition.

b. Discussion, recommendation and possible action on petition(s) to waive the CCT and be allowed to take the Texas State Board Exam.

- 1. Richard P. Asbury, DVM** Dr. Asbury is a 1981 graduate of Ohio State University. He took and passed the NBE in 1981, but the CCT was not offered at that time.

Since graduation, Dr. Asbury has practiced small animal medicine in Virginia. In 1985, he was informally sanctioned by the Virginia Board of Veterinary Medicine. There have been no further occurrences based on information received from Virginia. The State of Virginia requires that a practitioner obtains a minimum of 15 hours of continuing education on an annual basis. Dr. Asbury has met or exceeded this requirement.

After discussion, **Dr. Clader moved, Dr. Heflin seconded and the motion passed to** waive the CCT and allow Dr. Asbury to take and pass the SBE within one year.

b. Discussion, recommendation and possible action on petition(s) to waive the NBE and the CCT and be allowed to take the Texas State Board Exam.

- 1. E. Christopher Staley, DVM.** Dr. Staley is a 1982 graduate of Oklahoma State University. The NBE and CCT were offered at the time. Petitioner states that he took and passed both examinations. Extensive research conducted by the Texas State Board licensing department, in conjunction with the American Association of Veterinary State Boards and the Oklahoma State Board of Veterinary Medical Examiners, does not reveal any evidence of Dr. Staley having taken or obtaining a passing score on either exam. Scores from 1992 were found, but he did not earn a passing score on either examination.

Dr. Staley holds a veterinary license in New Mexico, Maryland and Pennsylvania. He is currently practicing in New Mexico. Annually, 15 hours of CE must be earned in order to maintain his New Mexico license.

After discussion, **Dr. Carpenter moved, Dr. Clader seconded and the motion passed to deny Dr. Staley's petition to waive the NBE and the CCT and that he not be allowed to take the Texas State Board Exam.**

Agenda Item 5 and 6, Consideration and Approval of Agreed Orders and Cease and Desist Orders. Dr. Henry moved, Dr. Carpenter seconded, and the motion passed to approve the Agreed Orders on the following: *Watt Norman, DVM; Jay K. Meyer, DVM; William Isomoto, DVM; David Ricks, DVM; Sharon Anderson, DVM; Michael Vogt, DVM; Larry Garrett, DVM; Susan Doyle, DVM; Ashley French, DVM; Michelle Henthorne, DVM; Marty Tanner, DVM; Norris Rohde, DVM; James Gieb, DVM; Michael Dunavant, DVM; Robert Cobb, DVM; Llelwyn Gregg, DVM; Robert Tiller, DVM; Martin Garcia, DVM; and Susan Boeving, DVM* **and approve the Cease and Desist Orders on the following case numbers:** *07-134, 07-135, 10-095a, 10-095b, 10-407, 10-426, and 10-447.*

Dr. Clader moved, Dr. Carpenter seconded and the motion passed to go into Executive Session at 9:40 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. There was no final action, decision, or vote with regard to any matter considered or discussed in executive session. The executive session ended at 9:55, a certified agenda of the executive session was made.

Dr. Heflin moved, Dr. Carpenter seconded and the motion passed to send back Agreed Order 2011-66 with recommended changes to the penalty.

Agenda Item 7, Report from the Rules Committee.

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

Ms. Moriaty presented an overview of each rule as presented for proposal. After discussion, **Dr. Carpenter moved, Dr. Henry seconded and the motion passed to approve the proposed amendments as written to §§575.5, 575.25, 575.27, 577.15, and 571.27 and to publish the proposed preambles and amendments in the *Texas Register* in accordance with law.**

- b. Discussion, recommendation and possible action on rules to be repealed.** Ms. Moriaty presented an overview of each rule being considered for repeal. After discussion, **Dr. Rosberg moved, Dr. Heflin seconded and the motion passed to approve the proposed repeal of §573.17 as recommended by the Rules Committee and to publish the proposed preamble and repeal in the *Texas Register* in accordance with law.** After further discussion, **Dr. Rosberg moved, Dr. Carpenter seconded and the motion passed to approve the proposed repeal of §575.26 as recommended by the Rules Committee and to publish the proposed preamble and repeal in the *Texas Register* in accordance with law.**

Agenda Item 8, 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 presented the request for approval. After discussion, **Dr. Heflin moved, Dr. Henry seconded and the motion passed to deny the request from Options for Animals – College of Animal Chiropractic.**

Agenda Item 9, Discussion, recommendation and possible action regarding RACE approval process and Agenda Item 13, Discussion, recommendation and possible action regarding the establishment of a Continuing Education Committee. Ms. Oria presented the issue regarding the approval process of continuing education by RACE. After discussion, **Dr. Heflin moved, Dr. Henry seconded and the motion passed to direct staff to present a resolution to RACE stating that the Texas Board of Veterinary Medical Examiners is concerned with the current RACE approval process and that the Texas Board of Veterinary Medical Examiners will be reviewing alternate processes and means by which to evaluate for approval of alternative, integrative and complementary veterinary medicine continuing education courses.**

Agenda Item 10, Discussion, recommendation and possible action regarding approval of agency response to the Audit Report from the State Auditor’s Office. Ms. Oria presented a general overview of the audit process, findings, and the agency’s proposed response. After discussion, **Dr. Rosberg moved, Dr. Carpenter seconded and the motion passed to approve the agency’s response and allow the Executive Director to submit the response to the State Auditor’s Office.**

Agenda Item 11. Dr. Alldredge appointed Mr. Bonner to the Rules Committee.

Dr. Alldredge introduced Karen Phillips, the agency’s new Director of Enforcement and welcomed her to the agency.

Agenda Item 12, Appointment of the Equine Dental Provider Advisory Committee. Dr.

Allredge appointed the following to the Equine Dental Provider Advisory Committee:

Larry Kimberlin, DVM for a term ending February 1, 2013

Doug Smith for a term ending February 1, 2015

Carl Mitz for a term ending February 1, 2017

Dr. Allredge also named Mr. Smith as presiding officer of the committee.

Agenda Item 14, Executive Director's Report.

- a. **Report on Health Professions Council (HPC) Activities.** Ms. Jones gave a brief update on HPC activities, specifically the discussion on changes affecting regulatory agencies.
- b. **Report on 2011 License Renewals.** Ms. Franz discussed the renewals as of May 31, 2011.
- c. **Report on State Board Exams.** Ms. Franz discussed the results of the April 11, 2011 State Board Exam, noting the 98% pass rate.
- d. **Status of FY2011 Operating Budget.** Mr. Cole gave a brief overview of the FY2011 budget.
- e. **Board Performance Update.**
 1. **Enforcement Report:** Ms. Phillips discussed the Enforcement side of the agency and noted that based on the recent audit, the report numbers have been updated to reflect the requested changes in reporting the number of complaints.
 2. **Licensing and Examinations Report.** Ms. Franz discussed the statistics related to Licensing and Examinations. As of May 31, 2011 we had 7,640 licensed veterinarians in all categories.
 3. **Peer Assistance Report:** Ms. Oria mentioned that there are currently fourteen veterinarians under the Peer Assistance program.

- f. Report on discussion with Texas Veterinary Medical Association.** Ms. Oria mentioned that discussions with the TVMA have been ongoing and continue to be productive.
- g. Update on Legislation.** Ms. Oria discussed legislation that passed during the legislative session that has an impact on the agency.

There being no further business, the meeting was adjourned at 11:48 a.m.