

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS**

**BOARD MEETING MINUTES**

**July 21, 2015**

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Tuesday, July 21, 2015 in Room, #2-225 of the William P. Hobby, Jr. Building, 333 Guadalupe, Austin, Travis County, Texas. Bud Alldredge, DVM, President, called the meeting to order at 9:10 a.m. Board Members present were, Roland Lenarduzzi, DVM, Vice-President; Dan Craven, DVM, Secretary; Janie Carpenter, DVM, J. Todd Henry, DVM, Joe Mac King, DVM, James McAdams, Keith Pardue, and Chad Upham. Board Staff present were: Nicole Oria, Executive Director; Kate Fite, General Counsel; Marilyn Hartman, Director of Licensing; Debi McKay, Chief Fiscal Officer; Karen Phillips, Director of Enforcement; and Loris Jones, Executive Assistant.

**Agenda Item 1, Call to Order, Roll Call, Vote on Absences, and Consideration and approval of the absence of Joe Mac King, DVM from the January 27, 2015 meeting.** Joe Mac King, DVM, was absent at the January 27, 2015 meeting and after discussion, **Dr. Carpenter moved, Dr. Craven seconded and the motion passed to approve the absence of Joe Mac King, DVM, from the January 27, 2015 meeting.**

**Agenda Item 3, Consideration and Approval of the January 27, 2015 Minutes.** Dr. Carpenter moved, Dr. Henry seconded and the motion passed to approve the January 27, 2015 minutes.

**Agenda Item 2, Introduction of new staff members.** Ms. Phillips introduced Tyler Ferguson, Investigator, Ms. Fite introduced Michelle Griffin, Attorney, and Ms. Hartman introduced Ashley Millegan, License & Permit Specialist.

**Agenda Item 4, Citizens Comments.** Dr. Alldredge called for citizen comments. There were none.

**Agenda Item 5, Discussion, recommendation and possible action on petition(s) to waive the NBE and CCT and be allowed to take the Texas State Board Exam.**

**a. William Courtney, DVM**

Dr. Courtney graduated from the University of Illinois, College of Veterinary Medicine on May 18, 1980. He took and passed the NBE; however, the CCT was not offered at that time. He has been a member of AVMA since 1980, and currently maintains licenses in Illinois and Wisconsin. In addition, Dr. Courtney is board certified and is an active Diplomate in the American College of Veterinary Preventative Medicine.

After passing the NBE in 1980, Dr. Courtney immediately obtained licensure in Illinois and Wisconsin, and then entered into a busy, three-person practice. Although he took the NBE in 1980 just after he graduated from Veterinary School, AAVSB cannot locate his score. Dr. Courtney has been in contact with both the Illinois and Wisconsin Boards, and neither Board can locate a national exam score for him. Both the Illinois and Wisconsin licenses were obtained by passing a state board exam with significant clinical components after taking the NBE.

After 5 years of practice, Dr. Courtney accepted a commission as a Public Health Officer in the United States Air Force. During his commission, Dr. Courtney met all of the CE requirements for his Illinois and Wisconsin licenses. Dr. Courtney retired in 2011 after 26.5 years of service.

At this point in his career, Dr. Courtney is also interested in giving back to his community through volunteer work at the local animal shelter, as well as a local crisis center that houses both victims of domestic violence and their pets.

After discussion, **Dr. Henry moved, Dr. Craven seconded and the motion passed to waive the NBE and the CCT and allow Dr. Courtney to take and pass the State Board Examination within one year.**

**Dr. Lenarduzzi moved, Dr. Henry seconded and the motion passed to go into Executive Session at 9:36 a.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 10:16 a.m. and it was announced that no action was taken. A certified agenda was made.

**Agenda Item 7, Consideration and approval of Agreed Orders.** After discussion, **Dr. Carpenter moved, Mr. Upham seconded and the motion passed to approve the agreed orders on the following licensees:**

*Johnathan K. Stone, DVM; Charles Jameson, DVM; Lloyd Jarmon, DVM; Katherine Eick, DVM; Melanie Hollis; Daryl Webb; Thomas Sheen, DVM; Christopher Brooks, DVM; Gregory Jones, DVM; Jimmy Rook, DVM; Ryan Cate; Mary Wheat, DVM; Larry White, DVM; Denise Gailey; Ellen Mahanay; Karen Vallee, DVM; Richard Hoekstra, DVM; Dorina McMahan; John McKee, DVM; Trista Harris; Scott Reed, DVM; Richard Mobley, DVM; Stephanie Premer; Eva Cordon, DVM; Alan Herron, DVM; Weldon Cousins, DVM; Robert Franklin, DVM; Daniel O'Neil, DVM; Herman Swann, DVM; John Fuller, DVM; Dana Nelson, DVM; Amy Turner, DVM; Adam Whitson, DVM; Toby Connolly, DVM; Joseph Kincaid, DVM; Deanna Jordan, DVM; Emberly Henson, DVM; Blake Foskey, DVM; David Curbo, DVM; Michelle Garcia; Kerry Moore; Marvin Hare, DVM; John Beach, DVM; Mendi Hill, DVM; Cynthia Carter, DVM; Richard Reinap, DVM; Thomas Evans, DVM; Kimberly George, LVT; Cary Bielamowicz, DVM; Devendernath Mandava, DVM; Joe Whiting, DVM; Jeffrey Schroeder, DVM; Mark Rumple, DVM; Darren Weiss, DVM; Travis Arledge, DVM; Matthew Moskosky, DVM, and David Hood, DVM.*

**Agenda Item 12: Discussion, recommendation and possible action on a policy regarding Department of Public Safety Controlled Substance Registration.** Ms. Fite presented a policy regarding Controlled Substance Registration and enforcement of the registration requirements. After discussion, **Dr. Lenarduzzi moved, Dr. Henry seconded and the motion passed to approve the policy.**

**Agenda Item 7 continued:**

After further discussion, **Dr. Henry moved, Dr. Carpenter seconded and the motion passed to dismiss all DPS Controlled Substance Registration cases.**

**Agenda Item 8, Consideration and approval of Cease and Desist Orders.** After discussion, **Mr. McAdams moved, Mr. Upham seconded and the motion passed to approve the Cease and Desist Orders on the following individuals:** John Sosa; Herly Amadeo; Jewel Johnson; Kathleen Shaw; James Helzer; Andreanna Price; Shannon Lipka; Glenda Alford; Lena Erwin and Scott Dennis.

**Agenda item 10: Legislative Update.** Ms. Fite and Ms. Jones discussed several bills that passed during the 84<sup>th</sup> Legislative Session.

**Agenda Item 9: Presentation and overview of new agency website.** Dan Fletcher presented the new agency website. Mr. Fletcher pointed out several new features and discussed plans for additional improvements in the future.

**Agenda Item 11: Discussion, recommendation and possible action on a policy regarding license renewals changing to licensee birth month.** Ms. Fite presented a policy regarding licensee renewal dates changing to the licensee's birth month. After discussion, **Dr. Lenarduzzi move, Dr. Carpenter seconded and the motion passed to approve the policy.**

**Agenda Item 15: Discussion, recommendation and possible action on moving to a two (2) year renewal cycle.** Ms. Oria discuss the possibility of going from a one (1) year renewal cycle to a two (2) year renewal cycle. After discussion, **no action was taken.**

**Agenda Item 13, Report from the Rules Committee.**

- a. **Public Hearing, consideration and possible action on rules to be adopted.** Ms. Fite presented the rule changes proposed at the January 21, 2015 meeting regarding changes to the following rules: §§573.11, 573.23, 573.28, 573.60, 573.71, 573.76, 573.79 and 575.30. Russell Ueckert, DVM, and Elizabeth Choate made public comments on behalf of TVMA on the changes to §§573.11 noting that they would like to see the word “written” inserted before the word “protocol” in subsection (d). Dr. Ueckert and Ms. Choate also made comments on behalf of TVMA regarding changes to §573.23 that they had concerns that the changes were too vague. They further commented on §§573.28, 573.60, stating that TVMA is in favor of the proposed changes and in regards to 573.76, and 573.79, TVMA is opposed to the changes. Ms. Fite addressed public comments noting that while there were written comments received, they were not received within the comment period and therefore were not considered.

After discussion, **Dr. King moved, Dr. Carpenter seconded and the motion passed to adopt the amendments to §§573.23, 573.28, 573.60, 573.71, 573.76, 573.79 and 575.30 with non-substantive changes as recommended by the Rules Committee and to send §573.11 back to the Rules Committee for further discussion.**

**Agenda Item 6:**

Dr. Dipak K. Giri is requesting the opportunity to take the Special license exam under Board Rule §571.9(c). Since Dr. Giri is not a graduate from an AVMA-accredited program, he does not qualify under the other provisions for a Special License. Dr. Giri held a Special license from 2008 – 2010 when he worked for the Texas A&M pathology lab. Dr. Giri

would be working exclusively in the lab at Texas Veterinary Pathology and would not be treating animals.

J. Scot Estep, DVM presented information on the need for Dr. Giri to hold a special license and that his work will be exclusively with Texas Veterinary Pathology in their lab. After discussion, **Dr. Henry moved, Dr. Carpenter seconded and the motion passed to allow Dr. Giri to take and pass the State Board Exam within one year.**

**Agenda Item 13 continued:**

- b. Discussion, recommendation and possible action on proposed rules.** Ms. Fite presented the changes proposed to §§571.1, 571.9, 571.17, 571.55, 571.56, 571.59, 571.60, 571.61, 573.4, 573.7, 573.43, 573.50, 573.54, 573.64, 573.71, 573.72, 573.80, 575.22, 575.27, 575.28 and 577.15. Ms. Choate, on behalf of TVMA, requested a formal hearing on the proposed changes to §573.43. After discussion, **Dr. Lenarduzzi moved, Mr. Pardue seconded and the motion passed to publish the proposed preambles and amendments to §§571.1, 571.9, 571.17, 571.55, 571.56, 571.59, 571.60, 571.61, 573.4, 573.7, 573.43, 573.50, 573.54, 573.64, 573.71, 573.72, 573.80, 575.22, 575.27, 575.28 and 577.15 in the *Texas Register* in accordance with law for public comment.**

**Agenda Item 14, Discussion Recommendation and possible action on adoption of agency vision statement. “License Efficiently, Regulate Fairly”** Ms. Oria discussed the vision statement and after discussion, **Dr. Lenarduzzi moved, Dr. Henry seconded and the motion passed to adopt the vision statement.**

**Agenda Item 16, Discussion, recommendation and possible action on October 2015 meeting date.** After discussion, it was agreed that the October 2015 meeting will be held on Tuesday, October 13, 2015.

**Agenda Item 17, Appointment of Committees.** In the event that members, whose terms expire on August 26, 2015, are replaced prior to the next scheduled meeting, Dr. Alldredge made appointments to the following committees:

Enforcement Committee: Dr. Lenarduzzi, Dr. Alldredge (until he is replaced), Dr. Carpenter (after Dr. Alldredge is replaced), and one public member on a rotating basis. Dr. Craven will serve as the licensee alternate.

Executive Disciplinary Committee: Dr. Alldredge (until he is replaced), Dr. Carpenter, and Mr. Upham. Dr. Craven will serve as the licensee alternate and Mr. McAdams will serve as the public member alternate.

**Agenda Item 18, Board Member Report.** Dr. Craven discussed information received during a conference call with the Professional Recovery Network Advisory Committee.

**Agenda Item 15, Executive Director's Report**

**a. Report on Health Professions Council (HPC) Activities.** Ms. Oria discussed that HPC now carries the Information Support FTE and that they were able to give that position a salary increase.

**b. Enforcement Report:**

**1. Investigations.** Ms. Phillips discussed the statistics on compliance inspections noting that they were behind but will still be able to meet the performance measures. Ms. Phillips also mentioned that interviews for the investigator position that will be added to the agency, effective September 1, 2015, are going well.

**2. Legal:** Ms. Fite discussed the legal side of the agency, noting that there are currently two cases in litigation, five notices of hearing that have been filed with the State Office of Administrative Hearings (SOAH) and seven cases in which the legal department will be filing a Notice of Hearing with the State Office of Administrative Hearings. Ms. Fite provided information regarding the legal department's activities in

fiscal year 2015, and thus far, it has drafted approximately 198 proposed agreed orders and 25 cease and desist orders and held 11 days of informal conferences for approximately 105 cases.

**c. Status of 2014 Operating Budgets.** Ms. McKay presented information on the FY2015 budget, the FY2015 revenue, and an overview of the General Appropriations Act. Ms. McKay mentioned that due to the outstanding contract with the document management vendor, there are extra funds that were being spent elsewhere.

**d. Licensing Report:**

**1. Report on 2015 License Renewals.** Ms. Hartman highlighted the number of LVT applications and that 840 licenses were issued which includes 341 that were issued after September 1, 2014.

**2. Licensing and Examinations Report.** Ms. Hartman discussed the statistics related to Licensing and Examinations, noting that as of July 7, 2015, the online renewals were at 96% and there are 9,654 licensees in all categories.

**3. Report on State Board Exams.** Ms. Hartman presented information on the April and June 2015 State Board Examinations, noting that there were 118 tested and 3 failed the April exam for veterinarians and there were 123 tested and 4 failed the December exam for veterinarians. Ms. Hartman also noted that in the April exam for veterinary technicians, there were 45 tested and 8 failed and there were 32 tested and 4 failed the June exam for veterinary technicians.

Ms. Hartman also discussed the changes that were being made to the licensure process that will reduce the amount of paper that has been historically generated during the application process.

**e. Peer Assistance Report:** Ms. Oria mentioned that there are currently seventeen veterinarians under contract with the Peer Assistance Program, eight by board order and nine voluntary.



- f. Report on Discussions with Texas Veterinary Medical Association.** Ms. Oria stated that discussion with TVMA in relation to rules and the upcoming Sunset process will be scheduled.

**Agenda Item 20, Discussion, recommendation and possible action regarding the employment and evaluation of the Executive Director.** Dr. Henry moved, Dr. Carpenter seconded and the motion passed to go into Executive Session at 3:31 p.m. to discuss matters involving the appointment, employment, evaluation and salary of the Executive Director under the authority of the Open Meetings Act, Government Code, Section 551.074. Open session resumed at 4:35 p.m. and it was announced that no action was taken. A certified agenda was made.

**Agenda Item 21, Discussion, recommendation and possible action regarding Executive Director's salary.** Dr. Henry moved, Dr. Carpenter seconded and the motion passed to increase Ms. Oria's salary to \$92,991 annually effective September 1, 2015 as set out in HB1.

There being no further business, the meeting adjourned at 4:40 p.m.