

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS  
BOARD MEETING MINUTES  
October 21, 2014**

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Tuesday, October 21, 2014 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 9:15 a.m. Board Members present were, Joe Mac King, D.V.M., Vice-President; Janie Carpenter, DVM, Secretary; Dan Craven, DVM; J. Todd Henry, D.V.M.; Roland Lenarduzzi, 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, and Vote on Absences. All members were present.**

**Agenda Item 2, Introduction of new Board Member, Keith Pardue.** Dr. Alldredge welcomed and introduced Keith Pardue who was appointed to replace Mamie Salazar-Harper who resigned.

**Agenda Item 3, Introduction of new staff members.** Ms. Oria introduced Marilyn Hartman, Director of Licensing. Ms. Phillips introduced a new investigator, LaKeisha Artley-Jenkins. Ms. Hartman introduced Wanda Bennett, License & Permit Specialist and Rebecca Anderson, Administrative Assistant for the Licensing Division and the Enforcement Division.

**Agenda Item 4, Consideration and Approval of the June 3, 2014 Minutes.** Mr. McAdams moved, Mr. Upham seconded and the motion passed to approve the June 3, 2014 minutes.

**Dr. King moved, Dr. Henry seconded and the motion passed to go into Executive Session at 9:22 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 10:15 a.m. and it was announced that no action was taken. A certified agenda was made.

**Agenda Item 5, Citizens Comments.** Dr. Alldredge called for citizen comments. Ms. Marian Harris addressed the Board.

**Agenda Item 6, Discussion, recommendation and possible action on petition(s) to waive the CCT and be allowed to take the Texas State Board Exam.**

**a. Dennis Brooks, DVM.** Dr. Brooks graduated from the University of Illinois, College of Veterinary Medicine on May 18, 1980. He took and passed the NBE in 1980; however, the CCT was not offered at that time. He maintains active licenses in Illinois, Kentucky, Florida, and Massachusetts.

After graduating in 1980, Dr. Brooks worked in private practice for one year, and then entered a residency program in ophthalmology at the University of Florida from 1981-1985. He passed the certifying examination of the American College of Veterinary Ophthalmologists in 1984, and then received his PhD in 1987 from the University of Florida College of Medicine.

Dr. Brooks began his career as a Professor of Ophthalmology at the University of Florida, College of Veterinary Medicine in 1990, and continues to hold that position today. Also, he was the President of the American College of Veterinary Ophthalmologists from 1997-1998.

In addition to his extensive employment history, Dr. Brooks has written over 160 scientific publications, has given over 300 lectures nationally and internationally in comparative ophthalmology, and he has also published a book entitled, "Equine Ophthalmology."

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

**Agenda Item 9, Consideration of the Proposal for Decision and approval of Final Order regarding Darrell Kinnard, DVM.** Administrative Law Judge, Shannon Kilgore, presented the Proposal for Decision. Jonathan Crabtree presented information regarding the Board Staff's

position and sanction recommendations. Don Ferrill, attorney for Dr. Kinnard, spoke on behalf of Dr. Kinnard. After discussion, **Dr. King moved, Mr. Upham seconded and the motion passed to accept the Proposal for Decision and adopt the Final Order.**

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

*Clay McCreary, DVM; Amy Starr, DVM; Everett Simmons, DVM; Karl Toth, DVM; Christian Simmons, DVM; Roderick Gant, DVM; Jon Michler, DVM; Larry Keese, DVM; Merten Pearson, DVM; Bethany Harris, DVM; Alicia Smallwood; Steven Garner, DVM; Alicia Smallwood; Thomas Martin, DVM; Joseph Miga, DVM; Ivan Muennink, DVM; Brooke Ashley, DVM; Maria Badamo, DVM; Charles Jameson, DVM; Kenneth Lee, DVM; Stacy McLeod, DVM; Millard Tierce, III, DVM; Erin Monaco, DVM; Mary McGovern, DVM; Bishop Curry, DVM; Isabell Haynes; Vanessa Espinoza; Garry Lewis, DVM; Daniel Valenciano, DVM; Brandi Hoenninger, DVM; Huey Beckham, DVM; Kirk Lewis, DVM; William O'Brien, DVM; Mendi Hill, DVM; Chelsie Powell; Amanda Worrell, DVM; Courtney Patson, DVM; Dee Ann Mouser, DVM; Kelly Witty; Benjamin Lognion, DVM; Jon McClain, DVM; Philip Gorman, DVM; Holly Kiernicki, DVM; Jessica Thomas, DVM; Holly Hoffman, DVM; Taylor Tillery, DVM; Lynn Foster, DVM; Wendy McGuire, DVM; Abbett Hudson, DVM; Philip Treuil, DVM; James Joyner, DVM; Aimee Beckham, DVM; Michelle Johnson; Thomas Kleinschmidt, DVM; Marty Tanner, DVM; Steven Reynolds, DVM; Jason Liska, DVM; Charles Kerin, DVM; Heather Thomas, DVM; Reagan Wilson, DVM; Cassinda Jackson, DVM; Paula Reass, DVM; Jennifer Rodriguez, DVM; Cyndee Thurman, DVM; Karen Wheeler, DVM; John Metzger, DVM; Granville Wright, DVM; and Scarlet Delaune, DVM.*

**Agenda Item 8, Consideration and approval of Cease and Desist Orders.** After discussion, **Dr. Carpenter moved, Dr. Henry seconded and the motion passed to approve the following Cease and Desist Orders:** *Jessica Law, Mary Gardner, and Dani McVety*

**Agenda Item 10, Report from the Rules Committee.**

a. **Discussion, recommendation and possible action on petition for rulemaking.** Ms. Fite presented information on a petition for rulemaking submitted by the North American Veterinary Community (NAVC), Western Veterinary Conference (WVC), Conventions for Veterinary Care (CVC) and the American Animal Hospital Association (AAHA) regarding and amendment to §573.65 to add the petitioning entities to the pre-approved list of continuing education providers. After discussion, **Dr. Lenarduzzi moved, Dr. Carpenter seconded and the motion passed to direct staff and the Rules Committee to study the issue and bring a recommendation to the next meeting.**

b. **Public Hearing, consideration and possible action on rules to be adopted.** Ms. Fite presented the rule changes proposed at the June 3, 2014 meeting regarding changes to the following rules: §§573.10, 573.22, 573.29, 573.41, 573.43, 573.76, 575.28, 575.2581, 575.29, 575.30, and 577.15.

There were no public comments on the rules to be adopted.

After discussion, **Dr. Carpenter moved, Dr. Henry seconded and the motion passed to adopt the amendments to §§573.10, 573.22, 573.29, 573.41, 573.43, 573.76, 575.28, 575.2581, 575.29, 575.30, and 577.15. as recommended by the Rules Committee.**

c. **Discussion, recommendation and possible action on proposed rules.** Ms. Fite presented the changes proposed to §§571.15, 571.52, 573.5, 573.11, 573.20, 573.22, 573.35, 573.54, 573.70, 573.76, 573.81, 575.30, 575.35, and 575.35. After discussion, **Dr. Carpenter moved, Dr. Henry seconded and the motion passed to publish the proposed preambles and amendments to §§571.15, 571.52, 573.5, 573.11, 573.20, 573.22, 573.35, 573.54, 573.70, 573.76, 573.81, 575.30, 575.35, and 575.35 in the *Texas Register* in accordance with law for public comment.**

- d. Discussion, recommendation and possible action on Chapter 571 Rule Review.** Ms. Fite presented the rule review of Chapter 571 which includes the proposed changes. After discussion, **Dr. Carpenter moved, Dr. Henry seconded and the motion passed to publish the proposed rule review in the *Texas Register* in accordance with law for public comment.**

**Agenda Item 11, Discussion, recommendation and possible action on a resolution in support of veterinary technology colleges to be able to have in excess of sixty (60) hours of curriculum to correspond with accreditation by AVMA.** Dr. Alldredge recognized Kerry Coombs, DVM, Dr. Coombs introduced Jean Eye, DVM with Cedar Valley Community College and Sue Allen, LVT with McLellan Community College. Dr. Coombs presented information on legislation that was passed during the 83<sup>rd</sup> Legislative Session that reduced the minimum number of semester credit hours to earn an associate degree to sixty (60) credit hours. Currently veterinary technology programs require seventy-two (72) credit hours and to reduce that number of credit hours will not allow for the veterinary technology programs to properly address the course materials required by the American Veterinary Medical Association and prepare students to pass the Veterinary Technician National Examination. After discussion, **Dr. Alldredge read a resolution in support of colleges requesting exemptions to be allowed to require more than sixty (60) credit hours for a veterinary technology program. Dr. Henry moved, Dr. Lenarduzzi seconded and the motion passed to adopt the resolution.**

**Agenda Item 12, Discussion, recommendation and possible action regarding policy for staff waiver of the CCT in compliance with Board Rule 571.5.** Ms. Fite presented information on the policy and after discussion, **Dr. Carpenter moved, Mr. McAdams seconded and the motion passed to adopt the policy.**

**Agenda Item 13, Discussion, recommendation and possible action regarding ratification of the 2016-2017 Legislative Appropriations Request.** Ms. Oria presented information on the items

requested in the Legislative Appropriations Request, specifically mentioning that the requests for Peace Officer Status, a salary increase for the Executive Director, an additional investigator position, and a new system analyst position. After discussion, **Mr. Upham moved, Dr. Carpenter seconded and the motion passed to ratify the Legislative Appropriations Request.**

**Agenda Item 14, Consideration and approval of future board meeting dates.** The following dates were approved by all members:

January 27, 2015

July 21, 2015

October 20, 2015

**Agenda Item 15, Election of Officers.** Dr. Alldredge called for nominations for the positions of Vice President and Secretary. After discussion, **Dr. King nominated Dr. Lenarduzzi for Vice President, Dr. Carpenter seconded the nomination and the motion passed. Dr. King nominated Dr. Craven for Secretary, Dr. Henry seconded the nomination and the motion passed.**

**Agenda Item 16, Appointment of Committees.** Dr. Alldredge made the following committee appointments:

**Executive Disciplinary Committee:** Dr. Alldredge, Dr. Carpenter, Mr. McAdams with Dr. Craven serving as the licensee alternate and Mr. Upham serving as the public member alternate.

**Enforcement Committee:** Dr. Lenarduzzi, Dr. Alldredge, and one public member on a rotating basis with Dr. Craven serving as the licensee alternate.

**Rules Committee:** Dr. Carpenter (chair), Dr. Craven, Dr. Lenarduzzi, and Mr. Pardue.

**Advisory Committee on Board Approval of Equine Dental Schools:** Larry Kimberlin, DVM, Michael Joyner, DVM, and Carl Mitz, EDP.

**Equine Dental Provider Certifying Entity Committee:** Dr. Lenarduzzi, Dr. Henry, and Mr. Upham.

**Equine Dental Provider Continuing Education Advisory Committee:** Dr. Carpenter

**Licensed Veterinary Technician Advisory Committee:** Cindy Dittmar, Steve Golla, DVM, Dan Craven, DVM, David Sessums, Gary Stamp, DVM, and Rick Wall, DVM.

**Laser Therapy Committee:** Rick Wall, DVM, Matt Long, John Norris, DVM, Russell Ueckert, DVM, and Bud Alldredge, DVM.

### **Agenda Item 17, Executive Director's Report**

- a. **Report on Health Professions Council (HPC) Activities.** Ms. Oria discussed that during the upcoming legislative session, HPC will be requesting an additional IT position.
- b. **Enforcement Report:**
  1. **Investigations.** Ms. Phillips highlighted the increase in complaints and the workload of the investigators. Ms. Phillips commended all the investigative staff for their hard work.
  2. **Legal:** Ms. Fite discussed the legal side of the agency, noting that there are currently three cases in litigation. Ms. Fite also noted that the goal for filings and hearings at the State Office of Administrative Hearings was exceeded during fiscal year 2014.
- c. **Status of 2014 Operating Budgets.** Ms. McKay gave a brief overview of FY2014 and FY2015 budgets.
- d. **Licensing Report:**
  1. **Report on 2014 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 October 9, 2014 we had

8,720 licensed veterinarians in all categories. Ms. Hartman also noted that as of that same date 840 Licensed Veterinary Technician licenses were also issued.

**3. Report on State Board Exams.** Ms. Hartman presented information on the June 2014 exam and August 2014, noting there were two failures in each.

**e. Peer Assistance Report:** Ms. McKay mentioned that there are currently twenty-two veterinarians under contract with the Peer Assistance Program, twelve by order and ten voluntary.

**f. Report on Discussions with Texas Veterinary Medical Association.** Ms. Oria stated that there is no news to report.

**Agenda Item 18, Discussion, recommendation and possible action regarding the employment and evaluation of the Executive Director.** Dr. King moved, Dr. Henry seconded and the motion passed to go into Executive Session at 11:54 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; 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 12:17 p.m. and it was announced that no action was taken. A certified agenda was made.

There being no further business, the meeting adjourned at 12:18 p.m.