

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
October 22, 2013**

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Tuesday, October 22, 2013 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 9:57 a.m. Board Members present were, J. Todd Henry, D.V.M., Vice-President; Joe Mac King, D.V.M., Secretary; Janie A. Carpenter, D.V.M., Roland Lenarduzzi, DVM, James McAdams, and Chad Upham. Board Staff present were: Nicole Oria, Executive Director; Kate Fite, General Counsel; Ina Franz, 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. Dr. Carpenter moved, Dr. Henry seconded, and the motion passed to approve the absences of Mamie Salazar-Harper.

Agenda Item 2, Introduction of new board members and agency staff. Dr. Alldredge made brief statements about the newly appointed board members, Dan Craven, DVM; Roland Lenarduzzi, DVM; and James "Jim" McAdams and the newly hired agency general counsel, Kate Fite.

Agenda Item 3, Consideration and Approval of the July 16, 2013 Minutes. Dr. Carpenter moved, Dr. Henry seconded and the motion passed to approve the July 16, 2013 minutes.

Agenda Item 4, Citizen Comments. Ms. Nettie Dunn, Ms. Cindy Bergen, Ms. Wendy Lowe and Ms. Julie Catalano all presented comments to the Board.

Agenda Item 5, Consideration and approval of Proposals for Decision.

(a) SOAH Docket 578-13-0168, Deborah Hardie. Mr. Jonathan Crabtree presented a summary of the case history and the staff's recommendation. Ms. Susan Hendricks, attorney for Ms. Hardie appeared and made a presentation for the respondent who did not appear. After Ms. Hendricks' presentation Mr. Crabtree presented his closing comments. After discussion, **Dr. Carpenter moved, Mr. Upham seconded and the**

motion passed to accept the Proposal for Decision but remove Finding of Fact number 14 and Conclusion of Law number 5 and to deny the respondent, Deborah Hardie, licensure. Drs. Henry and King recused themselves from the vote.

(b) SOAH Docket 578-13-4844, Sarah Vick, DVM. Mr. Jonathan Crabtree presented a summary of the case and the staff's recommendation. Dr. Vick did not appear. After discussion, **Dr. Carpenter moved, Dr. Henry seconded and the motion passed to accept the Proposal for Decision. Drs. Alldredge and King recused themselves from the vote.**

Agenda Item 9, Consideration and approval of the October 8, 2013 Temporary Suspension Without Notice minutes on Gary Brackeen, DVM. After discussion, **Mr. McAdams moved, Dr. Henry seconded and the motion passed to approve the minutes.**

Agenda Item 10, Consideration and approval of the October 21, 2013 Temporary Suspension With Notice minutes on Gary Brackeen, DVM. After discussion, **Dr. Carpenter moved, Mr. McAdams seconded and the motion passed to approve the minutes.**

Agenda Item 6, Consideration and approval of Agreed Orders. Dr. Alldredge asked to pull for discussion in executive session, agreed orders 2013-134, 2013-140, 2013-146, and 2013-148. **Dr. Henry moved, Dr. Lenarduzzi seconded and the motion passed to go into Executive Session at 11:33 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 11:55 a.m. and it was announced that no action was taken. A certified agenda was made.

After discussion, **Dr. Carpenter moved, Dr. Henry seconded and the motion passed to approve the following Agreed Orders:**

Adam Carter, DVM; Ashlie McBroom, DVM; Barton Owens, DVM; Brian Mountain, DVM; Brooke Ashley, DVM; Byron Jones, DVM; Cameron Stoudt, DVM; Carl Hicks, EDP; Chad Dickson, DVM; Christie Cornelius,

DVM; Cristina Bettencourt, DVM; Curtis Sanders, DVM; Darren Smith, EDP; Dilray Dhami, DVM; Douglas Johnson, DVM; Edwin McLeod, DVM (2 Agreed Orders); Frank Bettencourt, DVM; Gary Brackeen, DVM; George Gibson, DVM; Glen Campbell, DVM; Helen Philips, DVM; Jackie Valerius, DVM; James Gerhardt DVM; James Hofmann, DVM; James Kelly, DVM; James Marek, DVM; Janice Price, DVM; Jason Zollinger, DVM; Jeffrey Gaiser, DVM; Jeffrey Schall, DVM; Jon McClain, DVM; Jonathan Dyes, DVM; Julie Striekert, DVM; Kelly Sandell, DVM; Lawrence Koym, DVM; Mark Jousan, DVM; Melissa Cordero-Valentin, DVM; Misty Jordan, DVM; Nancy Adams, DVM; Robert Langley, Jr., DVM; Robert Thoni, DVM(2 Agreed Orders); Scott Briers, DVM; Shelby Key, DVM; Spencer Knapp, DVM; Steven Pirkey, DVM; Thomas Martin, DVM; Tommy Bullard, DVM; Tracie Barry, DVM; Verna Samford, EDP; Vicki Tharp, DVM; Wade Dunn, DVM; Wesley Hardy, DVM; Wesley Sperry, DVM; and William Taylor, DVM.

Agenda Item 7, Consideration and approval of Cease and Desist Orders. After discussion, **Dr. Carpenter moved, Mr. McAdams seconded and the motion passed to approve the following Cease and Desist Orders:** *Evanjelina Cruz, Sergio Vela, Tiffany Reed, Renee Weishun, Karen Shaddox, Amber Cowart, and Christina Hardinger.*

Agenda Item 11, Discussion, recommendation and possible action regarding Report from Licensed Veterinary Technician Advisory Committee. Ms. Oria gave a report from the recent meeting of the Licensed Veterinary Technician Advisory Committee, noting that suggested rule changes discussed at the meeting had been incorporated into the rule changes to be proposed. Dr. Alldredge thanked the committee members, Cindy Dittmar; Steve Golla, DVM; Todd Henry, DVM; David Sessums; Gary Stamp, DVM; and Rick Wall, DVM for their service on this committee.

Agenda Item 12, Election of Officers. Dr. Alldredge called for nominations for the positions of Vice President and Secretary. After discussion, **Dr. Henry nominated Dr. King for Vice President, Dr. Carpenter seconded the nomination and the motion passed. Dr. King nominated Dr. Carpenter for Secretary, Dr. Henry seconded the nomination and the motion passed.**

Agenda Item 13, Appointment of Committees. Dr. Alldredge made the following committee appointments:

Executive Disciplinary Committee: Dr. Alldredge, Dr. Carpenter, and Ms. Salazar-Harper with Dr. Henry serving as the licensee alternate and Mr. McAdams serving as the public member alternate.

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

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

Reviewing Veterinarian for Complaint Appeals: Dr. Carpenter.

Reviewing Veterinarian for Continuing Education Applications: Dr. Henry.

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.

Agenda Item 8, Report from the Rules Committee.

- a. **Public Hearing, consideration and possible action on rules to be adopted.** Ms. Oria presented the rule changes proposed at the July 16, 2013 meeting regarding changes to the following rules:

§§571.11, 571.57, 573.27, 573.50, 573.51, 573.52, 575.50, 575.63, and 577.15.

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

After discussion, **Dr. Carpenter moved, Dr. Lenarduzzi seconded and the motion passed to adopt the amendments to §§571.11, 571.57, 573.50, 573.51, 573.52, 575.50, 575.63,**

and 577.15 as recommended by the Rules Committee. Section 573.27 was to be re-proposed with changes discussed during the Rules Committee meeting.

b. Discussion, recommendation and possible action on proposed rule review of Chapter 577. Ms. Oria presented the rule review of Chapter 577 which includes proposed changes.

b. Discussion, recommendation and possible action on proposed rules. Ms. Oria presented the changes proposed to §§571.1, 571.4, 571.5, 571.6, 571.17, 571.23, 571.23, 571.25, 571.54, 571.60, 571.61, 571.62, 573.2, 573.10, 573.11, 573.12, 573.13, 573.14, 573.19, 573.64, 573.65, 573.71, 575.8, 575.22, 575.24, 575.25, 575.35, 575.50, 577.5, 577.12, and 577.16. After discussions, **Dr. Carpenter moved, Dr. Henry seconded and the motion passed to publish the proposed preambles and amendments in the *Texas Register* in accordance with law for public comment.**

Agenda Item 14, Consideration and Approval of Calendar Year 2014 Board Meeting Dates.

The following dates have been approved for calendar year 2014: February 18, 2014; June 3, 2014; and October 21, 2014. These dates are not official until posted with the Secretary of State.

Agenda Item 15, Executive Director's Report

a. Report on Health Professions Council (HPC) Activities. Ms. Oria discussed that the members of HPC have agreed to add a Legislative Committee and a Sunset Review Committee during future legislative sessions.

b. Report on 2013 License Renewals. Ms. Franz discussed the renewals as of May 31, 2013 noting that there continues to be an increase each year in the number of

online renewals. Ms. Franz noted that 91% of the licensees who have renewed have done so online.

- c. **Report on State Board Exams.** Ms. Franz presented information on the June and October 2013 exams, noting there were two failures in June and zero failures in October.
- d. **Status of FY2013 and 2014 Operating Budgets.** Ms. McKay gave a brief overview of the FY2013 and FY2014 budgets noting that we are on track with our allocated budget for FY2014.
- e. **Board Performance Update.**
 - 1. **Enforcement Report:**
 - A. **Investigations.** Ms. Phillips discussed the Enforcement side of the agency and noted that in FY2013 they completed 891 on-site compliance inspections of which 286 were by mail.
 - B. **Legal.** Ms. Oria discussed the legal side of the agency, noting that the cases regarding Janek Vluggen and Ronald Hines, DVM are still outstanding. Ms. Oria also noted that currently the oldest case at SOAH was a May 2012 case and that two other cases have been filed.
 - 2. **Licensing and Examinations Report.** Ms. Franz discussed the statistics related to Licensing and Examinations noting that as of October 8, 2013 we had 8,143 licensed veterinarians in all categories.
 - 3. **Peer Assistance Report:** Ms. McKay mentioned that there are currently twenty-four veterinarians under contract with the Peer Assistance Program, ten by order and 14 voluntary.
- f. **Report on Discussions with Texas Veterinary Medical Association.** Dr. Alldredge commented on how hard the board staff and the staff of TVMA have worked on legislation and the transition to add Equine Dental Providers and Licensed Veterinary Technicians to TBVME.

- g. Report on AAVSB Annual Meeting.** Ms. Oria discussed topics of discussion at the recent AAVSB meeting which she and Dr. Carpenter attended. Dr. Alldredge directed staff to invite representatives of AAVSB and NBVME to the February meeting to discuss changes to the Program for the Assessment of Veterinary Education Equivalence.

Agenda Item 16, Board Member Report. No member had anything to report at this time.

Agenda Item 17, Discussion, recommendation and possible action regarding Executive Director's salary. After discussion, Dr. Carpenter moved, Dr. Henry seconded and the motion passed to increase the Executive Director's salary to the statutory limit effective September 1, 2013.

There being no further business, the meeting adjourned at 2:32 p.m.