

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
July 31, 2018

The Texas Board of Veterinary Medical Examiners met for a scheduled meeting on Tuesday, July 31, 2018, at 10:00 a.m. in Room #2-225 of the William P. Hobby, Jr. Building, 333 Guadalupe, Austin, Travis County, Texas.

Agenda Item 1. Full Board Call to Order, Roll Call.

Jessica Quillivan, DVM, Board President, called the meeting to order at 10:02 a.m. Board Members present were: Jessica Quillivan, DVM; Keith Pardue, Vice President; Lynn Criner, DVM, Secretary; Carlos Chacon; Samantha Mixon, DVM; Michael White, DVM; Randy Skaggs, DVM; and George Antuna. Sue Allen, LVT was absent. Board Staff present were: Executive Director, John Helenberg, General Counsel, Michelle Griffin; Operations Director, Candice Simon; Executive Assistant, Patricia Prentice; Chief Financial Officer, Arlethia Middleton; Enforcement Supervisor, Mike Tacker; Staff Attorney, Stephen White; Compliance Investigator, Jerod Honrath and Legal Secretary Valerie Mitchell. Mr. Pardue made the motion to approve the absence of Sue Allen, Mr. Chacon seconded, and the motion was passed unanimously.

Agenda Item 2. Consideration and Approval of the April 10, 2018 Minutes.

Dr. Criner moved, Mr. Chacon seconded, and the motion passed unanimously to approve the April 10, 2018 minutes.

Agenda Item 3. Executive Director's Report.

Mr. Helenberg reported on staff changes; the Legislative Budget Board (LBB) budget overview for 2020-2021; and current budget status.

Agenda Item 4. Discussion, recommendation and possible action regarding proposed rule changes to be published in the Texas Register.

Ms. Griffin explained, that the items A-G and J-K needed additional review before being presented to the board. The board directed staff to convene a workgroup to discuss potential changes to the Alternate Therapies Rules, and Dr. Quillivan appointed Dr. Mixon to observe the workgroup. Ms. Griffin introduced the following proposed changes to the following rules:

- a. ~~573.10 Supervision of Non-Veterinarians (Amendment)~~
- b. ~~573.14 Alternate Therapies Chiropractic and Other Forms of Musculoskeletal Manipulation (Repeal)~~
- e. ~~573.14 Alternate Therapies (Replace)~~
- d. ~~573.15 Use of Ultrasound in Diagnosis or Therapy (Repeal)~~
- e. ~~573.16 Alternate Therapies Acupuncture (Repeal)~~
- f. ~~573.17 Alternate Therapies Holistic Medicine (Repeal)~~
- g. ~~573.18 Alternate Therapies Homeopathy (Repeal)~~
- h. 573.28 Observance of Confidentiality (Amendment)
- i. 573.44 Compounding Drugs (Amendment)
- j. ~~573.52 Veterinarian Patient Records Keeping (Amendment)~~
- k. ~~573.82 Laser Therapy (Repeal)~~
- l. 575.281 Complaints--Appeals (Repeal)
- m. 575.281 Complaints--Appeals (Replace)

Dr. Skaggs motioned to approve rules H, I, L, M to be published to the Texas Register for public comment, Mr. Chacon seconded, and the motion was unanimously approved.

Agenda Item 5. Discussion, recommendation and possible action regarding adoption of rule changes to be published in the Texas Register. Ms. Griffin introduced the following proposed changes to the following rules:

- a. 575.30 Contested Case Hearing at SOAH (Amendment)
- b. 577.5 Committees of the Board (Amendment)
- c. 573.70 Reporting of Criminal Activity (Amendment)
- d. 571.15 Temporary Veterinary License (Repeal of Existing Rule)
- e. 571.15 Temporary Veterinary License (New Rule)
- f. 571.61 Inactive License Status (Amendment)
- g. 573.12 Responsibility for Licensure of Licensed Persons (Amendment)
- h. 573.43 Controlled Substances Registration (Amendment)
- i. 571.13 Temporary Veterinary Licensure During Declared State of Disaster (Amendment)
- j. 573.68 Monitoring Licensee Compliance (Repeal)

Mr. Chacon moved to adopt items a, b, and d-j. Dr. Skaggs seconded the motion and it was unanimously passed.

A public comment was submitted by Texas Veterinary Medical Association (TVMA) president Dr. Aaron Reiner and from TVMA's Elizabeth Choate stating that they oppose rule 573.70 regarding the reporting of criminal activity. The board discussed whether to remove the requirement to report certain arrests from the rule.

Mr. Chacon moved to adopt item c and Dr. Skaggs seconded the motion. Dr. Quillivan and Mr. Pardue voted in favor of the motion. Dr. Criner and Dr. White voted against the motion. Dr. Mixon and Mr. Antuna did not vote. The motion passed.

Agenda Item 6. Consideration and Approval of Agreed Orders.

<u>Docket #</u>	<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
DK2017-058	CP16-293	Rutherford, Christina DVM	12160	Weatherford, Texas
DK2017-129	CP17-001	Lognion, Benjamin, DVM	13122	Sunset, Texas
DK2017-140	CP16-495	King, Mary, DVM	7541	Azle, Texas
DK2017-162	CP17-072	Saucedo, Alyssa, DVM	14463	San Antonio, Texas
DK2017-198	CP17-179	DeLaughter, Kimberly, DVM	11945	Southlake, Texas
DK2017-208	CP17-190	Edwards, Harold, DVM	4510	Belton, Texas
DK2017-210	CP17-216	Ballard, Patricia, DVM	5442	The Colony, Texas
DK2017-211	CP17-184	Pella, Justin, DVM	14223	Stafford, Texas
DK2017-212	CP17-234	Gudipally, Vijayshela, DVM	8929	Pflugerville, Texas
DK2017-213	CP17-223	Worrell, Amanda, DVM	12190	College Station, Texas
DK2017-215	CP17-194	Ramirez, Noel, DVM	12813	Harlingen, Texas
DK2017-219	CP17-233	Fromm, Kay, DVM	10540	Waco, Texas

<u>Docket #</u>	<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
DK2017-220	CP17-052	Hawks, Timothy, DVM	5311	Flower Mound, Texas
DK2017-222	CP17-252	Seshareddy, Kiran, DVM	11666	San Antonio, Texas
DK2017-225	CP17-250	Pitmon, Casey, DVM	10438	Fredericksburg, Texas
DK2017-231	CP17-242	Ruiz, Jo, LVT	LVT-909	San Antonio, Texas
DK2017-237	CP17-121	McAda, William, DVM	1469	Yorktown, Texas
DK2017-239	CP17-209	Moore, Roy, DVM	14449	Corpus Christi, Texas
DK2017-241	CP17-256	Rogers, Elizabeth, DVM	8897	Frisco, Texas
DK2018-005	CP17-017	Flesch, Karah, DVM	13749	McKinney, Texas
DK2018-010	CP17-189	Price, Ryan, DVM	9094	Plano, Texas
DK2018-021	CP17-035	Neely, Austin, DVM	10737	Bedford, Texas
DK2018-026	CP17-280	Gonzales, Roque, DVM	5618	San Antonio, Texas
DK2018-027	CP17-376	Hudson, Rebecca, DVM	7007	Houston, Texas
DK2018-032	CP17-298	Bolt, Allen, DVM	4080	Abilene, Texas
DK2018-033	CP17-149	Harvey, Joshua, DVM	10402	Decatur, Texas
DK2018-035	CP17-087	Crowley, Kyle, DVM	7330	San Antonio, Texas
DK2018-036	CP17-321	Howard, Collin, DVM	12103	San Antonio, Texas
DK2018-038	CP17-220	Klein, Gary, DVM	5655	Houston, Texas
DK2018-039	CP17-286	Killian, John, DVM	6459	Stratford, Texas
DK2018-040	CP17-328	Neff, Bryan, DVM	2447	Bandera, Texas
DK2018-042	CP17-327	Robinson, Justin, DVM	13136	Devine, Texas
DK2017-058	CP16-293	Rutherford, Christina, DVM	12160	Weatherford, Texas
DK2018-043	CP17-135	Sells, Stephen, DVM	4771	Bandera, Texas
DK2018-044	CP17-214	Silpa, Marc, DVM	14576	El Paso, Texas
DK2018-045	CP17-335	Stephens, Rachel, LVT	LVT-1278	Amarillo, Texas
DK2018-046	CP17-300	Swain, Jack, DVM	2974	Stratford, Texas
DK2018-047	CP17-151	Darwin-Betten, Melissa, DVM	12208	Dallas, Texas
DK2018-050	CP17-193	Westin, Todd, DVM	9425	Kountze, Texas
DK2018-053	CP16-439	Burney, Derek, DVM	6991	Dallas, Texas
DK2018-134	CP17-046	Douglass, Laurel, DVM	10023	Houston, Texas

The following agreed orders were pulled for executive session; DK2017-058, DK2017-198, DK2017-210, DK2017-231, DK2017-241, DK2018-032, DK2018-040, DK2018-042, DK2018-045, DK2018-053.

Dr. White was recused from case DK2017-208, Dr. Criner was recused from case DK2018-027 & DK2018-134

Mr. Chacon made a motion that the board approve the above agreed orders, with the exceptions of the few cases that were pulled for executive session, Dr. Skaggs seconded the motion, and the motion was unanimously approved.

Agenda Item 7. Consideration and Approval of cases recommended for dismissal by staff.

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP15-463	[REDACTED]	[REDACTED]	[REDACTED]
CP17-162	[REDACTED]	[REDACTED]	[REDACTED]
CP17-262	[REDACTED]	[REDACTED]	[REDACTED]
CP17-274	[REDACTED]	[REDACTED]	[REDACTED]
CP17-356	[REDACTED]	[REDACTED]	[REDACTED]
CP17-370	[REDACTED]	[REDACTED]	[REDACTED]
CP18-017	[REDACTED]	[REDACTED]	[REDACTED]
CP18-070	[REDACTED]	[REDACTED]	[REDACTED]
CP18-071	[REDACTED]	[REDACTED]	[REDACTED]
CP18-072	[REDACTED]	[REDACTED]	[REDACTED]
CP18-075	[REDACTED]	[REDACTED]	[REDACTED]
CP18-083	[REDACTED]	[REDACTED]	[REDACTED]
CP18-136	[REDACTED]	[REDACTED]	[REDACTED]
CP18-159	[REDACTED]	[REDACTED]	[REDACTED]
CP18-160	[REDACTED]	[REDACTED]	[REDACTED]
CP18-161	[REDACTED]	[REDACTED]	[REDACTED]
CP18-164	[REDACTED]	[REDACTED]	[REDACTED]
CP18-165	[REDACTED]	[REDACTED]	[REDACTED]

The following cases were pulled for executive session; CP15-463, CP18-017, CP18-070, CP18-071, CP18-075, CP18-083, CP18-160 and CP18-161.

Dr. Skaggs made a motion to approve dismissal of the cases except for those pulled for executive session, Dr. Criner seconded that motion, and the motion was unanimously passed.

Agenda Item 8. Consideration and approval of cases recommended for dismissal from Medical Review.

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>	<u>Not Voting</u>
CP18-009	[REDACTED]	[REDACTED]	[REDACTED]	Dr. Jessica Quillivan Dr. Lynn Criner

Dr. Skaggs made the motion to adopt the dismissal of case CP18-009, Mr. Chacon seconded, and the motion was unanimously passed. Dr. Jessica Quillivan and Dr. Lynn Criner did not vote.

Agenda Item 9. Citizen Comments.

David Sessum, LVT commented on the board member appointment of Sue Allen, LVT. Wayne Needum, EDP commented on the status of equine dental practitioners testing laws. Heather Kutbya suggested a rule change to protect veterinarians cooperating with an investigation from being investigated for possible related violations.

Agenda Item 10. Discussion of possible agenda for future board meetings.

Dr. Criner requested this item be taken up after executive session.

Agenda Item 11. Discussion of upcoming meeting for the next fiscal year.

The board discussed the next board meetings will be held on Tuesday October 23, 2018 and Tuesday January 29, 2019.

The board took a 10-minute break at 11:39am

The board resumed the meeting at 11:49 am

The board entered closed executive session at 11:49am

Agenda Item 12. Executive Session to discuss pending and contemplated litigation and to conduct deliberation on disciplinary action.

No action was taken at this time.

The board returned to open session at 1:05pm.

Agenda Item 13. Return from executive session to report or discuss further actions to be taken following executive session. Possible action on items discussed in executive session.

No action was taken at this time.

Agenda Item 6. Consideration and Approval of Agreed Orders.

The board returned to this agenda item after executive session discussion. Mr. Chacon made the motion to adopt approval of the pulled cases from executive session. (DK2017-058, DK2017-198, DK2017-210, DK2017-231, DK2017-241, DK2018-032, DK2018-040, DK2018-042, DK2018-045, DK2018-053) Dr. Mixon seconded and the motion was passed unanimously.

Agenda Item 7. Consideration and Approval of cases recommended for dismissal by staff.

The board returned to this agenda item after executive session discussion. Mr. Chacon made the motion to approve dismissal of the pulled cases from executive session (CP15-463, CP18-017, CP18-070, CP18-071, CP18-075, CP18-083, CP18-160 and CP18-161). Dr. Skaggs seconded, and the motion was passed unanimously.

Agenda Item 10. Discussion of possible agenda for future board meetings.

The Board returned to this agenda item. Dr. Quillivan suggested a progress report from the working group regarding alternate therapies.

Agenda Item 14. Adjourn.

Mr. Chacon made a motion to adjourn the July 31, 2018 board meeting, Dr. Skaggs seconded the motion and the motion was unanimously approved. The board adjourned at 1:07pm.