

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
October 23, 2018**

The Texas Board of Veterinary Medical Examiners met for a scheduled meeting on Tuesday, October 23, 2018, at 10:30 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 10:30 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; George Antuna; and Sue Allen, LVT. 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.

Agenda Item 2. Consideration and Approval of the July 31, 2018 Minutes.

Dr. Skaggs moved, Dr. Criner seconded, and the motion passed unanimously to approve the July 31, 2018 minutes.

Agenda Item 3. Executive Director's Report.

Mr. Helenberg reported on agency updates since the end of FY18; the AAVSB annual conference; and Enforcement division update.

Agenda Item 4. Information from staff and discussions of the legality of cannabis products in veterinary medicine.

Ms. Griffin presented background information on the legality of cannabis products in veterinary medicine, including an explanation of terminology and the differing interpretations of state and federal law. Ms. Griffin explained that Federal agencies currently take the position that most cannabis products are illegal, but that there may be changes to the law in the near future.

Break at 10:50 am

Returned from break at 11:05am

Agenda Item 5. Consideration and approval of Agreed Orders.

| <u>Docket #</u> | <u>Case #</u> | <u>Name</u> | <u>License #</u> | <u>Practice City</u> |
|-----------------|---------------|-----------------------|------------------|----------------------|
| DK2016-165 | CP15-439 | Michael Doherty, DVM | 4047 | New Braunfels, Texas |
| DK2017-073 | CP16-468 | Crystal Sousa, DVM | 11235 | Pilot Point, Texas |
| DK2017-093 | CP16-300 | Charles Anderson, DVM | 7705 | San Antonio, Texas |
| DK2017-100 | CP16-364 | Roger Snodgrass, DVM | 7643 | Fort Worth, Texas |
| DK2017-110 | CP16-392 | Laura Beckworth, DVM | 10658 | Dallas, Texas |
| DK2017-148 | CP16-430 | Lu Ervin, DVM | 5474 | Waco, Texas |
| DK2017-149 | CP16-424 | Kent Trinh, DVM | 5916 | Amarillo, Texas |
| DK2017-150 | CP16-425 | Kent Trinh, DVM | 5916 | Amarillo, Texas |
| DK2017-151 | CP16-426 | Kent Trinh, DVM | 5916 | Amarillo, Texas |
| DK2017-152 | CP17-004 | Kent Trinh, DVM | 5916 | Amarillo, Texas |

| <u>Docket #</u> | <u>Case #</u> | <u>Name</u> | <u>License #</u> | <u>Practice City</u> |
|-----------------|---------------|-----------------------|------------------|----------------------|
| DK2017-203 | CP17-157 | Jennifer Ramirez, DVM | 13221 | Spokane, Washington |
| DK2017-207 | CP16-494 | Bonnie Kemnitz, DVM | 13284 | Bastrop, Texas |
| DK2017-214 | CP16-486 | M. Iqbal Javaid, DVM | 4476 | Houston, Texas |
| DK2017-224 | CP17-038 | Michael Doherty, DVM | 4047 | New Braunfels, Texas |
| DK2017-240 | CP17-253 | M. Iqbal Javaid, DVM | 4476 | Houston, Texas |
| DK2017-243 | CP17-275 | Robert Zamorano, LVT | 11165 | McAllen, Texas |
| DK2018-006 | CP17-341 | James Kaaz, DVM | 7539 | Montgomery, Texas |
| DK2018-008 | CP17-325 | John Morton, DVM | 2789 | Athens, Texas |
| DK2018-024 | CP17-272 | Jason Beard, DVM | 6960 | Lindale, Texas |
| DK2018-031 | CP17-378 | Byron Jones, DVM | 4966 | Denton, Texas |
| DK2018-069 | CP18-007 | Flint Immel, DVM | 4128 | Mineral Wells, Texas |
| | CP18-006 | | | |
| | CP18-204 | | | |

The following agreed orders were pulled for executive session; DK2016-165, DK2017-093, DK2017-148, DK2017-149, DK2017-150, DK2017-151, DK2017-152, DK2017-203.

Dr. Criner was recused from case DK2017-093.

Dr. Quillivan and Mr. Pardue did not vote on cases DK-2017-073, DK2017-093, DK2017-100, DK2017-110, DK2017-148, DK2017-149, DK2017-150, DK2017-151, and DK2017-152.

Dr. Quillivan, Dr. Criner and Mr. Chacon did not vote on cases DK2017-203, DK2017-214, DK2017-240, DK2018-006, DK2018-008, and DK2018-031.

Dr. Quillivan, Dr. Criner and Mr. Pardue did not vote on cases DK2017-207, DK2017-224, DK2017-243, DK2018-024 and DK2018-069.

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 6. Consideration and Approval of cases recommended for dismissal by staff.

| <u>Case #</u> | <u>Name</u> | <u>License #</u> | <u>Practice City</u> |
|---------------|-------------|------------------|----------------------|
| CP16-338 | [REDACTED] | [REDACTED] | [REDACTED] |
| CP17-018 | [REDACTED] | [REDACTED] | [REDACTED] |
| CP17-055 | [REDACTED] | [REDACTED] | [REDACTED] |
| CP17-170 | [REDACTED] | [REDACTED] | [REDACTED] |
| CP17-219 | [REDACTED] | [REDACTED] | [REDACTED] |
| CP17-332 | [REDACTED] | [REDACTED] | [REDACTED] |
| CP18-362 | [REDACTED] | [REDACTED] | [REDACTED] |
| CP18-382 | [REDACTED] | [REDACTED] | [REDACTED] |
| CP18-054 | [REDACTED] | [REDACTED] | [REDACTED] |

CP18-055
CP18-065
CP18-076
CP18-082
CP18-128
CP18-129
CP18-130
CP18-193
CP18-207
CP18-208
CP18-225
CP18-257
CP18-258
CP18-282
CP18-283
CP18-284
CP18-342
CP19-018



The following case was pulled for executive session; CP18-207.

Dr. Criner recused herself from CP17-362 & CP18-342.

Dr. Quillivan did not vote on cases CP17-018 & CP17-055.

Dr. Quillivan and Mr. Pardue did not vote on cases CP16-338

Dr. Quillivan and Dr. Criner did not vote on case CP17-382

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

Agenda Item 7. Consideration and Approval of cases recommended for dismissal from Medical Review.

| <u>Case #</u> | <u>Name</u> | <u>License #</u> | <u>Practice City</u> |
|---------------|-------------|------------------|----------------------|
| CP18-015 | [REDACTED] | [REDACTED] | [REDACTED] |
| CP18-030 | [REDACTED] | [REDACTED] | [REDACTED] |
| CP18-032 | [REDACTED] | [REDACTED] | [REDACTED] |
| CP18-110 | [REDACTED] | [REDACTED] | [REDACTED] |
| CP18-111 | [REDACTED] | [REDACTED] | [REDACTED] |
| CP18-078 | [REDACTED] | [REDACTED] | [REDACTED] |

The following case was pulled for executive session; CP18-078

Dr. White did not vote. Mr. Chacon made a motion to approve dismissal of the cases except for those pulled for executive session, Dr. Skaggs seconded that motion, and the motion was unanimously passed.

Agenda Item 8. Distribution and discussion of FY2019 board member training manual.

All board members were presented with a FY2019 board member training manual to keep for their records.

Agenda Item 9. Citizen Comments.

Heather Kutbva suggested a rule change to protect veterinarians cooperating with an investigation from being investigated for possible related violations. Ms. Kutbva also suggested more consistency with the board and releasing of the board materials and data.

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

The board discussed possible agenda items for the next board meeting, which will be held January 29, 2019. Dr. Quillivan requested updates on the legality of cannabis products in veterinary medicine. Dr. Quillivan also suggested looking into the American Association of Veterinary State Boards (AAVSB) and how they can benefit current board members. John Helenberg suggested a in house meeting with or Board presentation from AAVSB. Dr. Skaggs suggested the staff provide regular updates on older cases that have not been resolved.

The board entered closed executive session at 11:20am

Agenda Item 11. Executive Session to discuss pending and contemplated litigation and personnel matters, including evaluation of the Executive Director.

No action was taken at this time.

The board returned to open session at 12:25pm.

Agenda Item 12. 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 5. Consideration and Approval of Agreed Orders.

The board returned to this agenda item after executive session discussion. Dr. Skaggs made the motion to adopt approval of the pulled cases from executive session. (DK2016-165, DK2017-093, DK2017-148, DK2017-149, DK2017-150, DK2017-151, DK2017-152, DK2017-203) Mr. Chacon seconded and the motion was passed unanimously.

Agenda Item 6. 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 (CP18-207). Dr. Mixon seconded, and the motion was passed unanimously.

Agenda Item 7. Consideration and approval of cases recommended for dismissal from Medical Review.

The Board returned to this agenda item after executive session discussion. Mr. Antuna made the motion to approve CP18-078, Mr. Pardue seconded and the motion was passed unanimously. Dr. Quillivan, Dr. Criner, Dr. Mixon, Dr. White and Mr. Chacon did not vote. Dr. Skaggs recused himself.

Agenda Item 14. Adjourn.

Dr. Criner made a motion to adjourn the October 23, 2018 board meeting, Dr. Skaggs seconded the motion and the motion was unanimously approved. The board adjourned at 12:28pm.