

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
January 29, 2019**

The Texas Board of Veterinary Medical Examiners met for a scheduled meeting on Tuesday, January 29, 2019 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; Investigator, Juan Dockens and Legal Secretary Valerie Mitchell.

Agenda Item 2. Consideration and Approval of the October 23, 2018 Minutes.

Dr. Pardue moved, Dr. White seconded, and the motion passed unanimously to approve the October 23, 2018 minutes.

Agenda Item 3. Executive Director's Report.

Mr. Helenberg reported on agency updates on the first quarter of FY19; Legislative session meetings; fingerprinting updates; and individual department updates.

Agenda Item 4. Report and discussion on Alternate Therapies Workgroup.

Dr. Mixon provided an update on the Alternate Therapies Workgroup providing information to the board about current alternate therapies that the workgroup has discussed.

Agenda Item 5. Update from staff and discussion of the legality of cannabis products in veterinary medicine.

Ms. Griffin presented an update from the October meeting on the legality of cannabis products in veterinary medicine. Ms. Griffin explained that the 2018 Farm bill permitted states to create hemp farming programs, but that Texas has not yet done so.

Agenda Item 6. Discussion, recommendation and possible action regarding proposed rule changes to be published in the Texas Register.

Ms. Griffin introduced the following proposed changes to the following rules:

- a. 571.61 Inactive License Status (Amendment)

Dr. Skaggs motioned to approve rule 571.61 to be published to the Texas Register for public comment, Mr. Chacon seconded, and the motion was unanimously approved.

Agenda Item 7. Discussion, recommendation and possible action regarding adoption of the rule changes to be published in the Texas Register.

Ms. Griffin introduced the following proposed changes to the following rules:

- a. 573.28 Observance of Confidentiality (Amendment)
- b. 573.44 Compounding Drugs (Amendment)
- c. 575.281 Complaints Appeals (Repeal)
- d. 575.281 Complaints—Request to Reopen Investigation (Replace)

Mr. Chacon moved to adopt the rule changes to be published in the Texas Register Dr. Criner seconded the motion and it was unanimously approved.

Agenda Item 8. Consideration and approval of Agreed Orders.

<u>Docket #</u>	<u>Case#</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
<u>CD2017-055</u>	<u>CP16-268</u>	<u>Jeff Howard</u>	<u>N/A</u>	<u>N/A</u>
<i>Non-voting members:</i>		Dr. Quillivan, Mr. Pardue		
<u>CD2017-059</u>	<u>CP16-405</u>	<u>Christie Buzek</u>	<u>N/A</u>	<u>N/A</u>
<i>Non-voting members:</i>		Dr. Quillivan, Mr. Pardue		
<u>CD2018-067</u>	<u>CP17-164</u>	<u>Joseph Turcotte</u>	<u>N/A</u>	<u>N/A</u>
<i>Non-voting members:</i>		N/A		
<u>DK2015-176</u>	<u>CP15-282</u>	<u>Matthew Moskosky, DVM</u>	<u>11398</u>	<u>Fredericksburg, TX</u>
<i>Non-voting members:</i>		Dr. Quillivan, Dr. Criner, Mr. Chacon		
<u>DK2016-092</u>	<u>CP15-408</u>	<u>Oswell Jaxxon, DVM</u>	<u>3588</u>	<u>Missouri, TX</u>
<i>Non-voting members:</i>		N/A		
<u>DK2017-094</u>	<u>CP16-301</u>	<u>Neil Shaw, DVM</u>	<u>12714</u>	<u>Tampa, FL</u>
<i>Non-voting members:</i>		Dr. Quillivan, Mr. Pardue		
<u>DK2017-143</u>	<u>CP16-342</u>	<u>Paula Foland, DVM</u>	<u>10918</u>	<u>Weatherford, TX</u>
<i>Non-voting members:</i>		Dr. Quillivan, Mr. Pardue		
<u>DK2017-154</u>	<u>CP17-031</u>	<u>Anjeanette Pacheco, DVM</u>	<u>10244</u>	<u>San Antonio, TX</u>
<i>Non-voting members:</i>		Dr. Quillivan, Dr. Criner, Mr. Pardue		
<u>DK2018-018</u>	<u>CP17-311</u>	<u>Terrell Rourk, DVM</u>	<u>7868</u>	<u>Fort Worth, TX</u>
<i>Non-voting members:</i>		Dr. Criner		
<u>DK2018-056</u>	<u>CP18-106</u>	<u>William Patterson, DVM</u>	<u>7564</u>	<u>Kerrville, TX</u>
<i>Non-voting members:</i>		Dr. Quillivan, Dr. Criner, Dr. Mixon, Dr. White, Mr. Chacon		
<u>DK2018-063</u>	<u>CP17-228</u>	<u>Nikki Williams, DVM</u>	<u>12033</u>	<u>N/A</u>
<i>Non-voting members:</i>		Dr. Quillivan, Dr. Criner, Mr. Chacon		
<u>DK2018-064</u>	<u>CP17-326</u>	<u>Brent Melloy, DVM</u>	<u>6672</u>	<u>Friendswood, TX</u>
<i>Non-voting members:</i>		Dr. Quillivan, Dr. Criner, Mr. Chacon		
<u>DK2018-067</u>	<u>CP17-388</u>	<u>Paul Dean, DVM</u>	<u>4930</u>	<u>Fort Worth, TX</u>
<i>Non-voting members:</i>		Dr. Quillivan, Dr. Criner, Mr. Chacon		
<u>DK2018-068</u>	<u>CP17-391</u>	<u>Christopher Gleason, DVM</u>	<u>6002</u>	<u>Duncanville, TX</u>
<i>Non-voting members:</i>		Dr. Quillivan, Dr. Criner, Mr. Chacon		
<u>DK2018-072</u>	<u>CP18-022</u>	<u>Tonya Tammen, DVM</u>	<u>8205</u>	<u>Wichita Falls, TX</u>
<i>Non-voting members:</i>		N/A		

<u>Docket #</u>	<u>Case#</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
DK2018-079	CP18-089	Kevin Rouillard, DVM	7701	Wichita Falls, TX
<i>Non-voting members:</i>		N/A		
DK2018-082	CP18-019	Kerry Demere, DVM	8441	Canyon, TX
<i>Non-voting members:</i>		N/A		
DK2018-086	CP18-025	David Helcel, DVM	11365	Austin, TX
<i>Non-voting members:</i>		Dr. Quillivan, Dr. Criner, Mr. Chacon		
DK2018-091	CP17-365	Michelle Rodeghier, DVM	7232	Plano, TX
<i>Non-voting members:</i>		Dr. Quillivan, Dr. Criner, Mr. Chacon		
DK2018-098	CP18-223	Jocelyn Cooper, DVM	10937	San Antonio, TX
<i>Non-voting members:</i>		N/A		
DK2018-102	CP18-162	Mitchel Jager, DVM	2622	Robinson, TX
<i>Non-voting members:</i>		N/A		
DK2018-103	CP18-074	Kelly Bruner, DVM	6471	Millsap, TX
<i>Non-voting members:</i>		N/A		
DK2019-001	CP17-278	Atalla Ishak, DVM	13273	Irving, TX
<i>Non-voting members:</i>		Dr. Quillivan, Dr. Criner, Mr. Chacon		
DK2019-004		Kimberly Tunmire, DMV	5465	Bastrop, TX
<i>Non-voting members:</i>		Dr. Quillivan, Dr. Criner, Mr. Pardue		
DK2019-011	CP18-281	Larry Putnam, DVM	3138	Fort Worth, TX
<i>Non-voting members:</i>		N/A		
DK2019-012	CP18-280	David Lozano, DVM	13715	El Paso, TX
<i>Non-voting members:</i>		N/A		
DK2019-016	CP18-185	Brian Saathoff, DVM	8410	Hockley, TX
<i>Non-voting members:</i>		N/A		
DK2019-017	CP18-073	Cheritha Dozier, DVM	8918	Fort Worth, TX
<i>Non-voting members:</i>		N/A		
LA2019-095		Joel Akin, DVM	6921	N/A
<i>Non-voting members:</i>		Dr. White, Ms. Allen, Mr. Pardue		

The following agreed orders were pulled for executive session; CD2017-055, DK2017-094, DK2018-056, DK2018-067, DK2018-091.

Dr. Criner did not vote on case DK2018-018.

Dr. Quillivan and Mr. Pardue did not vote on cases CD2017-059, DK2017-094, and DK2017-143.

Dr. Quillivan, Dr. Criner and Mr. Chacon did not vote on cases DK2015-176, DK2018-063, DK2018-064, DK2018-068, DK2018-086 and DK2019-001.

Dr. Quillivan, Dr. Criner and Mr. Pardue did not vote on cases DK2017-154 and DK2019-004.

Dr. White, Mrs. Allen and Mr. Pardue did not vote on case LA2019-095.

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

Agenda Item 9. Consideration and Approval of cases recommended for dismissal by staff.

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP17-251	[REDACTED]	[REDACTED]	[REDACTED]
CP18-087	[REDACTED]	[REDACTED]	[REDACTED]
CP18-116	[REDACTED]	[REDACTED]	[REDACTED]
CP18-182	[REDACTED]	[REDACTED]	[REDACTED]
CP18-202	[REDACTED]	[REDACTED]	[REDACTED]
CP18-245	[REDACTED]	[REDACTED]	[REDACTED]
CP18-323	[REDACTED]	[REDACTED]	[REDACTED]
CP19-11075	[REDACTED]	[REDACTED]	[REDACTED]
CP19-110085	[REDACTED]	[REDACTED]	[REDACTED]

Mr. Chacon made a motion to approve dismissal of the above cases. Dr. White seconded that motion, and the motion was unanimously approved.

Agenda Item 10. Consideration and Approval of cases recommended for dismissal by staff regarding continuing education.

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP18-203	[REDACTED]	[REDACTED]	[REDACTED]
CP18-220	[REDACTED]	[REDACTED]	[REDACTED]
CP18-224	[REDACTED]	[REDACTED]	[REDACTED]
CP18-226	[REDACTED]	[REDACTED]	[REDACTED]
CP18-231	[REDACTED]	[REDACTED]	[REDACTED]
CP18-265	[REDACTED]	[REDACTED]	[REDACTED]
CP18-266	[REDACTED]	[REDACTED]	[REDACTED]
CP18-267	[REDACTED]	[REDACTED]	[REDACTED]
CP18-268	[REDACTED]	[REDACTED]	[REDACTED]
CP18-272	[REDACTED]	[REDACTED]	[REDACTED]
CP18-278	[REDACTED]	[REDACTED]	[REDACTED]
CP18-279	[REDACTED]	[REDACTED]	[REDACTED]
CP18-286	[REDACTED]	[REDACTED]	[REDACTED]
CP18-324	[REDACTED]	[REDACTED]	[REDACTED]
CP18-325	[REDACTED]	[REDACTED]	[REDACTED]

Mr. Chacon made a motion to approve dismissal of the above cases, Dr. Allen seconded that motion, and the motion was unanimously approved.

Agenda Item 11. Consideration and approval of cases recommended for dismissal from Medical Review.

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP18-035	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. White	
CP18-040	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Mixon	
CP18-047	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Mixon	
CP18-048	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Mixon	
CP18-049	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Mixon	
CP18-050	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Mixon	
CP18-051	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Mixon	
CP18-052	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Mixon	
CP18-053	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Mixon	
CP18-057	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Mixon, Dr. White	
CP18-058	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. White	
CP18-059	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. White	
CP18-063	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. White	
CP18-099	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. White	
CP18-120	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. White	
CP19-031	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. White	

Dr. White did not vote on cases CP18-035, CP18-058, CP18-059, CP18-063, CP18-120 and CP18-031.

Dr. Mixon did not vote on cases CP18-040, CO18-047, CP18-048, CP18-049, CP18-050, CP18-051, CP18-052, and CP18-053.

Dr. White and Dr. Mixon not vote on case CP18-057

Case CP18-099 was pulled for Executive Session.

Mr. Chacon made a motion that the board approve the above cases, with the exceptions of CP18-099 that was pulled for executive session, Dr. Mixon seconded the motion, and the motion was unanimously approved.

Agenda Item 12. Consideration and approval of cases recommended for dismissal by staff regarding informal conferences.

<u>Docket #</u>	<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
DK2018-084				
<i>Non-voting members:</i>		Dr. Quillivan, Dr. Criner, Mr. Chacon		
DK2018-087				
<i>Non-voting members:</i>		Dr. Quillivan, Dr. Criner, Mr. Chacon		

Dr. Quillivan did not vote on cases DK2018-084 & DK2018-087.

Mr. Pardue made a motion to approve dismissal of the above cases, Dr. Skaggs seconded that motion, and the motion was unanimously approved.

Agenda Item 13. Discussion of upcoming meetings for remainder of FY2019.

The board discussed and set dates for the next two meetings in FY2019. The 3rd quarterly meeting will be held Tuesday April 9, 2019 and the 4th quarterly meeting will be held Tuesday July 9, 2019.

Agenda Item 14. Citizen Comments.

Ms. Jodi Ware presented information about her case, and expressed that she was dissatisfied with the outcome of her complaint.

15. Discussion of possible agenda items for future Board meetings.

Dr. Quillivan suggested discussing additional stakeholder meetings this year. Dr. Criner suggested a discussion of telehealth in Texas. Ms. Allen suggested discussing proper identification for employees and that LVT should only account for persons that are a licensed veterinary technician.

The board entered closed executive session at 11:12am

Agenda Item 16. 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 12:00pm.

Agenda Item 17. 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 8. 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. (CD2017-055, CD2017-059, DK2018-067, DK2017-091, DK2018-056.)

Dr. Quillivan, Dr. Mixon, Dr. White and Mr. Chacon did not vote on case DK2018-056.

Dr. Mixon seconded and the motion was passed unanimously.

Agenda Item 11. Consideration and Approval of cases recommended for dismissal From Medical Review.

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 (CP18-099).

Dr. White did not vote on case CP18-099.

Dr. Skaggs seconded, and the motion was passed unanimously.

Agenda Item 18. Adjourn.

Dr. Criner made a motion to adjourn the January 29, 2019 board meeting, Dr. White seconded the motion and the motion was unanimously approved. The board adjourned at 12:01pm.