

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
May 8, 2017

The Texas Board of Veterinary Medical Examiners met for a scheduled meeting on Monday, May 8, 2017, in Room #2-225 of the William P. Hobby, Jr. Building, 333 Guadalupe, Austin, Travis County, Texas. Jessica Quillivan, DVM, Board President, called the meeting to order at 1:05 p.m. Board Members present were: Janie Carpenter, DVM; Lynn Criner, DVM, Secretary; James McAdams; and Keith Pardue, Vice-President. Board Staff present were: Rudy Calderon, Interim Executive Director; Michelle Griffin, Interim General Counsel; Matthew West, Interim Director of Enforcement; Marilyn Hartman, Director of Licensing; Loris Jones, Executive Assistant; and Teresa Long, Accountant, Mark Patterson, Contractor Accountant.

Agenda Item 2, Consideration and Approval of the March 28, 2017 Minutes. Mr. Pardue moved, Dr. Criner seconded and the motion passed to approve the March 28, 2017 minutes.

Agenda Item 3, Citizen Comments. Ms. Jodi Ware presented comments on behalf of herself related to a complaint she had filed against a licensee.

Agenda Item 4, Executive Director's Report.

a. Enforcement Department Report. Mr. West discussed the statistics of the enforcement division, specifically noting that there are currently eighteen (18) licensees enrolled in the Peer Assistance Program (ten by board order and eight voluntarily). Mr. West further noted that there have been 260 jurisdictional complaints received as of April 26, 2017 and 516 compliance inspections completed.

b. Legal Department Report. Ms. Griffin discussed the number of cases pending informal conferences and pending filing at the State Office of Administrative Hearings. Mr. Calderon introduced Bailey Strohmeyer, who is with the agency for a portion of the summer as a legal intern. Mr. Calderon also noted that TBVME investigator, Rebecca Anderson, is transitioning into a part-time field investigator role as she attends graduate school at West Texas A&M. Mr. Calderon also introduced the newest investigator in the enforcement department, Phillip Asebedo.

c. Finance Department Report. Mr. Patterson discussed the budget and revenue reports, noting the current budget and revenue were on track.

d. Licensing Department Report. Ms. Hartman reported that she recently attended training with the Department of Public Safety related to criminal background history checks. Ms. Hartman further discussed licensing department statistics, noting that 135 LVT licenses and 4 EDP licenses have been issued this fiscal year.

e. Operations Department Report. Ms. Jones reported on legislation that is still moving through the legislature, specifically noting bills that

- will freeze the fees for issuance or renewal of a license;
- require rule(s) to be repealed before a new rule may be adopted;
- expediting requests for public information; and
- the TBVME sunset bill.

Ms. Jones further discussed the upgrades to the agency's document storage system noting that the agency has begun the testing phase of the upgraded system. Ms. Jones also noted that Enforcement Department and Legal Department staff have met with Neubus representatives to discuss the addition of document storage for those departments as well as increase in the functionality to a document management system.

Mr. Calderon and Dr. Criner discussed the attendance at the Veterinary Innovation Summit held at Texas A&M College of Veterinary Medicine. Dr. Criner specifically noted her participation on a panel discussion group regarding telemedicine.

Agenda Item 5, Consideration and approval of Agreed Orders. Dr. Carpenter requested to pull two proposed orders for discussion.

Dr. Carpenter moved, Dr. Criner seconded and the motion passed to go into Executive Session at 1:36 p.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 1:42 p.m. and it was announced that no action was taken. A certified agenda was made.

After discussion, **Dr. Carpenter moved, Dr. Criner seconded and the motion passed to approve agreed orders on the following licensees:** *Christina Johnson, DVM; Jeffrey Schall, DVM; Lindsay Kline, DVM; Jason Brinlee, DVM; Nadia Brown, LVT; Jennifer Christmon, DVM; Timothy England, DVM; Tiffany Pearson, DVM; Michael Connolly, DVM; Larry Garrett, DVM; Lindsay Harris, LVT; Mark Jousan, DVM; Robin Shofner, DVM; and Cydnee Thurman, DVM.*

Agenda Item 6, Consideration and approval of Cease and Desist Orders and Agenda Item 7, Consideration and approval of cases dismissed at Staff Conference. There were no items to be considered.

Agenda Item 8, Discussion, recommendation and possible action regarding State Board Examination questions. Dr. Carpenter moved, Mr. Pardue seconded and the motion passed to go into Executive Session at 1:45 p.m. to discuss matters involving a test item or information related to a test item that may be included in an examination that the agency administers to applicants seeking licensure under the authority of the open Meetings Act, GOVERNMENT CODE §551.088. Open session resumed at 2:00 p.m. and it was announced that no action was taken. A certified agenda was made. After discussion, the Board directed staff to utilize the Equine Dental Provider Advisory Committee for review of Equine Dental Provider examination questions.

Agenda Item 9, Discussion, recommendation and possible action regarding Board Rules. Ms. Griffin presented proposed changes to Board Rules §§573.65 regarding Proof of Acceptable Continuing Education, 575.4 regarding Conduct and Decorum, 575.29 regarding Informal Conferences, 575.35 regarding Temporary License Suspension Proceedings, 575.62 regarding Negotiated Rulemaking, and

577.5 regarding Advisory Committees. After discussion, **Dr. Carpenter moved, Mr. McAdams seconded and the motion passed to publish the proposed preamble and amendments to §§573.65, 575.4, 575.29, 575.35, 575.62, and 577.5 in the *Texas Register* in accordance with law for public comment.**

Agenda Item 10, Discussion, recommendation and possible action on Board Policy on Division of Responsibilities Between Board and Staff. Mr. McAdams discussed that there be a direction to staff that no major budgeting or staffing changes be made without the approval of a panel of the Board or consultation with a panel of the Board. The panel of the Board would be comprised of the officers. After discussion, **Mr. McAdams moved, Dr. Criner seconded and the motion passed that any major decisions regarding staffing be discussed with the Board officers before decisions are finalized.** After further discussion, **Mr. McAdams moved, Dr. Criner seconded and the motion passed that any substantial financial decisions that materially affect the overall budget and strategic direction, and items in excess of \$5,000 must be discussed with Board officers before decisions are finalized.**

Agenda Item 11, Report and discussion on staff relations. Mr. McAdams discussed the ongoing discussions with agency staff and goals for collaboration between staff and board members as well as less conflict between the agency departments.

Agenda Item 12, Report and discussion on board finance. Dr. Criner discussed her conversations with the finance department on agency and state process and procedures. Specifically noted were the procedures for reimbursements, purchasing, payables as well as continuing education for Ms. Long and the division of duties between Ms. Long and Mark Patterson, the contract finance department accountant. Dr. Criner further noted that there should be an additional check in place to verify Mr. Patterson's hours worked in the event of an audit.

Agenda Item 13, Discussion, recommendation and possible action regarding future board meeting dates. After discussion, it was agreed that the next regular board meeting date would be Tuesday, September 26, 2017.

Agenda Item 14, Discussion, recommendation and possible action regarding the appointment, employment, and duties of the Executive Director. After discussion, Dr. Quillivan announced that the Board has decided to reopen the Executive Director position until such time as it is filled. All candidates who previously applied are still in consideration for the position and do not need to reapply.

Agenda Item 15, Discussion, recommendation and possible action regarding the salary of the Interim Executive Director, Interim General Counsel and Interim Director of Enforcement. Dr. Carpenter moved, Dr. Criner seconded and the motion passed to go into Executive Session at 3:39 p.m. to discuss matters involving 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 4:15 p.m. After discussion, Dr. Carpenter moved, Mr. Pardue seconded and the motion passed to grant a merit increase of 3% for the Interim Executive Director and the Interim General Counsel and to name the Interim Director of Enforcement as the permanent Director of Enforcement. Mr. McAdams voted against the motion.

There being no further business, the meeting adjourned at 4:22 p.m.