

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
May 13, 2021

The Texas Board of Veterinary Medical Examiners met for a scheduled meeting on Tuesday, May 13, 2021, at 10:00 a.m. virtually via a Zoom conference call that was broadcast live on YouTube.

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

Jessica Quillivan, DVM, Board President, called the meeting to order at 10:00 a.m. Board Members present were Jessica Quillivan, DVM; Keith Pardue, Vice President; Lynn Criner, DVM, Secretary; Samantha Mixon, DVM; Michael White, DVM; Randy Skaggs, DVM; Sue Allen, LVT; and Victoria Whitehead. Board Staff present were: Executive Director, John Helenberg, Operations Director, Candice Simon; General Counsel, Brittany Sharkey; Enforcement Supervisor, Mike Tacker; Chief Financial Officer, Ernesto Palacios, and Executive Assistant, Patricia Prentice.

Agenda Item 2. Consideration and Approval of the February 09, 2021, Minutes.

Dr. Criner had questions regarding the rule proposal from agenda item 6, rule 573.65 regarding CE. Dr. Criner noted that the correct version of the rule was not placed in the minutes. There was discussion on the correct wording that should be included. Ms. Sharkey was able to verify that the version of the rule that the board voted on in February was published correctly to the register. The PDF version provided in the Board members packets, was not correctly showing the strikethrough version, edits can be seen inside parentheses. After confirmation of the correct wording the board voted to approve the minutes.

Mr. Pardue made a motion to approve the February 09, 2021, minutes, Dr. White seconded the motion, and the motion was unanimously approved.

Agenda Item 3. Executive Director's Report.

Mr. Helenberg began his report by updating the board on the new data system being implemented for use by staff, the public and licensees. The soft launch began in March, current features are the licensee lookup verification and the New Licensee Self-Service Portal. The staff is currently waiting on Texas.Gov to approve the payment portal this month for more components to come online.

Mr. Helenberg continued his report and gave a brief overview of the bills filed during the 87th legislature that involve the veterinary profession. The Executive Director also reports that Senate Bill 713 and its companion, HB 1600, filed by Senator Buckingham extends TBVME through 2029.

As part of the Executive Director's report, Mr. Helenberg presented information on current agency operations, including fiscal and licensing updates. Also included were updates on the Enforcement division's progress through the COVID-19. Enforcement was the department most impacted by COVID-19, as one investigator caught the virus. Despite being down one investigator for most of the fiscal year, the Enforcement division has made significant progress in clearing out cases.

Mrs. Whitehead brought up a discussion regarding the legislative session and current operations. Mrs. Whitehead suggested that the Board be more vocal about the time, effort and work that each member puts into the Board. Mrs. Whitehead further offered that legislators and the public do not realize the time commitment required of Board members to carry out the agency's functions. Dr.

Quillivan voiced her agreement and appreciation for Mrs. Whitehead's comment and commended the Board members for their time and dedication to bettering veterinary medicine in this state and protecting the public.

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

- a. **571.62 License Surrender (New)**
- b. **573.52 Veterinarian Patient Record Keeping (Amendment)**
- c. **573.75 Duty to Cooperate with Board (Amendment)**
- d. **577.5 Rules Committee (Amendment)**

Proposed Rule Amendment

Rule 577.5 Committees of the Board

(a) Standing and Permanent Committees

The following are standing and permanent committees of the Board, established pursuant to Occupations Code, Chapter 801. The responsibilities and authority of these committees includes those duties and powers set forth below and any other responsibilities delegated by the Board.

(5) Rules Committee

(A) Membership - The Rules Committee shall be comprised of three Board members, with at least one veterinary Board member and one non-veterinary Board member. The Board president shall annually appoint member of the Board to serve on the Rules Committee. The Board president shall appoint the chair of the Rules Committee.

(B) Responsibilities and Authority – The Rules Committee shall have the responsibility and authority to:

(1) Review the Board's Rules and make recommendations and proposals to the full Board for any needed and necessary changes

(2) Ensure compliance of the Board's Rules with state statutes and other applicable laws

(3) Study the relevant rules in other jurisdictions to make recommendations to the Board

(4) Review any recommendations for changes to the Board's rules proposed by other Board members

After discussing each rule, the board decided to hold off on proposing the rules below until the ad hoc Rules Committee could review them:

571.62 License Surrender (New)

573.52 Veterinarian Patient Record Keeping (Amendment)

573.75 Duty to Cooperate with Board (Amendment)

The board did vote on rule 577.5—Rules Committee (Amendment) which will create a committee of board members consisting of two veterinarians and one public member to review

the board rules. Mr. Pardue made a motion to approve rule 577.5. Dr. White seconded the motion, and the motion was passed unanimously.

Agenda Item 5. Discussion regarding LVT Duties and scope of practice.

Dr. Quillivan opened the discussion with information she has gained through recent experiences working with Licensed Veterinary Technicians, as well as information about the scope of practice in other states. Dr. Quillivan asked the board if they had any thoughts regarding this subject.

Mrs. Allen, the board’s LVT member, stated and agreed that LVT’s could benefit from having their scope of practice broadened and could be more useful and provide better assistance to veterinarians. She mentioned that LVT’s could be of the greatest help in rural areas, which often struggle to recruit and retain licensed veterinarians.

Dr. Skaggs stated that he was shocked by how underutilized LVT’s are in practices. LVT’s go through rigorous schooling and training to earn that title, ultimately to not use a lot of that knowledge once they are in practice. Dr. Skaggs voiced support for broadening the scope of practice for LVT’s. Dr. Skaggs recommended that the Board evaluate the scope of practice regulations in other states before making any decisions for TBVME.

Dr. White agreed and felt that it would help alleviate the veterinarian shortage the state is currently facing.

In closing, Dr. Quillivan thanked everyone for their points of discussion and agreed to look more into this topic and continue to have further discussions.

Agenda Item 6. Discussion regarding temporary suspension process.

Ms. Sharkey gave a brief presentation on the Board’s current temporary suspension process. There were no questions or discussion about the process.

Agenda Item 7. Consideration and approval of Agreed Orders.

<u>Case#</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP18-081	Bradley Book, DVM	8734	San Antonio, TX
<i>Non-voting members:</i>		N/A	
CP18-181	Jonathon Manning, DVM	12514	Campbell, TX
<i>Non-voting members:</i>		N/A	
CP18-288	Wesley Sperry, DVM	10928	Richardson, TX
<i>Non-voting members:</i>		N/A	
CP18-336	Silvia Duncan, DVM	8236	Ft. Worth, TX
<i>Non-voting members:</i>		N/A	
CP18-337	Frances Wehr, DVM	12666	Marshall, TX
<i>Non-voting members:</i>		N/A	
CP19-047	Randal Bennett, DVM	5580	Quitman, TX
<i>Non-voting members:</i>		N/A	

<u>Case#</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP19-139	Shonda Wesson, DVM	12950	Houston, TX
<i>Non-voting members:</i>		N/A	
CP19-245	Kathleen Gerdes, DVM	14360	Gonzales, TX
<i>Non-voting members:</i>		N/A	
CP21-237	Riann Coker	2881	Houston, TX
<i>Non-voting members:</i>		N/A	
CP21-252	Michael Doherty, DVM	4047	New Braunfels, TX
<i>Non-voting members:</i>			
DK2017-123	Michelle Gilbertson, DVM	14676	Dallas, TX
<i>Non-voting members:</i>		N/A	

The following dismissals were pulled for executive session; CP18-081, CP18-336 and DK2017-123.

Mrs. Whitehead 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 8. Consideration and approval of cases recommended for dismissal by Medical Review.

<u>Case#</u>	<u>Name</u>	<u>License#</u>	<u>Practice City</u>
CP20-045	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP20-085	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP20-100	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP20-129	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP20-130	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP20-165	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP20-171	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP20-180	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP20-213	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP20-297	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP20-301	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			

CP20-325				
<i>Non-voting members:</i>				
CP20-365				
<i>Non-voting members:</i>				
CP20-394				
<i>Non-voting members:</i>				
CP21-043				
<i>Non-voting members:</i>				
CP21-081				
<i>Non-voting members:</i>				
CP21-082				
<i>Non-voting members:</i>				
CP21-095				
<i>Non-voting members:</i>				
CP21-098				
<i>Non-voting members:</i>				

The following dismissals were pulled for executive session; CP20-297.

Dr. Skaggs was recused from the following cases: CP20-045, CP20-171, CP20-297, CP21-081, CP21-082 and CP21-098.

Dr. White was recused from the following cases: CP20-085, CP20-100, CP20-129, CP20-130, CP20-165, CP20-180, CP20-213, CP20-301, CP20-325, CP20-365, CP20-394, CP21-043, and CP21-095.

Dr. Criner made a motion that the board approve the above medical review dismissals, with the exceptions of the few cases that were pulled for executive session, Ms. Allen seconded the motion, and the motion was unanimously approved.

Agenda Item 9. Consideration and approval of cases recommended for dismissal from Informal Conference.

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP18-330			
<i>Non-voting members:</i>			
CP19-212			
<i>Non-voting members:</i>			
CP19-217			
<i>Non-voting members:</i>			
CP19-221			
<i>Non-voting members:</i>			
CP19-225			
<i>Non-voting members:</i>			
CP19-226			

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
<i>Non-voting members:</i>			
CP19-243	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP19-244	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP19-253	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			

The following dismissals were pulled for executive session; CP18-330 and CP19-243

Mr. Pardue made a motion that the board approve the above informal conference dismissals, with the exceptions of the few cases that were pulled for executive session, Dr. White seconded the motion, and the motion was unanimously approved.

Agenda Item 10. Consideration and approval of cases recommended for dismissal by Staff.

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP20-357	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP20-367	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-029	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-030	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-031	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-049	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-054	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-064	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-069	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-092	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-094	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-119	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-121	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			

CP21-134	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-174	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-194	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-198	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-202	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-207	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-211	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-212	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-216	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-219	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-226	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-227	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-235	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-242	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-243	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-244	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-261	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP21-262	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			

The following dismissals were pulled for executive session; CP20-367, CP21-049 and CP21-069.

Mr. Pardue made a motion that the board approve the above staff dismissals, 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 11. Consideration and approval of Cease-and-Desist letters.

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP20-360			
CP21-038			
CP21-045			
CP21-195			
CP21-196			
CP21-201			
CP21-224			

No cease-and-desist letter were pulled for Executive Session.

Dr. Mixon made a motion that the board approve the above cease-and-desist letters. Dr. Skaggs seconded the motion, and the motion was unanimously approved.

Agenda Item 12. Citizen Comments.

Courtney Evins—President VTAT

Ms. Evins gave a brief public comment regarding her organization VTAT. She also spoke on behalf of VTAT—encouraging and supporting LVT and their rolls in the Veterinary profession and community.

Agenda Item 13. Discussion of possible agenda items and dates for future Board meetings.

The board discussed two future dates for Board Meetings in 2021. After discussion, the board set the dates for August 3rd and October 28th. Both meetings will be set to begin at 9:00am, be held virtually and be broadcast Live to the public via YouTube.

Agenda Item 14. Executive Session to discuss pending and contemplated litigation and personnel matters.

The board entered Executive Session at 11:11 am.

Agenda Item 7. Consideration and approval of Agreed Orders.

The following dismissals were pulled for executive session; CP18-081, CP18-336, and DK2017-123.

The following cases were pulled for vote:

CP18-081—Approval for this case passed.

CP18-336— Approval for this case passed.

DK2017-123— Approval for this case passed.

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

The following dismissals were pulled for executive session; CP20-297.

The following cases were pulled for vote:

CP20-297-- Approval for this case passed.

Agenda Item 9. Consideration and approval of cases recommended for dismissal from Informal Conferences.

The following dismissals were pulled for executive session; CP18-330 and CP19-243

The following cases were pulled for vote:

CP18-330— Approval for this case passed.

CP19-243— Approval for this case passed.

Agenda Item 10. Consideration and approval of cases recommended for dismissal from Staff.

The following dismissals were pulled for executive session; CP20-367, CP21-049, and CP21-069.

The following cases were pulled for vote:

CP20-367— Approval for this case passed.

CP21-049—The board made a unanimous vote to pull this case and send it back to Medical Review for further investigation.

CP21-069-- Approval for this case passed.

Agenda Item 11. Consideration and approval of Cease-and-Desist letters.

No Cease-and Desist letters were pulled for Executive Session.

Agenda Item 15. Return from Executive Session to report or discuss further actions to be taken following Executive Session. Possible action on items discussed in Executive Session.

Executive Session ended at 11:48 am

No Action was taken in Executive Session.

Agenda Item 16. Adjourn.

Dr. Mixon made a motion to adjourn the May 13th, 2021, board meeting. Dr. White seconded, and the motion was unanimously passed.

Dr. Quillivan adjourned the meeting at 11:52am.