

# Board Notes

Fall/Winter 2013  
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*A Publication of the Texas Board of Veterinary Medical Examiners*  
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## Licensed Veterinary Technician Information

A new law was recently passed by the 83<sup>rd</sup> Legislature and it authorizes the Texas Board of Veterinary Medical Examiners to license and regulate veterinary technicians. This law becomes effective on September 1, 2014.

Should you wish to gain a veterinary technician license and become a Licensed Veterinary Technician (LVT) in Texas, you may do so by completing the application and submitting it with ALL required supporting documentation AFTER December 15, 2013.

The law allows a 'grandfathering' period that ends on August 31, 2014. Between December 15, 2013 and August 31, 2014, you may download the application and submit it with ALL required documentation and a \$70 fee.

In order to be eligible for licensure under the 'grandfather' provisions, you must:

1. Submit the application with all supporting documentation and fee; **AND**
2. Submit verification from TVMA (Texas Veterinary Medical Association) showing current registration through TVMA; **AND**
3. Gain a license by no later than August 31, 2014.

Please note that having an application on file does not mean that you hold a license. We must issue you a license with an issue and expiration date before you are considered licensed as an LVT.

After September 1, 2014, an individual may not use the term 'LVT' or refer to themselves as a 'Licensed Veterinary Technician' without a license. Giving the impression that one holds a license is against the law. A license to work as a veterinary technician is not mandatory; however, it is an option available to you.

The application will be available on December 15, 2013. It will be downloadable from our web site under the "License Information" tab.

## L I C E N S E   R E N E W A L S

### ***Renewal Notices:***

As with prior renewal years, the agency will send out renewal post-card reminders on or about January 3<sup>rd</sup> for renewal year 2014. **All veterinarians should renew their license on-line at [www.tbvme.state.tx.us](http://www.tbvme.state.tx.us) (unless you are delinquent for renewal year 2013) by March 1, 2014.** Equine Dental Provider (EDP) license holders cannot renew on-line. A renewal packet will be mailed on or about January 3, 2014 to the mailing address on file with us. See page 3 for fee amounts.

### ***Practicing With An Expired License is Illegal:***

All licensees should be aware that if they have not renewed their license by March 1, 2014, **they must cease practicing until the license has been renewed.** The law requires that all licensees not practice without a current license. Penalties for practicing with an expired license can include a reprimand, a \$1,000 per day fine, or other disciplinary measures.

### ***Renewal Year 2014 Continuing Education Requirements:***

Veterinarians must have attained 17 hours of acceptable continuing education during calendar year 2013 (January 1–December 31). Of those 17 hours, seven must have been obtained from personal attendance at live seminars. EDP licensees must have attained 6 hours of acceptable continuing education during calendar year 2013.

Individuals who were unable to attain their required CE hours due to circumstances beyond their control may apply to the agency's executive director for a hardship extension. Requests for the hardship extension must be received by **December 15, 2013.** Each request should list the number of hours attained, the number of hours needed and the reason the licensee was unable to meet the requirement. If an extension is granted, the number of hours lacking must be made up the following year.

When renewing on-line, there will be an option to certify that you have not attained the required number of continuing education hours. This information will then be forwarded to the Enforcement division for follow-up.

## Board Adopts Changes to Rules

At the October 22, 2013 Board meeting, the Board voted to adopt the following rules. These rules go into effect on December 23, 2013.

**§571.11 Provisional Veterinary Licensure:** The Board adopted the amendment to close a loophole that allowed individuals who failed to take the state board exam in a timely manner to renew their provisional licenses potentially indefinitely, without ever taking the State Board Exam.

**§571.57 Application of Monetary Funds to Outstanding Balances:** The Board adopted the amendment to clarify that unpaid fees or hearing costs assessed against a licensee must be paid when the licensee renews, in addition to the licensure fees.

**§573.50 Controlled Substances Record-keeping for Drugs On Hand:** The Board adopted the amendment to clarify that keeping drug records by bottle rather than by type of drug is not allowed and creates an added risk of diversion because a diverter could easily remove a whole bottle along with the record that applied to that bottle, making it difficult for the veterinarian to discover and determine that any of the drug inventory was missing without going through the time-consuming process of checking all drug log records against the original invoices. This amendment clarifies and prevents future confusion by specifying that licensees must keep an accurate total of the balance on hand by drug, rather than by bottle.

**§573.51 Rabies Control:** The Board adopted the amendment to correct a typographical error in the rule, "Suspension" to "Supervision."

**§573.52 Veterinarian Patient Record Keeping:** The Board adopted the amendment to create an exception from the patient record keeping requirement that requires veterinarians to record drug concentrations. The exception allows a veterinarian to not record a concentration for drugs that are only FDA-approved in a single concentration. The purpose of the patient record keeping requirements is to provide details necessary for other veterinarians, or for the Board, to be able to understand what happened in the treatment of the animal, including what drugs were prescribed and in what concentrations. When there is only one concentration of a drug is FDA-approved and available in a non-compounded form, the concentration is not necessary for the Board or another veterinarian to understand

what happened in the treatment of the animal.

**§575.50 Criminal Convictions:** The Board adopted an amendment to §575.50 to clarify its authority by adding an explicit references to §801.401 and §801.402 of the VLA, which give the Board authority to discipline licensees for crimes "connected with" the practice of veterinary medicine. The amendment also adds the "connected with" language from §801.401 and §801.402 of the VLA to §575.50, in addition to the "relate to" language from Ch. 53 that is already in the rule, to clarify that the rule applies to both statutes.

**§575.63 Board Approval of Equine Dental Provider Certification Programs:** The Board adopted the new rule to create a procedure that the Board will follow to determine whether to approve equine dental provider certifying organizations. Under the new rule, the Board cannot approve an equine dental provider certifying organization that also has an educational degree program for equine dental providers, because combining education and certification in one entity creates an inherent conflict of interest. The rule sets forth the information an applicant organization must submit for the Board to review, including information on finances and training for staff. The applicant organization must also submit a \$1500 application fee, to cover the Board's costs of reviewing the application and to ensure that only financially stable organizations apply for board approval. The applicant organization must identify a director, who must be licensed as either a veterinarian or an equine dental provider in Texas and have ten years of experience in the practice of equine dentistry. All examiners that work for a board-approved certifying entity must be licensed as either an equine dental provider or a veterinarian in Texas and have five years of experience in the practice of equine dentistry. A board-approved certifying organization must test applicants for certification on equine anatomy, harm and potential side effects of associated with equine dentistry, sterilization and disease control, and the legal limits of a licensed equine dental provider's legal practice, including the requirements and limitations of supervision by a veterinarian. A board-approved certifying organization must

retain documents and records for five years. After the applicant organization submits the required information, a board representative may conduct a survey visit to gather information on some aspect of the application that is not clear from the documentation submitted, such as to see the organization's facilities or to observe a practical examination. When board staff has finished gathering information, the application for board approval goes before the full Board, which can approve the application, deny it, defer it for further investigation, or grant approval with conditions. If an applicant leaves an application inactive at any stage in the application process for more than one year, the applicant organization will have to start over with a new application. If the Board denies the application, the applicant organization will have to wait a year before applying again. After the Board approves an equine dental provider certifying program, if the program closes, the certifying organization must notify the Board of the closure and create a plan for records preservation. The Board can rescind approval for a certifying program if it fails to comply with Board rules and requests or lacks sufficient financial resources. If the Board rescinds approval, the organization must wait a year before reapplying for approval.

**577.15 Fee Schedule:** The Board adopted the amendments to add fees for Veterinary Technician licenses and to increase fees for veterinarians by \$1 to cover the increase in revenue required by the Legislature. The amendment also adds a fee for application processing for organizations seeking board approval as an equine dental provider certifying entity under new Rule 575.63.



## LICENSE RENEWAL FEES

During the October 22, 2013 meeting the Board voted to adopt the following fees for 2014:

### Veterinarians

- ◆ Renewals - \$370
- ◆ Delinquent Renewals (90 days or less) - \$450
- ◆ Delinquent Renewals (90 days or more) - \$531
- ◆ Inactive Renewals - \$170
- ◆ Delinquent Inactive Renewal (90 days or less) - \$250
- ◆ Delinquent Inactive Renewal (90 days or more) - \$331
- ◆ Special License Renewal - \$365
- ◆ Delinquent Special Renewal (90 days or less) - \$445
- ◆ Delinquent Special Renewal (90 days or more) - \$526

### Equine Dental Providers

- ◆ Renewals—\$200
- ◆ Delinquent Renewals (90 days or less) - \$300
- ◆ Delinquent Renewals (90 days or more) - \$400
- ◆ Inactive Renewals—\$100
- ◆ Delinquent Inactive Renewal (90 days or less) - \$150
- ◆ Delinquent Inactive Renewal (90 days or more) - \$200



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### Upcoming TBVME Office Holiday Closures

The TBVME offices will be closed on the following dates:  
 December 24–26, 2013 in observance of Christmas.  
 January 1, 2014 in observance of New Year’s Day  
 January 20, 2014 in observance of Martin Luther King, Jr. Day  
 February 17, 2014 in observance of Presidents’ Day

### Upcoming Board Meeting Dates

February 18, 2014  
 June 3, 2014  
 October 21, 2014

# ENFORCEMENT ISSUES

## Disciplinary Actions

The following veterinarians have had disciplinary actions taken against their licenses. If you would like to receive additional information regarding these or other disciplinary actions that have been imposed, you may search for copies of disciplinary orders on the verification page of our website, or you may send your written request to the Texas Board of Veterinary Medical Examiners, ATTN: Open Records, 333 Guadalupe, Suite 3-710, Austin, TX 78701 or by email to [vet.board@tbvme.state.tx.us](mailto:vet.board@tbvme.state.tx.us).

Name	License #	City, State	Disciplinary Date	Discipline	Disciplinary Order
Brooke Ashley, DVM	12674	Lake Jackson, TX	10/22/13	Formal reprimand	2013-149
Tracie Barry, DVM	8123	Stephenville, TX	10/22/13	Formal reprimand; \$1,000 administrative penalty	2013-154
Gary Brackeen, DVM	3862	Angleton, TX	10/22/13	Formal reprimand; \$1,000 administrative penalty; 2 1/2 additional hours of CE in anesthesia	2013-130
Scott Briers, DVM	7918	Conroe, TX	10/22/13	Formal reprimand; 3 additional hours of CE in surgery	2013-142
Glen Campbell, DVM	6791	Richardson, TX	10/22/13	Formal reprimand; \$500 administrative penalty; 3 additional hours of CE in record keeping	2013-141
Chad Dickson, DVM	7634	Aubrey, TX	10/22/13	Formal reprimand; must take and pass the jurisprudence exam	2013-139
Jonathan Dyes, DVM	7446	Rosenberg, TX	10/22/13	Formal reprimand	2013-170
Jeffrey Gaiser, DVM	7519	Stephenville, TX	10/22/13	Formal reprimand; \$1,000 administrative penalty	2013-153
James Gerhardt, DVM	10694	Stephenville, TX	10/22/13	Formal reprimand; \$1,000 administrative penalty	2013-155
George Gibson, II, DVM	3407	El Paso, TX	10/22/13	Formal reprimand; 3 hours additional CE in record-keeping; must take and pass the jurisprudence exam	2014-05
James Hofmann, DVM	7005	Crosby, TX	10/22/13	Formal reprimand; \$1,000 administrative penalty	2013-158
Douglas Johnson, DVM	2923	Angleton, TX	10/22/13	Formal reprimand; \$1,000 administrative penalty	2013-148
Byron Jones, DVM	4966	Denton, TX	10/22/13	Formal reprimand	2013-144
Misty Jordan, DVM	10414	Burleson, TX	10/22/13	Formal reprimand; \$500 administrative penalty	2013-138
Mark Jousan, DVM	10118	Center, TX	10/22/13	Formal reprimand; \$1,000 administrative penalty	2014-14
Shelby Key, DVM	10821	Kerrville, TX	10/22/13	Formal reprimand; must take and pass the jurisprudence exam; must submit written protocol that provides for exam of every animal no more than 1 day prior to surgery or rabies vaccination	2012-105
Spencer Knapp, DVM	7017	Crosby, TX	10/22/13	Formal reprimand; \$1,000 administrative penalty	2013-157
Lawrence Koym, DVM	3598	Mason, TX	10/22/13	Formal reprimand; must take and pass the jurisprudence exam	2012-104
Robert Langley, Jr. , DVM	7764	Alvin, TX	10/22/13	Formal reprimand; \$2,000 administrative penalty	2013-180
James Marek, DVM	6272	Bellville, TX	10/22/13	Formal reprimand; \$1,500 administrative penalty; must take and pass the jurisprudence exam	2013-177

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## Disciplinary Actions Continued...

Name	License #	City, State	Disciplinary Date	Discipline	Disciplinary Order
Thomas Martin, DVM	6663	Houston, TX	10/22/13	Formal reprimand; \$1,000 administrative penalty; 18 additional hours of CE	2013-169
Helen Philips, DVM	10436	Brenham, TX	10/22/13	Formal reprimand; \$1,000 administrative penalty; 6 additional hours of CE in Linear External Skeletal Fixation	2014-01
Curtis Sanders, DVM	4185	Austin, TX	10/22/13	Formal reprimand	2013-140
William Taylor, Jr., DVM	3653	Longview, TX	10/22/13	Formal reprimand	2014-09
Jackie Valerius, DVM	2224	Mercedes, TX	10/22/13	Formal reprimand; \$500 administrative penalty; 6 additional hours of CE in record Keeping	2013-146
Sarah Vick, DVM	10966	Georgetown, TX	10/22/13	Revocation	578-13-4844
Jason Zollinger, DVM	9640	Weatherford, TX	10/22/13	Formal reprimand; \$1,000 administrative penalty	2013-156
Carl Hicks, EDP	EDP-11	Winnsboro, TX	10/22/13	Formal reprimand; \$500 administrative penalty	2013-164
Verna Samford, EDP	EDP-40	Waco, TX	10/22/13	Formal reprimand; \$500 administrative penalty	2013-125
Darren Smith, EDP	EDP-16	Houston, TX	10/22/13	Formal reprimand; \$500 administrative penalty	2013-124

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## Continuing Education Offerings

Information on available CE may be obtained through the following sources. Additional offerings may be available through other sources. For information on what is considered “acceptable” CE, please refer to Board Rules [573.64](#) and [573.65](#).

### RACE

(Registry of Approved Continuing Education)

Search for Available CE: <http://www.aavsb.org/RACE/Search>

RACE requires approved providers to issue signed certificates of completion, maintain attendance records for four years and provide qualification of instructors and CE personnel who develop and implement courses.

### Texas A&M

Phone: (979) 845-9102  
 Fax: (979) 862-2832  
 Email: [ceoffice@cvm.tamu.edu](mailto:ceoffice@cvm.tamu.edu)

### Texas Veterinary Medical Association

[www.tvma.org](http://www.tvma.org)  
 8104 Exchange Dr.  
 Austin, TX 78754  
 Phone: (512) 452-4224  
 Fax: (512) 452-6633

## Disciplinary Actions Continued...

In addition to the disciplinary actions previously listed, there were an additional 22 actions taken against veterinarians at the October 22, 2013 meeting. If you would like to receive additional information regarding these or other disciplinary actions that have been imposed, please send your written request to the Texas Board of Veterinary Medical Examiners, ATTN: Open Records, 333 Guadalupe, Suite 3-810, Austin, TX 78701 or by email to [vet.board@tbvme.state.tx.us](mailto:vet.board@tbvme.state.tx.us)

Number of Licensees Disciplined	Violation Type	Sanction	Disciplinary Date
5	Failure to obtain required amount of continuing education	Administrative penalty and additional hours of continuing education	10/22/13
7	Failure to maintain DPS or DEA controlled substance registration	Administrative penalty	10/22/13
3	Failure to maintain adequate patient records	Informal reprimand, additional continuing education	10/22/13
1	Advertising with a representation or implication that services are superior in quality to those of other licensees	Informal reprimand and administrative penalty	10/22/13
1	Failure to inform client that requested veterinarian reasonably believed there was a possibility another veterinarian would perform some or all of patient's treatment	Informal reprimand	10/22/13
1	Failure to notify the board within 60 days of a change of address	Administrative penalty	10/22/13
1	Failure to establish a VCPR prior to ordering delivered prescription drugs	Informal reprimand and administrative penalty	10/22/13
1	Failure to supervise a non-veterinarian performing euthanasia	Informal reprimand and administrative penalty	10/22/13
1	Failure to maintain readily retrievable copy of rabies vaccination certificates and failure to maintain rabies vaccination records indexed by vaccination tag numbers	Informal reprimand and administrative penalty	10/22/13
1	Failure to include all required information on official rabies certificates and incorrectly telling clients their animals would need rabies booster shots within one year when the animals had received three-year rabies vaccinations	Informal reprimand and administrative penalty	10/22/13
1	Failure to adequately notify client that dogs were considered abandoned and they had been placed into new homes	Informal reprimand	10/22/13
1	Failure to diagnose pleural effusion from radiographs	Informal reprimand	10/22/13
1	Failure to euthanize animal after client authorized, his staff convinced him to do exploratory surgery to see if canine could be saved	Informal reprimand and administrative penalty	10/22/13

*In Memoriam...*

*“Let us hold our lives up to the light of those who walked before us, remembering the footprints they left behind and preserving the pathways they created.”*

*Jack Fritts, Texas A&M Class of ‘53*

<b>Name</b>	<b>City, State</b>	<b>Vet School/Grad Year</b>	<b>Date of Death</b>
Robert Edward Bartlett, DVM	Canyon Lake, TX	Colorado/1955	April 27, 2013
Lecreca Ann Taliaferro, DVM	Haslet, TX	TAMU/1994	May 8, 2013
Glen Alan Clarke, DVM	Houston, TX	Kansas State/1958	June 27, 2013
Clifton Daniels, Jr., DVM	Atlanta, TX	TAMU/1966	July 7, 2013
Jamie Martin Ahumada, DVM	Dallas, TX	TAMU/1984	August 29, 2013
Charles A. Banker, Jr., DVM	Chappell Hill, TX	TAMU/1949	August 31, 2013
Amanda Denise Noble, DVM	Houston, TX	TAMU/1997	September 19, 2013
Jerome B. Kearby, DVM	Houston, TX	TAMU/1948	September 23, 2013
Perry D. Stein, DVM	San Antonio, TX	TAMU/1941	October 13, 2013
Gregory Glen West, DVM	Jacksboro, TX	TAMU/1992	October 25, 2013
James Harlan Steele, DVM	Houston, TX	Michigan State/1941	November 10, 2013
James Carroll, DVM	Corsicana, TX	TAMU/1952	November 24, 2013
Stewart McConnell, DVM	College Station, TX	TAMU/1949	December 4, 2013

## 2014 Veterinary Licensing Exam Dates

### State Board Examination (SBE) Schedule

All State Board Exams, **with the exception of the April exam**, will be administered at participating COMIRA testing centers. Please read the deadline dates carefully. An application must be submitted to TBVME for **ALL** exams to determine eligibility for veterinary licensure in Texas.

#### **April 2014**

Date of Exam:

Deadline for application to be received by TBVME:

Location:

**April 7, 2014**

**February 21, 2014**

**Texas A&M University, College Station, TX**

Only approved applicants will be able to purchase and schedule the exam through our website.

#### **June 2014**

Deadline for application to be received by TBVME:

Window for purchasing and scheduling exam:

Window for taking the exam:

**April 25, 2014**

**May 12–23, 2014**

**June 9–20, 2014**

#### **August 2014**

Deadline for application to be received by TBVME:

Window for purchasing and scheduling exam:

Window for taking the exam:

**June 27, 2014**

**July 14–25, 2014**

**August 11–22, 2014**

#### **October 2014**

Deadline for application to be received by TBVME:

Window for purchasing and scheduling exam:

Window for taking the exam:

**August 29, 2014**

**September 15–26, 2014**

**October 13–24, 2014**

#### **December 2014**

Deadline for application to be received by TBVME:

Window for purchasing and scheduling exam:

Window for taking the exam:

**October 24, 2014**

**November 10–21, 2014**

**December 8–19, 2014**

## NEW MEMBERS APPOINTED TO THE BOARD



**Dan Lee Craven, DVM** of Crockett is a veterinarian and owner of Crockett Veterinary Hospital. He received a bachelor's degree and veterinary medicine degree from Texas A&M University. Dr. Craven replaces David Rosberg, DVM of Mason, for a term to expire August 26, 2019.



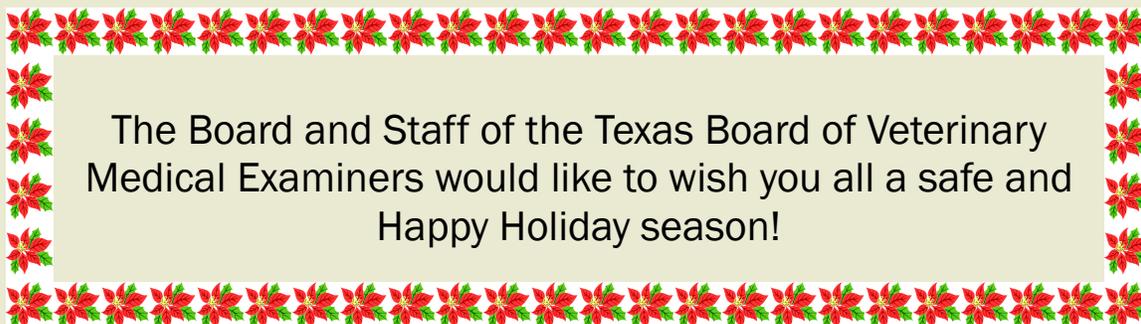
**Roland Lenarduzzi, DVM** of Alvin is a veterinarian and owner of Manvel Animal Clinic. He received a bachelor's degree and veterinary medicine degree from Texas A&M University. He is an active member of the American Veterinary Medical Association (AVMA), Texas Veterinary Medical Association (TVMA), local VMAs and the Texas Academy of Veterinary Practice. Dr. Lenarduzzi replaces John Clader, DVM of Jourdanton, for a term to expire August 26, 2019.



**James "Jim" McAdams** of Seguin is a fourth generation rancher, real estate broker and managing partner of McAdams Cattle Company. He received a bachelor's degree from Texas A&M University. He is past president of the National Cattlemen's Beef Association and of Cattle-Fax. Mr. McAdams replaces Richard "Rick" Bonner, Jr. of Corpus Christi, for a term to expire August 26, 2019.

### New Board Officers

During the October 22, 2013 meeting, the Board elected Joe Mac King, D.V.M. as Vice-President and Jane A. Carpenter, D.V.M. as Board Secretary.



## BOARD PROPOSES CHANGES TO RULES

At the October 22, 2013 Board meeting, the Board voted to publish the following proposed rules in the *Texas Register* for comment. Once the rules have been published, they will also be available on our website at <http://www.tbvme.state.tx.us/>

**§571.1 Definitions.** This amendment adds definitions for Licensed Veterinary Technicians (LVT), VTNE as the Veterinary Technician National Examination, LVTE as the Licensed Veterinary Technician jurisprudence examination, Veterinary Technician Program as a program of education for veterinary technicians accredited by the American Veterinary Medical Association, and amends the definition of “Passing Score” to include the LVT passing score of at least 75 percent on the VTNE.

**§571.4 Qualifications for Licensed Veterinary Technicians.** This new rule specifies the qualifications for a Licensed Veterinary Technician. The rule requires the LVT applicant to present satisfactory proof that they are at least 18 years old, has obtained a passing score on the VTNE and the LVTE, and is a graduate of a Veterinary Technician Program.

**§571.5 Qualifications for Veterinary License.** This amendment includes §§801.401 and 801.402 of the Texas Occupations Code to the reasons the Board may deny licensure to an applicant for veterinary license who meets the qualification criteria but is otherwise subject to denial under those two sections of law.

**§571.6 Qualifications for Equine Dental Provider License.** This amendment includes §§801.401 and 801.402 of the Texas Occupations Code to the reasons the Board may deny licensure to an applicant for an equine dental provider license who meets the qualification criteria but is otherwise subject to denial under those two sections of law.

**§571.17 Expedited Licensure Procedure for Military Spouses.** This amendment consolidates the expedited licensure procedures for military spouses that are veterinarians and equine dental providers in one place and add a procedure for military spouses that are licensed veterinary technicians. The amendments also set out expedited licensure procedure requirements.

**§571.21 Application for the SBE and EDPE.** This amendment adds the Licensed Veterinary Technician jurisprudence examination to the title and rule regarding the application process for the SBE and EDPE.

**§571.23 Veterinary Licensing Examination.** This amendment changes the title and rule to add national board examinations for licensed veterinary technicians. It specifically adds the Veterinary Technician National Examination to the list of sources from which the Board will accept certified scores and in regard to the Board’s process for answering request for information on examination scores. The amendment further adds the Licensed Veterinary Technician jurisprudence examination to the list of when the Board may certify jurisprudence exam scores and make them available to other licensing boards.

**§571.25 Reapplication for SBE and EDPE.** This amendment adds the Licensed Veterinary Technician jurisprudence examination to the title and rule regarding the reapplication process for taking the SBE and EDPE.

**§571.54 Retired Veterinary License Status.** This amendment adds the Licensed Veterinary Technician jurisprudence examination to the title and rule regarding the reapplication process for taking the SBE and EDPE.

**§571.60 Expired Equine Dental Provider Licenses.** This amendment adds that LVTs will have their license expire on March 1 of each calendar year unless renewed properly prior to that time. A licensee who fails to renew his or her license for one year or more may request

that his or her license be reinstated by appearing before the Board to explain why the license was not renewed (unless that LVT is a military spouse) and by taking and passing the LVTE.

**§571.61 Inactive Veterinary License Status.** This amendment changes the title of the section and makes the rule applicable to all licenses issued by the Board.

**§571.62 Inactive Equine Dental Provider License Status.** This proposal deletes the rule as it is being consolidated with §571.61 as proposed.

**§573.2 Avoidance of Encroachment on Another’s Practice.** This amendment adds that a licensee who makes a complaint against another licensee that is groundless and brought in bad faith, for the purpose of harassment, retaliation, or for any other improper purpose shall be in violation of a rule of professional conduct.

**§573.10 Supervision of Non-Licensed Persons.** This amendment changes the title of the section and adds provisions regarding LVTs. The amendment provides that when determining the level of supervision and duties of non-veterinarians, veterinarians should consider whether the individual is licensed by the Board as well as the level of training and experience of the non-veterinarian.; when feasible, a veterinarian should delegate greater responsibility to a LVT than to an unlicensed person.

**§573.11 Responsibility for Unlicensed Employees.** This amendment adds that a LVT supervising an unlicensed employee of a veterinarian is responsible for any acts committed by the unlicensed employee of a veterinarian related to the practice of veterinary medicine. The amendment also states that when a LVT is acting under the supervision of a veterinarian and violates a law, regulation, or board rule, both the veterinarian and the LVT are subject to discipline by the Board.

**§573.12 Responsibility for Licensure of Licensed Persons.** This amendment adds LVTs to the responsibility of a veterinarian to ensure they are actively licensed by the board if the veterinarian employs or supervises them.

**§573.13 Delegation and Supervision Relating to Official Health Documents.** This amendment allows a veterinarian to permit a non-licensed employee under the immediate supervision of a LVT to collect samples from animals for official tests unless otherwise prohibited by law.

**§573.14 Alternate Therapies—Chiropractic and Other Forms of Musculoskeletal Manipulation.** This amendment deletes the reference to “diagnosis” in the definition of animal chiropractic and other forms of musculoskeletal manipulation. Diagnosis is specifically the domain of licensed veterinarians on nonhuman animals.

**§573.19 Dentistry.** This amendment allows a LVT under the direct or immediate supervision of a veterinarian to extract loose teeth or dental fragments with minimal periodontal attachments by hand and without the use of an elevator in dogs or cats only.

**§573.64 Continuing Education Requirements.** This amendment adds continuing education requirements for LVTs and makes non-substantive changes in titles of subsections within the rule.

**§573.65 Proof of Acceptable Continuing Education.** This amendment adds continuing education requirements for LVTs.

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## *Proposed Rules Continued...*

### **§573.71 Operation of Temporary Limited-Service Veterinary Services.**

This amendment removes the ability for a veterinarian to notify the Board of the operation of temporary limited-service veterinary services by telephone call.

**§575.8 Final Decision and Orders.** This amendment adds LVTs to the rule regarding the Board's ability to change findings of fact and conclusions of law or vacate or modify any proposed order of an Administrative Law Judge under certain circumstances.

**§575.22 Reinstatement of Licenses.** This amendment adds LVTs to the rule regarding the reinstatement of licenses.

**§575.24 Reprimands.** This amendment adds LVTs to the rule providing that a formal reprimand from the Board will be reported to the American Association of Veterinary State Boards for inclusion in the national database.

**§575.25 Recommended Schedule of Sanctions.** This amendment adds Licensed Veterinary Technicians in the recommended schedule of sanctions. This also adds having to take the LVTE as a possible penalty in the different classes of violations.

**§575.35 Temporary License Suspension Proceedings.** This amendment adds LVTs to the procedure for temporary license suspension proceedings. This also changes the language in regard to the documents necessary to file for an administrative hearing by replacing the Board's option of filing a "complaint affidavit" with the State Office of Administrative Hearings (SOAH) with the filing of a "notice of hearing" with SOAH.

**§575.50 Criminal Convictions.** This amendment adds LVTs to the process whereby the Board may suspend or revoke an existing license, disqualify a person from receiving a license, or deny a person the opportunity to be examined for a license because of a person's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of an LVT.

**§577.5 Advisory Committees.** This new rule provides the authorization to the Board president to appoint, disband or reconvene advisory committees as necessary.

**§577.12 Directory of Licensees.** This amendment adds LVTs in the Board's directory of licensees available to the public in printed or electronic format.

**§577.16 Responsibilities of Board and Staff.** This amendment adds LVTs to the responsibilities of the Board and Staff for establishing policies and promulgating rules to establish and maintain a high standard of integrity, skills, and practice in the professions of veterinarians and equine dental providers.

**Chapter 577 Rule Review:** As required by Texas Government Code §2001.039, the TBVME is proposing a rule review of Chapter 577.

## DO WE HAVE YOUR CURRENT ADDRESS?

All licensees are required to provide the Board with valid contact information. Rule 573.75, Notification of Licensee Addresses, states:

(a) Each licensee shall report to the Board the licensee's:

- (1) name and license number;
- (2) clinic or practice name;
- (3) physical business address;
- (4) mailing address;
- (5) residence address;
- (6) business telephone number; and
- (7) residence and/or cellular telephone number.

(b) A mailing address may be a post office box number. If a remote practice location does not have a physical business address, the licensee must provide as the physical business address sufficient directions as to how the practice location may be found.

(c) A relief veterinarian shall not be required to provide a clinic or practice name or a physical business address unless the relief veterinarian regularly conducts the largest percentage of his or her relief work at one clinic.

(d) A licensee who conducts a mobile practice with no fixed clinic location shall not be required to provide a physical business address.

(e) A licensee shall notify the Board of any change of items required under subsection (a) of this section not later than the 60th day after the change takes place.

In addition to the items listed in the above rule, the Board also maintains email addresses. All licensees who have provided a valid email address to the Board will receive not only the renewal postcard notification, they will also receive a renewal reminder by email. Please ensure that your information is correct in our files. Failure to comply may subject a veterinarian to disciplinary action.

The TBVME is on Facebook, you can find us at <http://www.facebook.com/tbvme>



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### **Our Mission:**

The mission of the Texas State Board of Veterinary Medical Examiners is to establish and enforce policies to ensure the best possible quality of veterinary services for the people of Texas.

### **Our Goals:**

The Board and its staff will ensure that Texans are effectively and efficiently served by quality veterinary professionals by setting clear standards for professional conduct, by assuring compliance with the rules of professional conduct and the community standard of care, and seeking solutions to issues that strengthen the profession and protect the public.

## Did You Know???

Unless you owe for more than the current year, all veterinary licensees can renew their license online through our website.

## Peer Assistance

If you or someone you know has a substance abuse problem, it is far better to voluntarily participate in the Peer Assistance Program than to run the risk of disciplinary action, up to and including license revocation. The toll free hotline number is (800) 727-5152.

## ADA Accommodations

The TBVME does not discriminate on the basis of race, color, religion, sex, national origin, age or disability in employment or in the provision of services, programs, or activities. Individuals requesting reasonable accommodations should contact the Board's ADA Coordinator, Loris Jones, at 333 Guadalupe, Ste. 3-810, Austin, TX 78701-3998, or call (512) 305-7555 or by email at [loris.jones@tbvme.state.tx.us](mailto:loris.jones@tbvme.state.tx.us).