



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Board Meeting Agenda

1601 Congress Avenue

Suite 2.041

Austin, Texas

April 25, 2023

9:00am

The Texas Board of Veterinary Medical Examiners will consider and act, if necessary, on matters within the jurisdiction of the Board which are listed on this agenda. The Board may meet from time-to-time in executive session with respect to the agenda items as authorized by the Texas Open Meetings Act, Chapter 551 of the Government Code.

1. Full Board call to order, roll call, vote on absences. (*Dr. Golla and Dr. Mixon*) **(TAB 1)**
2. Consideration and Approval of January 17, 2023 Minutes (*Dr. Mixon*) **(TAB 2)**
3. Citizen Comments (*Dr. Golla*) **(TAB 3)**
4. Executive Director and Staff Reports (*Ms. Sharkey*) **(TAB 4)**
 - a. *Licensing Report – Ms. Bennett*
 - b. *Enforcement Report – Mr. Tacker*
 - c. *Legal Report – Mr. Hargis*
 - d. *Compliance Report – Mr. Honrath*
 - e. *Finance Report – Ms. Middleton*
5. Board Committee Reports (*Dr. Golla*) **(TAB 5)**
 - a. *Executive Committee – Dr. Golla*
 - b. *Enforcement Committee – Dr. Criner*
 - c. *Licensing Committee – Dr. White*
 - d. *Finance Committee – Dr. Skaggs*
 - e. *Rules Committee – Dr. Mixon*
 - f. *Outreach Ad Hoc Committee – Dr. Golla*
6. Discussion, recommendation and possible action regarding adoption of proposed rule changes to be published in the Texas Register. (*Dr. Mixon*) **(TAB 6)**
 - a. *575.26 – Deferred Dismissal*
 - b. *575-29 – Informal Conferences*

7. Discussion regarding Agency Policies and Procedures (Ms. Sharkey) (TAB 7)
8. Discussion, recommendation and possible action regarding TBVME newsletters.
9. Consideration and approval of Agreed Orders. (Mr. Hargis) (TAB 8)

<u>Case#</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP18-109	[REDACTED]	[REDACTED]	[REDACTED]
CP18-168	[REDACTED]	[REDACTED]	[REDACTED]
CP19-241	[REDACTED]	[REDACTED]	[REDACTED]
CP19-381	[REDACTED]	[REDACTED]	[REDACTED]
CP20-212	[REDACTED]	[REDACTED]	[REDACTED]
CP20-374	[REDACTED]	[REDACTED]	[REDACTED]
CP20-376/ CP21-002	[REDACTED]	[REDACTED]	[REDACTED]
CP21-059	[REDACTED]	[REDACTED]	[REDACTED]
CP21-102	[REDACTED]	[REDACTED]	[REDACTED]
CP21-112	[REDACTED]	[REDACTED]	[REDACTED]
CP21-113	[REDACTED]	[REDACTED]	[REDACTED]
CP21-192	[REDACTED]	[REDACTED]	[REDACTED]
CP21-263	[REDACTED]	[REDACTED]	[REDACTED]
CP21-268	[REDACTED]	[REDACTED]	[REDACTED]
CP21-283	[REDACTED]	[REDACTED]	[REDACTED]
CP21-336	[REDACTED]	[REDACTED]	[REDACTED]
CP21-365	[REDACTED]	[REDACTED]	[REDACTED]
CP21-432	[REDACTED]	[REDACTED]	[REDACTED]
CP22-004	[REDACTED]	[REDACTED]	[REDACTED]

10. Consideration and approval of cases recommended for dismissal from Informal Conference (Mr. Hargis) (TAB 9)

<u>Case#</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP18-062	[REDACTED]	[REDACTED]	[REDACTED]
CP18-303	[REDACTED]	[REDACTED]	[REDACTED]
CP18-314	[REDACTED]	[REDACTED]	[REDACTED]
CP19-008	[REDACTED]	[REDACTED]	[REDACTED]
CP19-026	[REDACTED]	[REDACTED]	[REDACTED]
CP19-209	[REDACTED]	[REDACTED]	[REDACTED]
CP19-203	[REDACTED]	[REDACTED]	[REDACTED]
CP19-263	[REDACTED]	[REDACTED]	[REDACTED]
CP19-340	[REDACTED]	[REDACTED]	[REDACTED]
CP20-175	[REDACTED]	[REDACTED]	[REDACTED]
CP20-254	[REDACTED]	[REDACTED]	[REDACTED]
CP20-320	[REDACTED]	[REDACTED]	[REDACTED]
CP21-007	[REDACTED]	[REDACTED]	[REDACTED]

Case#	Name	License #	Practice City
CP20-354			
CP21-014			
CP21-136			
CP21-138			
CP21-139			
CP21-145			
CP21-146			
CP21-160			
CP21-170			
CP21-300			
CP21-306			
CP21-321			
CP21-363			
CP21-364			
CP21-376			
CP21-388			
CP21-417			
CP21-429			
CP21-445			
CP21-450			
CP21-454			
CP22-017			
CP22-052			
CP22-065			
CP22-140			
CP22-152			
CP22-187			
CP22-196			
CP22-205			
CP22-245			

11. Consideration and approval of cases recommended for dismissal from Staff Conference (*Mr. Hargis*) (**TAB 10**)

Case#	Name	License #	Practice City
CP18-093			
CP19-114			
CP19-175			
CP20-246			
CP21-044			
CP21-299			

Case#	Name	License #	Practice City
CP22-085	[REDACTED]	[REDACTED]	[REDACTED]
CP22-258	[REDACTED]	[REDACTED]	[REDACTED]
CP22-259	[REDACTED]	[REDACTED]	[REDACTED]
CP22-348	[REDACTED]	[REDACTED]	[REDACTED]
CP23-007	[REDACTED]	[REDACTED]	[REDACTED]
CP23-028	[REDACTED]	[REDACTED]	[REDACTED]
CP23-040	[REDACTED]	[REDACTED]	[REDACTED]

12. Consideration and approval of cases recommended for dismissal from Medical Review (*Mr. Hargis*) (**TAB 11**)

Case#	Name	License #	Practice City
CP21-096	[REDACTED]	[REDACTED]	[REDACTED]
CP21-140	[REDACTED]	[REDACTED]	[REDACTED]
CP21-209	[REDACTED]	[REDACTED]	[REDACTED]
CP21-350	[REDACTED]	[REDACTED]	[REDACTED]
CP21-455	[REDACTED]	[REDACTED]	[REDACTED]
CP22-003	[REDACTED]	[REDACTED]	[REDACTED]
CP22-016	[REDACTED]	[REDACTED]	[REDACTED]
CP22-043	[REDACTED]	[REDACTED]	[REDACTED]
CP22-050	[REDACTED]	[REDACTED]	[REDACTED]
CP22-051	[REDACTED]	[REDACTED]	[REDACTED]
CP22-067	[REDACTED]	[REDACTED]	[REDACTED]
CP22-074	[REDACTED]	[REDACTED]	[REDACTED]
CP22-086	[REDACTED]	[REDACTED]	[REDACTED]
CP22-091	[REDACTED]	[REDACTED]	[REDACTED]
CP22-112	[REDACTED]	[REDACTED]	[REDACTED]
CP22-113	[REDACTED]	[REDACTED]	[REDACTED]
CP22-116	[REDACTED]	[REDACTED]	[REDACTED]
CP22-133	[REDACTED]	[REDACTED]	[REDACTED]
CP22-154	[REDACTED]	[REDACTED]	[REDACTED]
CP22-158	[REDACTED]	[REDACTED]	[REDACTED]
CP22-174	[REDACTED]	[REDACTED]	[REDACTED]
CP22-179	[REDACTED]	[REDACTED]	[REDACTED]
CP22-180	[REDACTED]	[REDACTED]	[REDACTED]

<u>Case#</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP22-183			
CP22-193			
CP22-212			
CP22-231			
CP22-233			
CP22-238			
CP22-240			
CP22-246			
CP22-247			
CP22-249			
CP22-255			
CP22-266			
CP22-270			
CP22-273			
CP22-275			
CP22-281			
CP22-282			
CP22-285			
CP22-288			
CP22-295			
CP22-330			
CP23-183			

13. Discussion of possible agenda items and dates for future Board meetings. *(Dr. Golla)*

14. Executive Session to discuss pending and contemplated litigation. *(Dr. Golla)*

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.

16. Adjourn.

Persons requiring special accommodations, including the use of an interpreter, due to a disability should contact the Board office at least five working days prior to the Board meeting.

Las personas que necesiten servicios especiales, incluyendo los de un intérprete, debido a un impedimento físico, llamen la oficina de la Junta por lo menos cinco días antes de la reunión de la Junta.

Board Members:

Steven Golla, Presiding Officer

Sandra “Lynn” Criner, DVM, Vice Chair
Samantha Mixon, DVM, Secretary
Randall Skaggs, DVM
Michael White, DVM
Sue Allen, LVT
Keith Pardue, JD
Victoria Whitehead, JD, Esq.
Raquel Olivier, CPA, MBA

AGENDA ITEM 1

TAB 1

CALL TO ORDER, ROLL CALL AND VOTE ON ABSENCES

This meeting of the Texas Board of Veterinary Medical Examiners is now called to order, the time is _____.

May I have a roll call please...

MEMBER NAME

ATTENDANCE NOTATION*

Steven Golla, DVM, President	_____
Sandra "Lynn" Criner, DVM, Vice President	_____
Samantha Mixon, DVM, Secretary	_____
Randall Skaggs, DVM, Member	_____
Michael White, DVM, Member	_____
Sue Allen, LVT, Member	_____
Keith Pardue, JD, Member	_____
Victoria Whitehead, JD, Member	_____
Raquel Olivier, CPA, MBA, Member	_____

If there are any absences...

- Do I have a motion to approve or deny the absences?
 - o I move that we approve the absence(s) of _____.
 - o I move that we deny the absence(s) of _____.
- Is there a second?
- Is there any discussion?

*

✓ = In Attendance

X = Absent (Please indicate if Not Excused)

AGENDA ITEM 2

TAB 2

CONSIDERATION AND APPROVAL OF THE January 17, 2023 MINUTES.

The minutes of the January 17, 2023, board meeting were sent to you for review.

- Do I have a motion to approve the minutes?
 - o I move that we approve the minutes as presented.
 - o I move that we approve the minutes with corrections as discussed.
- Is there a second?
- Is there any discussion?
- All in favor, say aye.

All opposed, say nay.

Texas Board of Veterinary Medical Examiners

January 17, 2023

Meeting Minutes

At 9:01 a.m., Board President, Keith Pardue called the board meeting to order.

Dr. Samantha Mixon took a roll call. It was noted that Dr. Steven Golla was running late but would arrive shortly. Ms. Victoria Whitehead moved to approve, and Ms. Raquel Olivier seconded the motion.

Mr. Pardue called for the next agenda item, the Executive Director's Report. Executive Director, Ms. Brittany Sharkey started by providing an update regarding the agency.

Mr. John Hargis, General Counsel, provided an update regarding the Legal Department.

Mr. Jerod Honrath, Director of Licensing and Compliance provided an update regarding compliance, including fingerprints and continuing education.

Ms. Wanda Bennett, Licensing Program Supervisor, provided an update regarding the licensing department. Ms. Bennett stated in the first quarter of the fiscal year there was a total of 13,280 licensees.

Ms. Arlethia Middleton, Chief Financial Officer, provided an update regarding the agency's finances. Ms. Middleton stated all refund requests have been completed and are being sent out to licensees. Dr. Mixon and Mrs. Whitehead thanked Ms. Middleton for her efforts and contribution to the agency.

Ms. Sharkey provided detailed regarding recent awards provided to some employees in the agency.

Ms. Sharkey provided an update regarding the Enforcement Department due to the absence of Director of Enforcement, Mike Tacker.

Dr. Lynn Criner continued with the next agenda item regarding standing board committee reports. Dr. Criner then provided an executive committee update. Dr. Criner mentioned a recommendation of forming an education committee and also provided an update regarding board activities.

Dr. Samantha Mixon discussed the next agenda item regarding proposed rule changes.

Dr. Skaggs then provided an update regarding the finance committee. This update was not provided prior to moving on to the next agenda item.

Dr. Mixon continued with the agenda item regarding proposed rule changes. Dr. Mixon motioned to approve to have the deferred dismissal rule posted in the Texas Register. Dr. Criner seconded the motion. Voting was unanimous. Dr. Mixon stated the informal conferences rule cannot be voted on for posting until the next board meeting.

Dr. Criner stated statutes regarding selection of committees are not consistent with the rules and needs to be updated.

Ms. Whitehead discussed the next agenda item regarding the proposed creation of an outreach committee. Ms. Whitehead stated she feels our story is not being told by the board or the staff and she feels a committee would aid in helping communicate that information to the public.

Dr. Golla stated he agrees with Ms. Whitehead and the need for an outreach committee.

Dr. Skaggs made a motion to form an ad hoc outreach committee to last the duration of 12 months. Voting was unanimous.

Ms. Whitehead stated she will be in charge of the committee but recommends the assignment of Dr. Golla due to his experience in the subject.

Dr. Mixon stated she would like to be a part of the committee.

Dr. Criner made a motion to appoint Dr. Golla, Dr. Mixon, and Ms. Whitehead to the outreach committee. Dr. Skaggs seconded the motion. Voting was unanimous. Dr. Criner recommended Dr. Golla be the chair of the committee. Dr. Golla accepted the position.

Dr. Mixon discussed the next agenda regarding possible action regarding Board policy and procedures. Dr. Skaggs made a motion to approve the board policies and procedures as written. Mrs. Whitehead sectioned the motion. Voting was unanimous.

Ms. Whitehead discussed the next agenda item regarding a board staff general manual. Ms. Whitehead stated the current general manual needs to be updated to line up with code. Dr. Mixon suggested meeting in February by Zoom to discuss the Fiscal Management portion of the general manual first. Ms. Whitehead recommended the Board meet with staff each month to discuss the different topics of the manual and proposed changes. No action was taken regarding the agenda item.

The following cases were pulled from Agenda Item 10 for discussion in executive session: CP19-270, CP20-177, CP21-267, CP21-289, CP21-362, CP22-001, CP22-019, & CP22-045. Dr. Criner moved to approve all other agreed orders as presented. Dr. Mixon seconded the motion. Voting was unanimous.

The following cases were pulled from Agenda Item 11 for discussion in executive session: CP21-215, CP21-287. Ms. Whitehead made a motion to approve all other cases presented for dismissal from informal conferences with the exception of the pulled cases. Dr. White seconded the motion. Voting was unanimous.

Ms. Whitehead made a motion to approve all cases presented for dismissal from staff conference. Dr. Skaggs seconded the motion. Voting was unanimous.

Dr. Criner made a motion to approve cases presented for dismissal from medical review. Dr. Skaggs seconded the motion. Voting was unanimous.

Mr. Pardue called for citizen comments. Heather Kutyla and Trent Hightower provided public comments in person. Jodi Ware provided a public comment via Zoom.

Mr. Pardue addressed the board regarding a future board meeting date in April. April 25, 2023 was selected as the next board meeting date. February 27, 2023 was selected for a micro focused meeting addressing board general manual changes. March 20, 2023 was also selected for an additional micro focused meeting to address board general manual changes.

Mr. Pardue made a motion to go into executive session.

At 11:42 a.m. the Executive session ended, and open session resumed. No action was taken. Dr. Criner resumed the role as presiding officer upon the re-opening of the meeting.

Dr. Criner requested a motion to approve all agreed orders pulled for discussion. Dr. Skaggs made the motion. Dr. Mixon seconded the motion. None opposed.

Mrs. Whitehead moved to approve IC dismissal cases pulled for discussion. Dr. Golla seconded the motion. None opposed.

Dr. Criner requested a motion to adjourn the meeting. Ms. Whitehead made a motion to adjourn the meeting. Sue Allen, LVT seconded the motion. None opposed. Meeting adjourned.

AGENDA ITEM 3

TAB 3

CITIZEN COMMENTS

(Dr. Golla)

If there is anyone in the audience who wishes to address the Board and has not completed one of the Witness Cards, please do so at this time.

Individuals wishing to comment on the rules to be adopted will be recognized during the time the rules are addressed.

The Board will now recognize _____, please limit your comments to **3** minutes.

From: Jodi Ware [REDACTED]

Subject: Important concerns

Date: April 16, 2023 at 10:20 AM

To: steven.golla@veterinary.texas.gov, Keith Pardue keith.pardue@veterinary.texas.gov, lynn.criener@veterinary.texas.gov, samantha.mixon@veterinary.texas.gov, randall.skaggs@veterinary.texas.gov, Michael White michael.white@veterinary.texas.gov, sue.allen@veterinary.texas.gov, Victoria Whitehead victoria.whitehead@veterinary.texas.gov, raquel.olivier@veterinary.texas.gov

Cc: Brittany Sharkey Brittany.Sharkey@Veterinary.Texas.Gov, John Hargis john.hargis@Veterinary.Texas.Gov



Dear Board Members,

I am writing to make you aware of my concerns on some important matters:

During the upcoming board meeting, three cases are [on the list](#) to be dismissed from IC that were previously "pending SOAH" (see attached PDF provided by Brittany Sharkey in September 2021). This suggests that the TBVME allowed some "pending SOAH" cases to go back to (presumably a second) IC only to be dismissed. I would have thought you'd insist on Agreed Orders if these cases were serious enough to slate for SOAH, but perhaps the licensees are deceased by now:

- CP18-062 (to be dismissed 04/25/23): Standard of care violation
- CP18-303 (to be dismissed 04/25/23): Standard of care violation
- CP18-314 (to be dismissed 04/25/23): Standard of care and record keeping violations

Two more were dismissed in October:

- CP18-033 (dismissed 10/18/22): Standard of care violation
- CP18-122 (dismissed 10/18/22): Unauthorized treatment violation

I urge you to review these cases carefully and ensure that proper due process occurred. The same thing happened with one of my complaints in 2020, but as you'll see in the email chain below, Brittany claimed it was a unique situation. I guess it's no longer so unique if the TBVME continues to exercise this as an out for violative veterinarians. If the licensees died, that's one thing, but if they retired or moved to another state, it should still be documented with disciplinary action on their records.

Speaking of records, while I have you, my records reflect that at least 77 cases are 2.75- to 7-years-old. It seems these should be prioritized (and not allowed the aforementioned pass).

- FY16: 1
- FY17: 6
- FY18: 9
- FY19: 28
- FY20: 33

Also, I have raised this a few times, to no avail, but the board meeting materials and minutes are not a complete and accurate record of board meetings. Over time, they have become more threadbare. At a minimum, the minutes should reflect the names of licensees with Agreed Orders. Neither the October 2022 nor the proposed January 2023 minutes do.

Thank you for your time and attention.

Sincerely,
Jodi Ware
[REDACTED]

Begin forwarded message:

From: Brittany Sharkey <Brittany.Sharkey@Veterinary.Texas.Gov>

Subject: RE: DK2020-007, Complaint No. CP19-293

Date: September 22, 2021 at 5:59:13 PM CDT

To: Jodi Ware [REDACTED]

Ms. Ware,

Please find the document containing the requested complaint numbers attached.

All the best,

Brittany Sharkey

General Counsel

Texas Board of Veterinary Medical Examiners

333 Guadalupe, Suite 3-810

Austin, Texas 78701

Direct Phone: (512) 305-7562

Email: brittany.sharkey@veterinary.texas.gov

AGENDA ITEM 4

TAB 4

EXECUTIVE DIRECTOR'S REPORT

(Ms. Brittany Sharkey)

Additional Reports will be verbally provided by the following:

- Licensing Report – *Ms. Wanda Bennett*
- Enforcement Report – *Mr. Mike Tacker*
- Legal Report – *Mr. John Hargis*
- Compliance Report – *Mr. Jerod Honrath*
- Finance Report – *Ms. Arlethia Middleton*

This item is informational only, no vote needed.



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Executive Director's Report

April 25th, 2023

Dear Members of the Board and Public,

It's been a busy quarter around the agency. We have a little over a month left in the legislative session, made two great additions to the TBVME team and have continued efforts in increasing complaint resolution efficiencies and compliance inspections.

88th Legislature Update:

The last day of the 88th Session of the Texas Legislature is Tuesday, May 30th. The two bills of biggest consequence to the agency are the TBVME Sunset Bill (SB1414/HB1560) and the state budget (HB1/SB1). Currently the senate Sunset Bill (SB1414) has passed the full senate and House committee and is awaiting placement on a calendar for the House floor. This bill would temporarily attach TBVME to the Texas Department of Licensing and Regulation for a period of four years and make the current Board an advisory Board. TDLR would provide oversight and support in licensing, enforcement and legal. The agency would still be solely responsible for human resources, accounting and other administrative functions.

The budget (HB1) is currently in conference committee to reconcile the differences in the budget passed by each chamber. The base budget in both versions includes two 5% salary increases for all staff across the board. For employees making less than \$60,000 annually, they will get a \$3,000 raise. The first raise will go into effect for the staff's July 2023 paycheck and the second increase will likely be seen on the October 2024 paycheck. The House version of the budget approved almost all of our exceptional item requests. The only unapproved items were a pay raise for the executive director and only about half of our request for additional staff salary increases. The Senate version fully funded our database request, six additional investigators and their travel and administrative costs and additional funding to try cases at the State Office of Administrative Hearings. I've attached a chart below of our exceptional item requests, their total costs and the full time employees associated with each request.

Exceptional Item:	Title:	Amount:	FTE:
1	Software Application	\$143,110 one-time \$276,120 per year	
2	Staff Pay Raises	\$186,000 per year	
3	Career Ladder	\$50,000 per year	
4	Additional Investigators	\$547,00 per year (salaries and travel) \$30,000 one-time	6



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5	Staff Veterinarian	\$103,000 per year	1
6	Staff Attorney	\$92,390 per year	1
7	Peer Assistance Program	\$40,500 per year	
8	Litigation Expenses	\$25,000 per year	
9	Lapsed Salaries	\$187,000 per year	
10	ED Salary Cap	\$16,352 per year	

Staff Updates:

Since the last Board meeting, we have added two staff members to the team. Mary Monk has joined the team as a legal assistant. She comes to the Board from the Williamson County District Attorney's office where she served as a legal assistant in their criminal division. Brittney Ganus has rounded out the staff as our Customer Service Representative. Brittney has extensive experience as a veterinary technician and wanted to remain in the veterinary realm but experience a different side of it. These ladies have already made excellent additions to the team and I look forward to working with them for years to come.

Department Statistics:

Finally, to round out the report, I wish to provide you with the data from the various departments around the agency. Each director or supervisor will speak directly to their numbers and provide additional updates during the meeting.

Licensing:

New Licenses Issued in 2nd Quarter FY23: 145

Total New Licenses Issues in FY23: 377

Total Licensing Count as of April 6, 2023:

License Type	DVM	LVT	EDP	DVM Special	DVM Temp.	Total
	10,665	2,603	65	53	5	13,391

Enforcement:

1st and 2nd Quarter FY2023:

Complaints Received - 232

Inspections Performed – 405

Investigations Completed – 229

Open Investigations – 181

Medical Reviews Pending - 87

Legal:

Total Open Cases: 291

Cases Awaiting Board Disposition: 122



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Pending Board IC: 37

Pending Staff Conference: 23

Proposed Orders Pending Signature: 50

Filed at SOAH/Awaiting PFD/Pending SOAH Filing: 46

Cases on hold, pending legal review or criminal or civil action: 12

Pending Legal Review: 1

Cases Open in Legal after Board Meeting: 170

Compliance:

Total Cases Under Compliance: 38

Licensee Criminal History Evaluations: 29

CE and Other Compliance Calls Answered: 571

CE Hardship Extensions Granted: 31

Fingerprints Reviewed: 492

Finance:

Total Appropriations: \$1,324,791

Total Expenditures: \$746,750.49

Total Funds Remaining: \$578,040.51

Percentage of the Year Elapsed: 58%

Percentage of the Budget Spent: 57%

Variance: -1.0%

AGENDA ITEM 5

TAB 5

BOARD COMMITTEE REPORTS

(Dr. Golla)

Additional Reports will be verbally provided by the following:

- Executive Committee- *Dr. Golla*
- Enforcement Committee- *Dr. Criner*
- Licensing Committee- *Dr. White*
- Finance Committee- *Dr. Skaggs*
- Rules Committee- *Dr. Mixon*
- Outreach Ad Hoc Committee- *Dr. Golla*

This item is informational only, no vote needed.

AGENDA ITEM 6

TAB 6

**DISCUSSION, RECOMMENDATION AND POSSIBLE ACTION REGARDING
PROPOSED RULE CHANGES TO BE PUBLISHED IN THE TEXAS REGISTER.**

(Dr. Mixon)

Proposed Rule §575.26 Deferred Disciplinary Action

(a) For Class C Violations, the Board may offer respondents deferred disciplinary action in lieu of disciplinary action. If the respondent successfully completes the terms of the deferred disciplinary action within 60 days, the complaint will be recommended for dismissal at a subsequent public Board meeting.

(b) Deferred disciplinary action is an option only available for the Board and Staff and it will not be available as an option in a proceeding before the State Office of Administrative Hearings.

Proposed Rule §575.29 Informal Conferences

RULE §575.29 Informal Conferences

(a) Both the complainant and respondent in a matter shall have an opportunity to be heard in an informal conference, and each may be represented by legal counsel. In an informal conference requiring medical expertise, the panel shall consist of two veterinarians and one public member of the TBVME. In an informal conference that does not require medical expertise, the panel shall consist of one veterinarian, one member of the legal staff, and one member of the staff or public member designated by the executive director.

(b) Respondent must submit any additional evidence for review by the TBVME on or before the 7th day after the respondent receives the medical review.

(c) The Board shall provide the complainant and respondent and their legal counsel, if any, all information regarding potential outcomes of an informal conference prior to the informal conference.

(d) The Board shall provide the complainant and respondent, if applicable, with reasonable written notice of the time, date, and location of an informal conference. The notice shall include a statement of the alleged violation(s) to be considered by the informal conference panel.

From: [Jodi Ware](#)
To: [Brittany Sharkey](#); [John Hargis](#); [Keith Pardue](#); [Lynn Criner](#); [Samantha Mixon](#)
Subject: TBVME Rule Changes
Date: Thursday, March 9, 2023 10:47:58 AM

Good morning,

Does the TBVME intend to notify the public of the impending rule changes? One has a deadline that is fast approaching, and although they have been posted on the Texas Register, most Texans don't routinely access that.

22 TAC §575.29	Texas Board of Veterinary Medical Examiners	Informal Conferences	Proposed	03/10/2023
22 TAC §575.29	Texas Board of Veterinary Medical Examiners	Informal Conferences	Proposed Repeal	03/10/2023
22 TAC §575.26	Texas Board of Veterinary Medical Examiners	Deferred Disciplinary Action	Proposed	02/24/2023

Twitter has recently been used for far less relevant updates, while Facebook has gone stagnant.

Please post notice on the TBVME website, Facebook, and Twitter so the public the TBVME serves is made aware and has the opportunity to provide input. (I trust the TVMA is privy to this information and poised to advance veterinary interests.)

For the record, please make note of my vehement opposition to new rule 575.26. As I mentioned in an email to the public board members a few weeks ago, the deferred dismissal rule that other boards have in place requires the violations to be administrative in nature (eg, CE) and/or makes the deferred dismissal a matter of public record. Please don't condone further concealing violative veterinarians' actions, as this will only put the public at even greater risk than it already is.

Thank you,
Jodi

AGENDA ITEM 7

DISCUSSION REGARDING AGENCY POLICIES AND PROCEDURES

(Ms. Sharkey)

AGENDA ITEM 8

**DISCUSSION, RECOMMENDATION, AND POSSIBLE ACTION REGARDING
TBVME NEWSLETTERS**

AGENDA ITEM 9

TAB 8

CONSIDERATION AND APPROVAL OF AGREED ORDERS

(Mr. Hargis)

AGENDA ITEM 10

TAB 9

**CONSIDERATION AND APPROVAL OF CASES RECOMMENDED FOR DIMISSAL
FROM INFORMAL CONFERENCE**

(Mr. Hargis)

AGENDA ITEM 11

TAB 10

**CONSIDERATION AND APPROVAL OF CASES RECOMMENDED FOR DIMISSAL
FROM STAFF CONFERENCE**

(Mr. Hargis)

AGENDA ITEM 12

TAB 11

**CONSIDERATION AND APPROVAL OF CASES RECOMMENDED FOR DIMISSAL
FROM MEDICAL REVIEW**

(Mr. Hargis)

AGENDA ITEM 13

DISCUSSION OF DATES AND POSSIBLE AGENDA ITEMS FOR FUTURE BOARD MEETINGS

(Dr. Golla)

AGENDA ITEM 14

EXECUTIVE SESSION TO DISCUSS PENDING AND CONTEMPLATED LITIGATION

(Dr. Golla)

I move that we go into Executive Session for private consultation and advice of counsel concerning pending or contemplated litigation, including administrative proceedings, or settlement offer and/or possible disciplinary actions under the authority of the Texas Open Meetings Act, Chapter 551 of the Government Code.

AGENDA ITEM 15

RETURN FROM EXECUTIVE SESSION

RETURN TO OPEN SESSION STATEMENT:

There was no final action, decision, or vote with regard to any matter considered or discussed in executive session. The executive session ended at () on (). A certified agenda of the executive session was made.

Motion to approve all orders:

I move that we approve all Agreed Orders as presented.

Motion regarding orders that were pulled and not approved as a group:

*I move that we do not approve Agreed Order(s) _____
and direct staff to _____.*

AGENDA ITEM 16

MEETING ADJOURN