

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
July 02, 2019

The Texas Board of Veterinary Medical Examiners met for a scheduled meeting on Tuesday, April 09, 2019 at 10:00 a.m. in Room #2-225 of the William P. Hobby, Jr. Building, 333 Guadalupe, Austin, Travis County, Texas.

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

Jessica Quillivan, DVM, Board President, called the meeting to order at 10:00 a.m. Board Members present were Jessica Quillivan; Mr. Keith Pardue, Vice President; Lynn Criner, DVM, Secretary; Carlos Chacon; Samantha Mixon, DVM; Michael White, DVM; Randy Skaggs, DVM; and Sue Allen, LVT. Board Staff present were: Executive Director, John Helenberg, General Counsel, Michelle Griffin; Operations Director, Candice Simon; Executive Assistant, Patricia Prentice; Enforcement Supervisor, Mike Tacker; Compliance Investigator Jerod Honrath; Legal Secretary Valerie Mitchell and Enforcement Investigators Kandace Van Vlerah & Juan Dockens.

Agenda Item 2. Consideration and Approval of the April 09, 2019 Minutes.

Dr. Quillivan noted that two items from the April 09, 2019 were left off the agenda for the July 02, 2019 board meeting. Items regarding CE approvals and rule number 573.27 regarding honesty, integrity and fair dealing. Dr. Quillivan also noted that agenda item #5, verbiage should be changed from *Carl Mitz-Presiding Officer* to *Carl Mitz- Committee Chair*. Ms. Allen noted that there were some typos/misspelling on Agenda item 7 on the second line in the paragraph. Changes were discussed and will be updated on the April 09, 2019 Minutes. Mr. Pardue moved to accept the April 09, 2019 minutes with the noted changes, Dr. Skaggs seconded, and the motion passed unanimously to approved.

Agenda Item 3. Executive Director's Report.

Mr. Helenberg reported on agency updates on the third quarter of FY19; Results of bills passed and not passed during the 86th Legislative session; updates on agency budget; staff updates; licensing numbers for FY19; current enforcement and legal cases and fingerprinting updates.

Agenda Item 4. Discussion, recommendation and possible action regarding adoption of rule changed to be published in the Texas Register.

a. 575.25 Schedule of Sanctions (Repeal & Replace)

Ms. Griffin presented an overview of the proposed schedule of sanctions. Mr. Chacon and Dr. Criner went in depth of the proposed schedule of sanctions. Dr. Mixon noted that some of the language may need to be changed before the Schedule of Sanctions is published or put into use. Mr. Chacon moved, Dr. Skaggs seconded and the motion passed unanimously to approve the presented schedule of sanctions.

Agenda Item 5. Discussion, recommendation and possible action regarding adoption of rule changes to be published in the Texas Register.

a. 577.15 Fee Schedule (Amendment)

Ms. Griffin stated that the budget rider that was under consideration in the 86th legislature did not pass. Therefore rule 577.15 Fee Schedule (Amendment) will no longer be up for adoption. The board voted on a rule withdraw. Dr. Skaggs moved, Mr. Pardue seconded to and the motion passed unanimously to withdraw rule 577.15 Fee Schedule (Amendment)

Agenda Item 6. Discussion, recommendation and possible action regarding proposal of rule to be published in the Texas Register or Alternatively written guidance.

- a. Telemedicine Rule (New)
- b. Telemedicine Written Guidance

Ms. Griffin presented the new telemedicine rule and the telemedicine written guidance. The board voted on publishing the Telemedicine written guidance. Dr. Criner made a motion to approve and publish the written guidance, Mr. Chacon seconded the motion passed unanimously.

Agenda Item 7. Consideration and approval of Agreed Orders

<u>Docket #</u>	<u>Case#</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
<u>CD2019-076</u>	<u>CP19-138</u>	Liz Keels	N/A	N/A
<i>Non-voting members:</i>		N/A		
<u>DK2016-023</u>	<u>CP15-335,</u> <u>CP15-162,</u> <u>CP15-127,</u> <u>CP15-334</u>	Kathie Digilio, DVM	4103	Hockley, TX
<i>Non-voting members:</i>		N/A		
<u>DK2016-104</u>	<u>CP16-138</u>	<u>Thomas D'Amura, DVM</u>	<u>3867</u>	<u>Lancaster, TX</u>
<i>Non-voting members:</i>		N/A		
<u>DK2017-174</u>	<u>CP17-150</u>	Lisa Welch, LVT	LVT-227	Navasota, TX
<i>Non-voting members:</i>		N/A		
<u>DK2018-048</u>	<u>CP17-196</u>	Jay Meyer, DVM	8248	McAllen, TX
<i>Non-voting members:</i>		Dr. Criner, Dr. Quillivan, Mr. Chacon		
<u>DK2018-049</u>	<u>CP17-306</u>	Jay Meyer, DVM	8248	McAllen, TX
<i>Non-voting members:</i>		Dr. Criner, Dr. Quillivan		
<u>DK2018-065</u>	<u>CP17-339</u>	Kathie Digilio, DVM	4103	Hockley, TX
<i>Non-voting members:</i>		Dr. Criner, Dr. Quillivan		
<u>DK2019-007</u>	<u>CP17-346</u>	Ronald Preissinger, DVM	3801	Fort Worth, TX
<i>Non-voting members:</i>		Dr. Criner, Dr. Quillivan, Mr. Chacon		
<u>DK2019-027</u>	<u>CP19-034</u>	Stefanie Rogers, DVM	12527	Tarrant, TX
<i>Non-voting members:</i>		N/A		
<u>DK2019-034</u>	<u>CP18-038</u>	Randy Wuensche, DVM	6713	Denton, TX
<i>Non-voting members:</i>		Dr. Criner, Dr. Quillivan		
<u>DK2019-038</u>	<u>CP17-372</u>	Milton Thiel, DVM	3655	Polk, TX
<i>Non-voting members:</i>		Dr. Criner, Dr. Quillivan, Dr. White		
<u>DK2019-041</u>	<u>CP17-304</u>	Ashley Redmond, DVM	12766	N/A
<i>Non-voting members:</i>		Dr. Criner, Dr. White, Mr. Pardue		
<u>DK2019-046</u>	<u>CP18-143</u>	Randy Jones, DVM	3780	Houston, TX
<i>Non-voting members:</i>		N/A		
<u>DK2019-068</u>	<u>CP19-172</u>	Terry Lambert, DVM	3948	San Antonio, TX
<i>Non-voting members:</i>		N/A		
<u>DK2019-069</u>	<u>CP19-171</u>	William Henry, DVM	3938	San Antonio, TX
<i>Non-voting members:</i>		N/A		

<u>Docket #</u>	<u>Case#</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
DK2019-070	CP19-173	Kristine Hawkins, DVM	11466	San Antonio, TX
<i>Non-voting members:</i>		N/A		
DK2019-071	CP19-092	Joanne Franks, DVM	8078	Dallas, TX
<i>Non-voting members:</i>		N/A		
DK2019-072	CP19-108	Louisa Sidwa, DVM	12771	Huntsville, TX
<i>Non-voting members:</i>		N/A		
DK2019-073	CP19-107	Jonathan Green, DVM	4523	Huntsville, TX
<i>Non-voting members:</i>		N/A		
DK2019-074	CP19-109	Matthew Vodehnal, DVM	12561	Huntsville, TX
<i>Non-voting members:</i>		N/A		
DK2019-076	CP19-041	Michael Seely, DVM	9858	Katy, TX
<i>Non-voting members:</i>		N/A		
DK2019-078	CP19-183	Ronald Ulfohn, DVM	9682	N/A
<i>Non-voting members:</i>		N/A		
DK2019-079	CP19-178	Stephanie Pratt, DVM	9162	Austin, TX
<i>Non-voting members:</i>		N/A		
DK2019-080	CP19-201	Michael Murphy, DVM	4994	Stillwater, TX
<i>Non-voting members:</i>		N/A		
DK2019-103	CP19-257	Stephanie Pratt, DVM	9162	Austin, TX
<i>Non-voting members:</i>		N/A		

The following agreed orders were pulled for executive session; DK2016-104 & DK2017-174.

Dr. Quillivan, Dr. Criner, Mr. Chacon did not vote on DK2018-048 and DK2019-007.

Dr. Quillivan, Dr. Criner, Mr. Pardue did not vote on DK2019-041.

Dr. Criner, Dr. White and Dr. Quillivan did not vote on DK2019-038.

Dr. Criner and Dr. Quillivan did not vote on DK2018-049, DK2018-065 and DK2019-034

Dr. Quillivan recused herself from cases DK2016-023, DK2017-174 and DK2019-046

Mr. Chacon 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. Mixon seconded the motion, and the motion was unanimously approved.

Resend to pull case DK2016-104 for executive session. Dr. Skaggs made a motion, Dr. Criner seconded and the motion was unanimously approved.

Resend to pull case DK2017-174 for executive session. Dr. Skaggs made a motion, Mr. Chacon seconded and the motion was unanimously approved.

Agenda Item 8. Consideration and approval of cases recommended by Staff.

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP18-195	[REDACTED]	[REDACTED]	[REDACTED]

There were no recusals for case CP18-195. Mr. Chacon made a motion, Mr. Pardue seconded the motion and the motion was unanimously approved.

Agenda Item 9. Consideration and approval of cases recommended for dismissal by Enforcement.

<u>Case #</u>	<u>Date Received</u>	<u>Case Type</u>	<u>Date Completed</u>	<u>Disposition</u>
19-01-133	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-01-134	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-01-135	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-01-136	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-01-137	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-01-149	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-01-156	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-02-167	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-02-169	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-02-176	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-02-184	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-03-199	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-03-200	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-03-213	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-03-215	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-04-224	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-04-231	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-04-232	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-04-275	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

<u>Case #</u>	<u>Date Received</u>	<u>Case Type</u>	<u>Date Completed</u>	<u>Disposition</u>
19-05-283	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-05-284	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-05-285	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-05-297	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-05-298	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-09-027	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-10-038	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CP18-140	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CP18-144	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CP18-201	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CP18-251	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CP18-328	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CP18-350	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

The following cases were pulled for Executive Session. 19-02-176, 19-03-199, 19-05-284, 19-05-298, CP18-201 and CP18-350

Dr. Quillivan recused herself from cases 19-05-297, 19-05-298 and CP18-144.

Dr. Skaggs recused himself from case 19-03-199

Ms. Allen recused herself from case CP18-140

Mr. Chacon made a motion that the board approve the above 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 10. Consideration and approval of cases recommended for dismissal from Medical Review.

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP17-264	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Criner, Dr. Quillivan		
CP17-281	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Criner, Dr. Quillivan		
CP17-316	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Criner, Dr. Quillivan		
CP17-369	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Criner, Dr. Quillivan		
CP18-011	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-016	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-084	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-095	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Mixon		
CP18-102	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-103	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-105	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-107	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Mixon		
CP18-113	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Mixon		
CP18-115	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Mixon		
CP18-141	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. White		
CP18-167	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-178	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Mixon		
CP18-180	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Mixon		
CP18-343	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Mixon		

No cases were pulled for Executive Session.

Dr. Criner and Dr. Quillivan did not vote on cases CP17-264, CP17-281, CP17-316, and CP17-369.

Dr. Skaggs did not vote on cases CP18-011, CP18-016, CP18-084, CP18-102, CP18-103, CP18-105, and CP18-167.

Dr. Mixon did not vote on cases CP18-095, CP18-107, CP18-113, CP18-115, CP18-178, CP18-180, and CP18-343.

Dr. White did not vote on case CP18-141.

Dr. Quillivan recused herself from cases CP18-102 and CP18-141.

Mr. Pardue 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, Dr. Skaggs seconded the motion, and the motion was unanimously approved.

Agenda Item 11. Citizen Comments.

A public comment was received from Dr. Pamela Barlow regarding suggestions for future public classes/meetings, suggestions for more informative agendas and opinions on how veterinarians investigated.

Agenda Item 12. Discussion of possible agenda items for future Board Meetings.

Dr. Quillivan she would like to discuss the topics that were left off the July 02, 2019 agenda regarding CE approvals and rule 573.27 honesty, integrity and fair dealing; possible rule changes. Dr. Mixon suggested that Alternative therapies be listed on the next board meeting agenda for a refresh/update discussion on the current happenings of the Alternative Therapies workgroup. The board also discussed the next Board meeting date will be Tuesday October 15th.

Agenda Item 13. Executive Session to discuss pending and contemplated litigation and personnel matter, including evaluation and possible pay increase of the Executive Director.

At 11:00am Dr. Quillivan called the meeting into Executive Session.

Agenda Item 14. Return from Executive Session to report or discuss further actions to be taken following Executive Session. Possible action on items discussed in Executive Session.

At 12:07pm the Board returned from Executive Session and Dr. Quillivan called the meeting back to order.

No action was taken in closed session.

Agenda Item 13. Mr. Chacon moved to increase the salary of the Executive Director to the full amount, Dr. Criner seconded and the motion was unanimously approved.

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

Agenda Item 7. Approval of Agreed Orders

Mr. Chacon made a motion to approve DK2016-104 and DK2017-174. Dr. Mixon seconded the motion and it passed unanimously.

Agenda Item 9. Enforcement Dismissals

Mr. Chacon made a motion to approve 19-02-176, 19-03-199, 19-05-298, CP18-201, CP18-350. Dr. White seconded the motion and it passed unanimously.

Mr. Pardue made a motion to reject Enforcement Dismissal 19-05-284 due to a legal error, Dr. White seconded the motion and it passed unanimously.

Agenda Item 15. Adjourn.

The board adjourned the July 02, 2019 board meeting at 12:11pm.