

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS**  
**BOARD MEETING MINUTES**  
**January 28, 2020**

The Texas Board of Veterinary Medical Examiners met for a scheduled meeting on Tuesday, January 28, 2020 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 10:01 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; and Sue Allen, LVT. Board Staff present were: Executive Director, John Helenberg, Operations Director Candice Simon; General Counsel, Brittany Sharkey; Enforcement Supervisor, Mike Tacker; and Compliance Investigator Jerod Honrath. Board Members absent were Randy Skaggs, DVM. Board Staff absent Patricia Prentice, Executive Assistant.

**Agenda Item 2. Consideration and Approval of the October 15, 2019 Minutes.**

Dr. Criner moved to accept the October 15th, 2019 minutes, Dr. White seconded, and the motion passed unanimously to approved.

**Agenda Item 3. Executive Director's Report.**

Mr. Helenberg reported Patricia Prentice was absent due to loss in her family. In staffing updates, Ms. Leticia Kappel has taken on the role of interim CFO and helps with the agency's finance needs. She is also the Deputy Executive Director of the Dental Board and will be working for TBVME part-time. Catherine Torres has been hired as the Staff Services Officer and will assist Ms. Kappel with finance duties and also manage human resources issues for the agency. Mary Blenis is now a certified purchaser for the agency after having completed the requisite courses. Additionally, the Agency has posted a job opening for a paralegal. There is an AAVSB training for Board Members in April and it is recommended for any Board member that has not already attended the training. Review by the Sunset Commission of the Agency is set to take place in July and August of this year and public testimony on the agency will be heard at that Capitol on December 10 and 11. The new legislative requirement for controlled substances continuing education will be required to be completed by licensees by their license renewals in 2022. The agency is planning on conducting strategic planning meetings around the state, preliminary dates and locations are March 10<sup>th</sup> in El Paso, March 11<sup>th</sup> in Amarillo and March 12<sup>th</sup> in Arlington. Current statistics for the agency include: 32% of the annual budget has been utilized and we are 36% of the way through the year. 839 licenses have been renewed and we currently have 8599 licensed veterinarians, 1700 licensed veterinary technicians and 58 licensed equine dental providers. Enforcement brought in 99 cases and cleared 100. The legal division currently has 201 open cases. The Executive Team continues to meet with the Texas Facilities Commission about the agency's move to the George W Bush building in 2022. Rule approvals have been slightly delayed due to staffing changes in the Governor's Office.

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

a. 571.15 Temporary License Program (Amendment)

Ms. Sharkey presented an overview of the proposed temporary license program. Amending the rule to read:

*(2) A temporary veterinary license is valid for 60 days. The 60-day period does not have to run consecutively. A temporary veterinary license may not be renewed or reissued. A person may not be issued more than two temporary veterinary licenses in a calendar year.*

Dr. Quillivan expressed concern that the duration of a year might be too long. Dr. Criner questioned the oversight of the temporary licensees to ensure that rules are being followed. Ms. Sharkey provided that under the current rules all temporary licenses work under the general supervision of a fully licensed Texas veterinarian and that veterinarian would be held liable for any complaints generated by the temporary licensee. The board discussed changing the duration of the temporary license to six months rather than a year.

Mr. Pardue made a motion to adopt the proposed Temporary License Program with the discussed changes, Dr. Mixon seconded the motion and the motion was passed. Dr. White was opposed.

**Agenda Item 5. Committee Appointments.**

- a. Executive Committee
- b. Enforcement Committee
- c. Licensing Committee
- d. Finance Committee
- e. Advisory Committee
  - a. Equine Dental Provider Advisory Committee
  - b. Licensed Veterinary Technician Advisory Committee

Dr. Quillivan made the following committee appointments:

- a. Executive Committee—Will remain the same with President, Dr. Quillivan; Vice President, Keith Pardue; Secretary, Lynn Criner.
- b. Enforcement Committee—Chair, Dr. Quillivan; Dr. Mixon appointed to committee; Mr. Chacon and Mr. Pardue will be alternating public.
- c. Licensing Committee—Will remain the same with Chair, Dr. White; Sue Allen and Mr. Pardue.
- d. Finance Committee—Chair, Dr. Criner; Mr. Chacon; Dr. Quillivan was appointed in place of Dr. Mixon.
- e. Advisory Committees
  - a. Equine Dental Provider Advisory Committee—Chair, Karl Metz; Mr. Lee Vogel and Dr. Joe Pluhar.
  - b. LVT Advisory Committee— Will remain the same with Chair—LVT David Sessum, LVT Sue Allen; LVT Cindy Dittmar; Eden Meyer, DVM and Dr. White.

**Agenda Item 6. Consideration and approval of Agreed Orders.**

<b>Docket #</b>	<b>Case#</b>	<b>Name</b>	<b>License #</b>	<b>Practice City</b>
DK2017-153	CP17-006	Noel Ramirez	12813	N/A
<i>Non-voting members:</i>				
DK2019-028	CP17-315	Amy Southerland	10769	Houston, TX
<i>Non-voting members:</i>				
DK2019-053	CP18-090	John Alexander	14089	Laredo, TX
<i>Non-voting members:</i>				

<u>Docket #</u>	<u>Case#</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
DK2019-054	CP18-340	Christina Guillory	11712	Friendswood, TX
<i>Non-voting members:</i>				
DK2019-095	CP18-354	Jennifer Newman	13756	New Braunfels, TX
<i>Non-voting members:</i>				
DK2019-121	CP18-306	Noel Ramirez	12813	N/A
<i>Non-voting members:</i>				
	CP19-351	Cole Sciba	8610	Aubrey, TX
<i>Non-voting members:</i>				
DK2019-138	CP19-098	Richard Young	5154	Fort Worth, TX
<i>Non-voting members:</i>				
DK2019-139	CP19-097	Randy Wuensche	6713	Denton, TX
<i>Non-Voting members:</i>				
DK2019-140	CP19-096	Randy Jones	4968	Fort Worth, TX
<i>Non-voting members:</i>				
DK2019-141	CP19-302	Alonzo Tipton	9200	Midlothian, TX
<i>Non-voting members:</i>				

The following agreed orders were pulled for executive session; CP19-351, CP18-340, CP19-098, CP19-097, CP19-096, CP19-302.

Dr. Quillivan recused herself from CP19-351.

Mr. Chacon make a motion that the board approve the above agreed orders, 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 7. 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>
CP18-302				
19-04-240				
19-05-259				
19-06-308				
19-06-311				
19-06-319				
19-07-334				
19-07-344				
19-08-395				

<u>Case #</u>	<u>Date Received</u>	<u>Case Type</u>	<u>Date Completed</u>	<u>Disposition</u>
20-005	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20-014	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20-015	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20-016	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20-035	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20-044	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20-051	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20-054	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20-058	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20-067	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
20-074	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

The following cases were pulled for Executive Session: CP20-014.

Mr. Chacon made a motion that the board approve the above enforcement dismissals with the exceptions of the case that was pulled for Executive Session, Dr. Criner seconded the motion and the motion was unanimously approved.

**Agenda Item 8. Consideration and approval of cases recommended for dismissal from Legal.**

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP17-154	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		N/A	
CP17-155	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		N/A	
CP17-267	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		N/A	
CP17-268	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Criner, Dr. White	
CP17-289	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		N/A	
CP18-026	J [REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Skaggs	
CP18-027	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Skaggs	

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<b>Case #</b>	<b>Name</b>	<b>License #</b>	<b>Practice City</b>
CP18-043	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	N/A		
CP18-044	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. White		
CP18-045	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. White		
CP18-092	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	N/A		
CP18-098	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-118	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-119	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Mixon		
CP18-121	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	N/A		
CP18-138	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-145	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. White		
CP18-170	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-173	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. White		
CP18-176	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. White		
CP18-184	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-186	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Mixon		
CP18-198	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	N/A		
CP18-199	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-205	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Mixon		
CP18-213	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Mixon		
CP18-214	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. White		
CP18-233	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Mixon		
CP18-238	[REDACTED]	[REDACTED]	[REDACTED]

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<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
<i>Non-voting members:</i>	Dr. White		
CP18-239			
<i>Non-voting members:</i>	Dr. White		
CP18-240			
<i>Non-voting members:</i>	Dr. White		
CP18-241			
<i>Non-voting members:</i>	Dr. White		
CP18-242			
<i>Non-voting members:</i>	Dr. White		
CP18-243			
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-246			
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-247			
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-249			
<i>Non-voting members:</i>	N/A		
CP18-291			
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-293			
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-300			
<i>Non-voting members:</i>	Dr. White		
CP18-305			
<i>Non-voting members:</i>	Dr. Skaggs		
CP18-352			
<i>Non-voting members:</i>	Dr. White		
CP19-015			
<i>Non-voting members:</i>	N/A		
CP19-093			
<i>Non-voting members:</i>	N/A		
CP19-095			
<i>Non-voting members:</i>	N/A		
CP19-120			
<i>Non-voting members:</i>	N/A		
CP19-177			
<i>Non-voting members:</i>	Dr. Mixon		
CP19-191			
<i>Non-voting members:</i>	Dr. Skaggs		
CP19-211			
<i>Non-voting members:</i>	Dr. Mixon		
CP19-258			
<i>Non-voting members:</i>	N/A		

Case #	Name	License #	Practice City
CP19-283			
<i>Non-voting members:</i>	N/A		
CP19-287			
<i>Non-voting members:</i>	Dr. Skaggs		
CP19-289			
<i>Non-voting members:</i>	Dr. Skaggs		
CP19-295			
<i>Non-voting members:</i>	N/A		
CP19-323			
<i>Non-voting members:</i>	Dr. Skaggs		
CP19-331			
<i>Non-voting members:</i>	Dr. Skaggs		
CP19-373			
<i>Non-voting members:</i>	Dr. Skaggs		
CP19-383			
<i>Non-voting members:</i>	Dr. Mixon		
CP19-386			
<i>Non-voting members:</i>	N/A		
CP19-391			
<i>Non-voting members:</i>	N/A		
CP19-392			
<i>Non-voting members:</i>	Dr. White		
CP20-001			
<i>Non-voting members:</i>	Dr. Skaggs		
CP20-003			
<i>Non-voting members:</i>	Dr. Skaggs		
CP20-006			
<i>Non-voting members:</i>	Dr. Skaggs		
CP20-009			
<i>Non-voting members:</i>	Dr. Skaggs		
CP20-020			
<i>Non-voting members:</i>			
CP20-025			
<i>Non-voting members:</i>	N/A		
CP20-042			
<i>Non-voting members:</i>	Dr. Skaggs		

The following dismissals were pulled for executive session; CP18-247, CP18-293, CP18-305, CP19-120, CP19-191, CP19-287, CP19-386.

Dr. Quillivan recused herself from CP18-233

Mr. Chacon make a motion that the board approve the above dismissals, with the exceptions of the seven cases that were pulled for executive session, Dr. Mixon seconded the motion and the motion was unanimously approved.

**Agenda Item 9. Consideration and approval of Cease and Desist letters.**

<u>Case #</u>	<u>Docket #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP18-031				
CP18-039				
CP18-096				
CP18-345				
CP19-252				
CP19-266				

The following cease and desist letters were pulled for Executive Session: CP18-031 and CP19-258.

Mr. Chacon made a motion that the board approve the above cease and desist letters with the exceptions of the letters that were pulled for Executive Session, Mr. Pardue seconded the motion and the motion was unanimously approved.

**Agenda Item 10. Citizen Comments**

The board had one speaker, Pam Barlow. Dr. Barlow commented on how the board is doing a great job coordinating. She also asked/suggested that the meetings video or audio get posted to Youtube so that more people may be more involved with the board and attend the meetings. Dr. Barlow also suggested a longer lead time, the next meeting next to a holiday.

**Agenda Item 11. Discussion of possible agenda items for future board meetings.**

Sue Allen asked about 55.001 of the Texas OCC Code—wording on military exemption and the AVMA standard need to be enforced and need to take a test. Dr. Criner spoke about what she would like to see at the future board meetings: quarterly board meeting notes, the start up and continuation of stakeholder meetings and reminders on what is going on with the agency. Dr. Quillivan asked why veterinarians are not interested in knowing what is happening (with the board?) Dr. Pam Barlow responded that veterinarians are busy and live in a box and she likes the idea of getting quarterly updates.

**Agenda Item 12. Executive Session to discussion and contemplated litigation and personnel matters, including evaluation of the Executive Director.**

The board entered into closed session to discuss items 6-9 at 11:06am.

**Agenda Item 13. Return from Executive Session to report or discuss further actions to be taken following Executive Session.**

The board returned from Executive Session at 12:41pm. There was no action taken in Executive Session.

**Agenda Item 6. Consideration and approval of Agreed Orders.**



The following agreed orders were pulled for executive session; CP19-351, CP18-340, CP19-098, CP19-097, CP19-096, CP19-302.

Dr. Quillivan recused herself from CP19-351.

Dr. Criner made a motion that the board approve CP19-351, CP18-340, CP19-098, CP19-097, CP19-096 and CP19-302. Sue Allen seconded the motion and the motion was unanimously approved.

**Agenda Item 7. Consideration and approval of cases recommended for dismissal by Enforcement.**

The following cases were pulled for Executive Session: CP20-014.

Mr. Chacon made a motion that the board approve CP20-014. Dr. Mixon seconded the motion and the motion was unanimously approved.

**Agenda Item 8. Consideration and approval of cases recommended for dismissal from Legal.**

The following dismissals were pulled for executive session; CP18-247, CP18-293, CP18-305, CP19-120, CP19-191, CP19-287, CP19-386.

Dr. Quillivan recused herself from CP18-233

CP18-293 was pulled for vote. Dr. Criner made a motion that the board approve CP18-293, Mr. Pardue seconded the motion, the motion did not pass and case CP18-293 was not dismissed.

CP19-287 was pulled for vote. Dr. Mixon made a motion that the board approve CP19-287, Dr. Criner seconded the motion, the motion did not pass and case CP19-287 was not dismissed.

Mr. Chacon make a motion that the board approve CP18-247, CP18-305, CP19-120, CP19-191, CP19-386 Dr. White seconded the motion and the motion was unanimously approved.

**Agenda Item 9. Consideration and approval of Cease and Desist letters.**

The following cease and desist letters were pulled for Executive Session: CP18-031 and CP19-258.

Dr. Mixon made a motion that the board approve CP18-031 and CP19-258, Dr. Criner seconded the motion and the motion was unanimously approved.

**Agenda Item 14. Adjourn**

The 01.28.2020 board meeting was adjourned at 12:45pm.