

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS**  
**BOARD MEETING MINUTES**  
**October 15, 2019**

The Texas Board of Veterinary Medical Examiners met for a scheduled meeting on Tuesday, October 15, 2019 at 10:00 a.m. in Room #100 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 10:04 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, Brittany Sharkey; Executive Assistant, Patricia Prentice; Enforcement Supervisor, Mike Tacker; Compliance Investigator Jerod Honrath; and Enforcement Investigator Kevin McDonald.

**Agenda Item 2. Consideration and Approval of the July 02, 2019 Minutes.**

Dr. Skaggs moved to accept the July 2nd, 2019 minutes, Mr. Pardue seconded, and the motion passed unanimously to approved.

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

Mr. Helenberg reported on agency updates on the fourth quarter of FY19; AAVSB annual conference; upcoming 2020 Sunset review; controlled substance education; updates on agency budget; staff updates; licensing numbers for remaining FY19; current enforcement and legal cases and fingerprinting updates.

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

- a. 573.68 Telemedicine (Amendment)
- b. 575.25 Schedule of Sanctions (Repeal & Replace)

Ms. Sharkey presented an overview of the proposed schedule of sanctions and telemedicine. The board discussed several public comments received on the above rules. Liz Choate spoke about TVMA's public comments regarding the Schedule of Sanctions and Telemedicine, going into detail further about some points TVMA presented.

The board discussed minor wording changes to the schedule of sanctions. Dr. Skaggs made a motion to adopt the proposed schedule of sanctions with the changes, Mr. Chacon seconded the motion and the motion was unanimously passed.

The board also discussed wording changes for rule 573.68 regarding telemedicine. Dr. Criner made a motion to adopt the proposed telemedicine rule with the discussed changes, Dr. White seconded the motion and the motion was unanimously passed.

**Agenda Item 5. 573.27 Honesty, Integrity and Fair Dealing.**

- a. 573.27 Honesty, Integrity and Fair Dealing

Dr. Criner brought to discussion the possibility of a wording change to the rule regarding Honesty, Integrity and Fair Dealing. A new version of the rule will be drafted by staff and placed on the next meeting agenda as a proposed rule to be published in the Texas Register. Dr. Skaggs made a

motion that rule 573.27 will be drafted by staff to include the wording changes, Mr. Chacon seconded, and the motion passed unanimously.

**Agenda Item 6. Alternate Therapies Update.**

Dr. Mixon brought to discussion the topic of Alternate Therapies Group. The board discussed that this agenda item will be tabled and moved to the next board meeting agenda.

**Agenda Item 7. Update of LVT Advisory Committee Meeting.**

Sue Allen brought to discussion an update of the past LVT Advisory Committee Meeting. Ms. Allen touched on several topics that were discussed at the June meeting including what the board has envisioned for this committee, educational materials, scope of practices for LVT's, the differences between duties assigned to LVT and non LVT's. Ms. Allen also brought to the discussion of possibly rewriting the state exam for LVT's and if the LVT committee could be part of that process. Mr. Helenberg confirmed that it would be possible for the LVT exam to be rewritten and will assign to the board licensing committee and that the LVT committee will also be included in that process.

**Agenda Item 8. CE approval—State and Other Agencies.**

Dr. Quillivan brought to discussion the topic of continuing education hours for persons involved in other state agencies. The board discussed that CE's for other state agencies and government entities would be better fit to stay within said agency/government entity.

**Agenda Item 9. Discussion of CE hours earned.**

Dr. Criner brought to discussion of board members possibly receiving CE hours for reviewing cases, licensees receiving CE hours for attending board meetings and board members receiving @ hours of DEA credits for being involved in the cases that are brought to discussion. The board discussed and determined that a maximum of two CE hours per year will be awarded to any licensee that attends a board meeting. The board also discussed and determined that a maximum of two CE hours per year will be awarded to board members for reviewing cases. Lastly, the board discussed and determined that no DEA credits will be provided to board members involved in cases that are brought to discussion.

**Agenda Item 10. Temporary License Program.**

Dr. White brought the temporary license program to discussion, bringing forth questions about set regulations of the program. Dr. White is proposing a change to the limit of time that a veterinarian is allotted a temporary license. The board discussed the possibility of drafting a rule regarding the time frames of temporary licenses. Mr. Helenberg confirmed that staff will draft a proposed rule to be presented at the next board meeting.

**Agenda Item 11. Legal process and warning letters.**

Ms. Sharkey presented the board with the process in which complaints are divided up into the different departments that review each complaint. Ms. Sharkey also discussed that the agency will be sending out certified warning letters for failure to appear and cease and desist orders.

**Break at 12:00pm.**

**Return from Break at 12:12pm**

**Agenda Item 12. Consideration and approval of Agreed Orders.**

<u>Docket #</u>	<u>Case#</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
<a href="#">LA2019-101</a>	N/A	Gabriel Dunn	N/A	N/A
<i>Non-voting members:</i>		N/A		
<a href="#">LA2019-102</a>	N/A	Aaron Wehrenberg	N/A	N/A
<i>Non-voting members:</i>		N/A		
<a href="#">LA2019-103</a>	N/A	James Speir	9232	N/A
<i>Non-voting members:</i>		N/A		
<a href="#">DK2017-037</a>	<a href="#">CP16-384</a>	Peter Koplos	7201	El Paso, TX
<i>Non-voting members:</i>		<u>N/A</u>		
<a href="#">DK2018-041</a>	<a href="#">CP17-097</a>	Rachel Riskind	LVT-1168	Austin, TX
<i>Non-voting members:</i>		N/A		
<a href="#">DK2018-096</a>	<a href="#">CP18-227</a>	Frank Rogers	EDP-43	Fort Worth, TX
<i>Non-voting members:</i>		N/A		
<a href="#">DK2019-008</a>	<a href="#">CP18-326</a>	Vanessa Cammeresi	LVT-1628	N/A
<i>Non-voting members:</i>		N/A		
<a href="#">DK2019-021</a>	<a href="#">CP18-034</a>	Robert Deegan	14975	Dallas, TX
<i>Non-voting members:</i>		Dr. White		
<a href="#">DK201-024</a>	<a href="#">CP18-067</a>	Melanie Muhr	10509	Tyler, TX
<i>Non-voting members:</i>		Dr. White		
<a href="#">DK2019-033</a>	<a href="#">CP19-039</a>	Marcus Daigle	9433	Taylor, TX
<i>Non-voting members:</i>		N/A		
<a href="#">DK2019-084</a>	<a href="#">CP18-197</a>	John Shelby	7580	Houston, TX
<i>Non-voting members:</i>		Dr. White		
<a href="#">DK2019-096</a>	<a href="#">CP19-193</a>	Hany Azer	12375	Mansfield, TX
<i>Non-voting members:</i>		Dr. Skaggs		
<a href="#">DK2019-100</a>	<a href="#">CP17-254</a>	Bryan Robinson	7997	Spring, TX
<i>Non-voting members:</i>		Dr. Criner & Dr. White		
<a href="#">DK2019-101</a>	<a href="#">CP18-197</a>	Jeana Ohlen	7834	Cedar Creek, TX
<i>Non-voting members:</i>		N/A		
<a href="#">DK2019-108</a>	<a href="#">CP19-304</a>	Michael Andrews	2862	Emory, TX
<i>Non-voting members:</i>		N/A		
<a href="#">DK2019-115</a>	<a href="#">CP18-012</a>	Robert Hardy	7825	Austin, TX
<i>Non-voting members:</i>		Dr. White		
<a href="#">DK2019-118</a>	<a href="#">CP19-330</a>	Cary Bielamowicz	5695	Waco, TX
<i>Non-voting members:</i>		N/A		
<a href="#">DK2019-119</a>	<a href="#">CP19-336</a>	Corinne McConnell	12183	College Station, TX
<i>Non-voting members:</i>		N/A		
<a href="#">DK2019-120</a>	<a href="#">CP19-194</a>	Helen Hill	14098	McAllen, TX
<i>Non-voting members:</i>		N/A		

The following agreed orders were pulled for Executive Session; DK2017-037, DK2019-021, DK2019-024, DK2019-033, DK2019-084, DK2019-100, and DK2019-120.

Dr. White did not vote on DK2019-021, DK2019-024 and DK2019-084.

Dr. White and Dr. Criner did not vote on case DK2019-100.

Dr. Criner did not vote on case DK2019-115.

Ms. Allen did not vote on case DK2019-118.

Mr. Chacon made a motion that the board approve the above agreed orders, with the exceptions of the few cases there were pulled for Executive Session, Dr. White seconded the motion, and the motion was passed unanimously.

**Agenda Item 13. Consideration and approval of cases recommended for dismissal by Staff.**

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP18-248	[REDACTED]	[REDACTED]	[REDACTED]
CP19-099	[REDACTED]	[REDACTED]	[REDACTED]
CP19-299	[REDACTED]	[REDACTED]	[REDACTED]

The following dismissals by staff were pulled for Executive Session; CP18-248 & CP19-299. There were no recusals for the above cases.

Mr. Chacon made a motion that the board approve the above staff dismissals, with the exceptions of the cases that were pulled for Executive Session, Dr. Mixon seconded the motion, and the motion was passed unanimously.

**Agenda Item 14. Consideration and approval of cases recommended for dismissal from Informal Conferences.**

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP18-028	[REDACTED]	[REDACTED]	[REDACTED]
CP18-064	[REDACTED]	[REDACTED]	[REDACTED]
CP18-101	[REDACTED]	[REDACTED]	[REDACTED]
CP18-104	[REDACTED]	[REDACTED]	[REDACTED]

There were no cases pulled for Executive Session, nor were there any recusals on the above cases.

Mr. Chacon made a motion that the board approve the above Informal Conference dismissals, Dr. Mixon seconded the motion, and the motion was passed unanimously.

**Agenda Item 15. 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>
CP17-344	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CP18-212	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CP18-215	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CP19-004	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CP19-051	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
CP19-052	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-066	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-214	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-261	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-300	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-301	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-303	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-315	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-316	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-317	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-320	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-322	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-324	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-327	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-342	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-347	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-348	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-360	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
19-389	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

The following cases were pulled for Executive Session; 19-066, 19-214, 19-322 and 19-324.

Dr. Quillivan recused herself from case CP19-004.

Dr. Skaggs recused himself from case 19-322.

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

**Agenda Item 16. Consideration and approval of cases recommended for dismissal from Medical Review.**

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP17-208	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Quillivan & Dr. Criner	
CP17-255	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Criner & Dr. White	
CP17-269	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Criner & Dr. White	
CP17-291	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Quillivan & Dr. Criner	
CP17-292	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Quillivan & Dr. Criner	
CP17-359	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Criner	
CP17-377	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Criner	
CP17-383	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Quillivan & Dr. Criner	
CP18-001	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Skaggs	
CP18-060	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. White	
CP18-188	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. White	
CP18-091	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Skaggs	
CP18-190	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Skaggs	
CP18-191	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Skaggs	
CP18-217	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Skaggs	
CP18-218	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Skaggs	
CP18-232	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>		Dr. Skaggs	
CP18-310	[REDACTED]	[REDACTED]	[REDACTED]

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
	<i>Non-voting members:</i>	Dr. Skaggs	
CP19-003			
	<i>Non-voting members:</i>	Dr. Skaggs	
CP19-022			
	<i>Non-voting members:</i>	Dr. Skaggs	
CP19-025			
	<i>Non-voting members:</i>	Dr. Mixon	
CP19-035			
	<i>Non-voting members:</i>	Dr. White	
CP19-044			
	<i>Non-voting members:</i>	Dr. Skaggs	
CP19-049			
	<i>Non-voting members:</i>	Dr. Skaggs	
CP19-050			
	<i>Non-voting members:</i>	Dr. Skaggs	
CP19-053			
	<i>Non-voting members:</i>	Dr. Skaggs	
CP19-054			
	<i>Non-voting members:</i>	Dr. Skaggs	
CP19-067			
	<i>Non-voting members:</i>	Dr. Skaggs	
CP19-076			
	<i>Non-voting members:</i>	Dr. Mixon	
CP19-086			
	<i>Non-voting members:</i>	Dr. Skaggs	
CP19-155			
	<i>Non-voting members:</i>	Dr. White	
CP19-158			
	<i>Non-voting members:</i>	Dr. Skaggs	
CP19-161			
	<i>Non-voting members:</i>	Dr. Mixon	
CP19-164			
	<i>Non-voting members:</i>	Dr. White	
CP19-168			
	<i>Non-voting members:</i>	Dr. White	
CP19-192			
	<i>Non-voting members:</i>	Dr. Skaggs	
CP19-197			
	<i>Non-voting members:</i>	Dr. Skaggs	
CP19-227			
	<i>Non-voting members:</i>	Dr. Skaggs	

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP19-228			
<i>Non-voting members:</i>		Dr. Skaggs	
CP19-242			
<i>Non-voting members:</i>		Dr. Skaggs	
CP19-246			
<i>Non-voting members:</i>		Dr. White	
CP19-256			
<i>Non-voting members:</i>		Dr. White	
CP19-290			
<i>Non-voting members:</i>		Dr. Skaggs	
CP19-292			
<i>Non-voting members:</i>		Dr. Skaggs	
CP19-329			
<i>Non-voting members:</i>		Dr. Skaggs	
CP19-352			
<i>Non-voting members:</i>		Dr. Skaggs	
CP19-354			
<i>Non-voting members:</i>		Dr. Skaggs	

The following cases were pulled for Executive Session; CP17-255, CP17-269, CP17-291, CP17-292, CP17-383, CP18-091, CP18-190, CP18-191, CP19-003, CP19-022, CP19-049, CP19-053, CP19-155, CP19-158, CP19-242 and CP19-246.

Dr. Quillivan recused herself from CP18-001.

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



**Agenda Item 17. Consideration and approval of cease and desist letters.**

<u>Docket #</u>	<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CD2017-062	CP17-138	[REDACTED]	[REDACTED]	[REDACTED]
CD2017-063	CP17-180	[REDACTED]	[REDACTED]	[REDACTED]
CD2017-065	CP17-192	[REDACTED]	[REDACTED]	[REDACTED]
CD2018-066	CP17-297	[REDACTED]	[REDACTED]	[REDACTED]
CD2018-069	CP17-082	[REDACTED]	[REDACTED]	[REDACTED]
CD2018-071	CP18-010	[REDACTED]	[REDACTED]	[REDACTED]
CD2019-072	CP18-041	[REDACTED]	[REDACTED]	[REDACTED]
CD2019-073	CP18-096	[REDACTED]	[REDACTED]	[REDACTED]
CD2019-077	CP19-074	[REDACTED]	[REDACTED]	[REDACTED]
CD2019-078	CP19-252	[REDACTED]	[REDACTED]	[REDACTED]
CD2019-079	CP19-146	[REDACTED]	[REDACTED]	[REDACTED]
CD2019-080	CP18-189	[REDACTED]	[REDACTED]	[REDACTED]

No cases were pulled for executive Session.

Dr. Mixon made a motion that the board approve the above dismissals, Mr. Chacon seconded the motion, and the motion was unanimously approved.

**Agenda Item 18. SOAH Final Decisions and Orders.**

<u>Docket #</u>	<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
DK2016-105	CP16-139	[REDACTED]	[REDACTED]	[REDACTED]
DK2016-106	CP16-136	[REDACTED]	[REDACTED]	[REDACTED]
CD2016-041	CP15-393	[REDACTED]	[REDACTED]	[REDACTED]

Mr. Chacon made a motion to approve case CD2016-041 as is, Dr. Criner seconded the motion and the motion was unanimously approved.

Don Ferrill spoke about cases DK2016-105 & DK2016-106, presenting supporting information of these cases to the board.

After discussion Dr. Mixon made a motion that the board dismiss cases DK2016-105 & DK2016-106, Mr. Chacon seconded the motion and the motion was unanimously passed.

**Agenda Item 19. Citizen Comments.**

Pamela Lee Barlow, DVM spoke briefly about enlarging the definition of her or group to include feral cat colonies, DEA medications being left behind at clinics, and confidentiality on social media.

Please see agenda items 4 for comments from Liz Choate with TVMA and agenda item 18 for comments from Don Ferrill.

**Agenda Item 20. Discussion of possible agenda items for future Board Meetings.**

The board discussed future meeting dates. The next board meetings will be held Tuesday January 28<sup>th</sup>, 2020 at 10:00am and Tuesday April 28<sup>th</sup>, 2020.

**Agenda Item 21. Executive Session to discuss pending and contemplated litigation and personnel matters.**

At 12:25pm Dr. Quillivan called the meeting into Executive Session.

**Agenda Item 22. 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 1:50 pm the Board returned from Executive Session and Dr. Quillivan called the meeting back to order.

No Action was taken in closed session.

**Agenda Item 23. Adjourn.**

The board adjourned the October 15, 2019 board meeting at 2:12pm.