

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

BOARD MEETING MINUTES

January 26, 2016

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Tuesday, January 26, 2016 in Room, #2-225 of the William P. Hobby, Jr. Building, 333 Guadalupe, Austin, Travis County, Texas. Roland Lenarduzzi, DVM, Interim President, called the meeting to order at 9:08 a.m. Board Members present were, Dan Craven, DVM, Vice-President; Joe Mac King, DVM, Secretary; Janie Carpenter, DVM, J. Todd Henry, DVM, James McAdams, Keith Pardue, and Chad Upham. Board Staff present were: Nicole Oria, Executive Director; Maggie Griffith, General Counsel, Michelle Griffin, Staff Attorney; Marilyn Hartman, Director of Licensing; Dianne Hobson, Chief Fiscal Officer; and Loris Jones, Executive Assistant.

Agenda Item 3, Introduction of new staff members. Ms. Oria introduced Maggie Griffith, General Counsel, Dianne Hobson, Chief Fiscal Officer, and Amanda Winfield, Legal Assistant.

Agenda Item 4, Consideration and Approval of the October 13, 2015 Minutes. Dr. Carpenter moved, Dr. Henry seconded and the motion passed to approve the October 13, 2015 minutes.

Agenda Item 5, Citizens Comments. Dr. Lenarduzzi called for citizen comments. There were none.

Dr. Craven moved, Mr. Pardue seconded and the motion passed to go into Executive Session at 9:11 a.m. for private consultation and advice of counsel concerning pending or contemplated litigation or settlement offer and/or possible disciplinary action under the authority of the Open Meetings Act, GOVERNMENT CODE, §551.071; OCCUPATIONS CODE §801.407(d) and Attorney General's Opinion No. H-484. Open session resumed at 10:18 a.m. and it was announced that no action was taken. A certified agenda was made.

Agenda Item 6, Consideration and approval of Agreed Orders. After discussion, **Dr. Carpenter moved, Dr. Craven seconded and the motion passed to approve the agreed orders on the following licensees:** *Clay McCreary, DVM; Willie Janik, DVM; Patrick Champlin, DVM; Roberto Verzosa, DVM; Michael Pirrone, DVM; Neal Eckert, DVM; Juan Casillas, DVM; Joel Akin, DVM; Philip Martin, DVM; James Young, DVM; Bruce Hardesty, DVM; Eliza Wilby, DVM; Christopher Gleason, DVM; Radhika Sthanu, DVM; Douglas Williams, DVM; William Stearman, DVM; Carlos Gibbs, DVM; Ronald Martin, DVM; James Rierson, DVM; Michael Doherty, DVM; Dorothy DeFex, DVM; Kristen DeCola, DVM; Gary Brotze, DVM; Mario Williams, DVM; Alice Dodge, DVM; Laura Wiles, DVM; Lauren Leckie, DVM; Marc Zieben, DVM; Julie House, DVM; and Todd Murphy, DVM.*

Agenda Item 7, Consideration and approval of Cease and Desist Orders. After discussion, **Dr. Carpenter moved, Dr. King seconded and the motion passed to approve the Cease and Desist Orders on the following individuals:** *Les Davis, Samantha Stack, Frank Stack, Carol Stack, John Ethridge, Matthew Klotz, DVM; Darci Stotts, DC; Neil Hartman, and Minda Harris.*

Agenda Item 9, Discussion and possible action on directing staff's handling of complaints where Texas Occupations Code §801.004 is implicated. Ms. Griffith laid out information regarding pending investigations similar to a case that is involved in ongoing litigation. After discussion, the Board directed staff to continue to investigate cases where Texas Occupations Code §801.004 is implicated on a case by case basis.

Agenda Item 8, Report from the Rules Committee.

- a. Public Hearing, consideration and possible action on rules to be adopted.** Ms. Griffith presented the changes proposed at the October 13, 2015 meeting regarding changes to the following rules: §§571.7 and 573.64. After discussion, **Dr. King moved, Dr. Craven seconded and the motion passed to adopt the amendments to §§571.7 and 573.64 with a non-substantive change to §571.7.**

- b. Discussion, recommendation and possible action on proposed rules.** Ms. Griffin presented changes to proposed rules §§571.59, 571.60, and 577.20. After discussion, **Mr. Pardue moved, Mr. Henry seconded and the motion passed to publish the proposed preambles and amendments to §§571.59, 571.60 and 577.20 in the *Texas Register* in accordance with law for public comment.**
- c. Discussion, recommendation and possible action on adoption of the Rule Review of Chapter 573.** Ms. Griffith presented the rule review of Chapter 573. After discussion, **Mr. Upham moved, Dr. Henry seconded and the motion passed to adopt the rule review of Chapter 573.**
- d. Discussion, recommendation and possible action on proposed Rule Review of Chapter 571.** Ms. Griffith presented information about the rule review of Chapter 573. After discussion, **Dr. Craven moved, Mr. Pardue seconded and the motion passed to publish the proposed Rule Review in the *Texas Register* in accordance with law for public comment.**

Agenda Item 10, Discussion and possible action on directing staff to include Cease and Desist Orders on the website. After discussion, **Dr. Henry moved, Mr. McAdams seconded and the motion passed to direct staff to include copies of Cease and Desist Orders on the agency website to include all passed approved Cease and Desist Orders.**

Agenda Item 11, Appointment of Committees, this item was deferred to the April 19, 2016 regularly scheduled meeting.

Agenda Item 12, Executive Director's Report

- a. Report on Health Professions Council Activities.** Ms. Oria discussed that we continue to work with them, they have been helpful on recent server issues, and that we continue to work with them on backups and hope to work with them on more website changes.

b. Enforcement Report:

- 1. Investigations.** Ms. Phillips discussed the enforcement statistics noting that the average resolution time of 189 days is a statistic they are pleased with. Ms. Phillips also noted that we currently have 25 cases that are over 180 days old and that they are working to get those closed. It was further noted that we are on track with inspections to reach the goal of 750 onsite compliance inspections for fiscal year 2016. Ms. Phillips also mentioned that LaKeisha Artley-Jenkins is departing the agency in February. Ms. Oria praised the Enforcement Division's current average resolution time stating it was the lowest she has seen it in the eight years she has been with the agency.
 - 2. Legal:** Ms. Griffin discussed the legal side of the agency. Ms. Griffin provided information regarding the legal department's activities noting that we have 3 cases docketed at the State Office of Administrative Hearings (SOAH) with 2 of those cases set for hearing. It was further noted that we have had 1 hearing at SOAH in fiscal year 2016 and there are 7 cases currently pending docketing at SOAH.
 - 3. Peer Assistance:** Ms. Griffin discussed the peer assistance information stating that there are currently 18 veterinarians in the Peer Assistance Program with 7 of those being by board order and 11 voluntary participants.
- c. IT Report:** Mr. Rierson presented information related to the migration from a set renewal time period for all licensees to the new birth month renewals. Mr. Rierson also discussed changes to the agency website to allow licensees to submit required information on Temporary Limited Service Clinic notices online as well as working towards being able to accept online payments for more than just renewal of licenses.
- d. Finance Report:** Ms. Hobson presented information on the status of the budget and revenue for fiscal year 2016.

e. Licensing Report:

- 1. Report on 2016 License Renewals.** Ms. Hartman discussed the statistics related to Licensing and Examinations, noting that as of January 12, 2016, the online renewals were at 88%.
 - 2. Licensing and Examinations Report.** Ms. Hartman noted that there are 10,009 licensees in all categories
 - 3. Report on State Board Exams.** Ms. Hartman presented information on the October and December 2015 State Board Examinations, noting that there were 59 tested and 4 who failed the October exam for veterinarians and there were 38 tested and no failures for the December exam for veterinarians. Ms. Hartman also noted that in the October exam for veterinary technicians, there were 46 tested and 7 who failed and that in the December exam for veterinary technicians, there were 23 tested and 4 who failed.
- f. Report on Discussions with Texas Veterinary Medical Association.** Ms. Oria stated that discussion with TVMA in relation to the stakeholder meetings regarding rule changes will be scheduled.

There being no further business, the meeting adjourned at 11:40 a.m.