



## Texas Board of Veterinary Medical Examiners

### Board Meeting Minutes

7/18/2023

At 9:00 AM, Board President, Dr. Steven Golla, called the board meeting to order and read the mission statement of the Board.

Dr. Golla requested Board Secretary Dr. Samantha Mixon call the roll. Present were: Dr. Steven Golla, Dr. Lynn Criner, Dr. Samantha Mixon, Dr. Randall Skaggs, Mrs. Sue Allen LVT, Mr. Keith Pardue, Mrs. Victoria Whitehead and Ms. Raquel Olivier.

Mrs. Whitehead moved to approve the April 25, 2023, with an amendment to have the names of the non-voting members on each case included in the minutes. Dr. Criner seconded the motion, there being no further discussion, the vote was conducted and passed unanimously.

Dr. Golla called for citizen comments. Don Ferrill was recognized and had no comment at that time but reserved his right to comment at a later point in the meeting. Arlethia Middleton, former Board CFO then provided in person public comment.

Dr. Golla called for the next agenda item, the Executive Director's report, provided by Executive Director, Brittany Sharkey. Ms. Sharkey provided some legislative updates. The TBVME Sunset Bill, SB 1414, had been signed by the Governor on June 18<sup>th</sup> and would go into effect September 1<sup>st</sup>. The bill temporarily attaches TBVME to the Texas Department of Licensing and Regulation for a period of four years. HB1, the state budget, had passed and provided significant new funding to TBVME, including funding for eight new full-time employees, a new data management system and funding for litigation costs at the State Office of Administrative Hearings. In staffing updates, Britney Ganus has been promoted from Customer Service Representative to Staff Services Officer and Kandace Van Vlerah has been promoted from Executive Assistant to Director of Finance. Carrolann Tackitt has been recently hired as the new Executive Assistant and comes to the agency after many years in the veterinary field working as a technician. Finally, Ms. Sharkey announced that she had recently been appointed to serve on the Executive Director Advisory Committee of the American Association of State Veterinary Boards (AAVSB).

Next, Ms. Sharkey recognized Licensing Supervisor, Ms. Wanda Bennett, to give her report. In the third quarter of the year, 233 new DVM licenses were issued and in total 327 new licenses were issued in this quarter, for a total of 704 new licenses so far this fiscal year. 72% of the graduating class from Texas A&M University College of Veterinary Medicine had applied for Texas licensure and those applicants had a 100% passage rate on the state exam. The average licensing time had slowed down to 21 days due to the peak application season around graduation. That number was gradually decreasing as the busy season waned.

Ms. Sharkey then called on Mike Tacker, Director of Enforcement, to give his report. The agency received 47 new complaints in June, a significant increase over the last several months. So far in this fiscal year, the agency has received a total of 348 complaints and the enforcement division has completed 344 investigations. The division currently has 181 open investigations. Currently, enforcement has conducted over 766 compliance inspections, surpassing the Legislative Budget Board's performance metric of 750 cases each fiscal year. 12 complaints were made because of the findings from those inspections.

Ms. Sharkey then recognized General Counsel Mr. John Hargis to give the update on the legal department. As of the Board meeting, there were 255 cases open in legal with 109 cases pending on the current Board agenda. Mr. Hargis has made significant progress on clearing the backlog of cases pending informal conference, down to only 14 cases from a high of over 240 last year.

Director of Finance Kandace Van Vlerah was out sick, and Ms. Sharkey gave the financial update in her place. 83% of the fiscal year had elapsed and the agency had spent 81% of its funding for the year, meaning the agency was very much on track financially. Because of funding in SB30, all state employees were given a 5% raise, starting July 1<sup>st</sup> and seen on August 1<sup>st</sup> paychecks, Ms. Van Vlerah has been working diligently with the Comptroller's office to effectuate that raise. Additionally, Ms. Van Vlerah is working on the completion of numerous end of the year fiscal reports.

Dr. Golla moved on to the next agenda item, Board Committee Reports. Dr. Golla started out by sharing the updates from the Executive Committee. He thanked the staff for their outstanding work during a difficult time and thanked the Texas Department of Licensing and Regulation staff for sharing their knowledge and expertise with the Board staff ahead of the administrative attachment. Dr. Golla then announced that Dr. Michael White, DVM had resigned his role on the board effective June 30<sup>th</sup>, 2023. Dr. Golla thanked him for his six years of service to the Board and wished him well in future endeavors.

Dr. Skaggs then shared the Finance Committee's report. The Finance Committee met with staff on July 7<sup>th</sup> to review the budget and other agency financials. Dr. Skaggs was pleased to report that the agency was on track to have a budget surplus at the end of the fiscal year. He also thanked the staff for their assistance in arranging travel and providing financial documentation whenever asked.

Dr. Criner shared an update from the Ad Hoc Education Committee. Two continuing education courses were pending approval, but Dr. Criner thanked Dr. Skaggs and Mrs. Allen for their work in approving continuing education courses in a timely manner. The American Association of State Veterinary Boards (AAVSB) had updated their RACE standards for continuing education, which is benchmark the Board uses for their CE approval.

Dr. Golla then recognized Dr. Mixon an Agenda Item 6, rulemaking for HB4069. The bill requires veterinarians to provide cost estimates prior to beginning emergency medical treatment on animals. The bill also requires adoption of the rule by December 1, 2023. Dr. Mixon then

requested input from stakeholders on the rule and planned to propose language at the October meeting. Staff from TDLR indicated that they would help the Board with scheduling public hearings before proposing the rule to ensure that public input was included.

Next, Dr. Golla recognized guests Mary Winston and Hemant Makan, two staff members from TDLR, to discuss SB1414 implementation with the Board. Ms. Winston and Mr. Makan introduced themselves and discussed the structure of TDLR and what role the Board would play once the bill goes into effect on September 1<sup>st</sup>. They outlined the resources that TDLR has that the Board would have access to and expressed their intention for a collaborative and supportive relationship over the next four years.

Dr. Golla then recognized Ms. Sharkey to discuss Agenda Item 8, a proposed Memorandum of Understanding (MOU) with TDLR. Ms. Sharkey explained that both agencies were eager to start the work required in SB1414 and wished to enter into the MOU to allow them to get started ahead of the bill’s official implementation date. Mrs. Whitehead made a motion to approve the MOU, Dr. Golla seconded. The motion passed unanimously.

Mr. Hargis was then recognized on Agenda Item 9, the default Cease and Desist order for Jason “JP” Sardella. TBVME received a complaint that Mr. Sardella was practicing equine medicine without a license. A complaint was filed at the State Office of Administrative Hearings, Mr. Sardella did not attend, and a default order was issued. Dr. Mixon moved to approve the default order as presented. Dr. Criner seconded. Mrs. Whitehead asked about enforcement of the order and sanctions for future violations. After discussion about the cease-and-desist process, the vote was called, and the motion passed unanimously.

Dr. Golla then recognized Mrs. Whitehead on Agenda Item 10, the Ad Hoc Outreach Committee. Mrs. Whitehead thanked Dr. Goll and Dr. Mixon for their work on the committee. With the conclusion of the legislative session, the committee’s purpose had been met and Mrs. Whitehead moved to dissolve the committee. Dr. Mixon seconded the motion. The vote was called and passed unanimously.

Dr. Golla then recognized Mr. Hargis to discuss the approval of Agenda Item #11, agreed orders. Mr. Hargis indicated that CP20-094 had been flagged for discussion in Executive Session. Mr. Pardue moved that all other proposed agreed orders be approved. Dr. Criner seconded the motion. There was no further discussion, the motion carried unanimously. These are the agreed orders approved by the Board at this meeting:

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP18-037	ALISSA ST. BLANC, DVM	14352	BATON ROUGE, LA
<i>Non-voting members:</i>	<i>Dr. Michael White</i>		
CP18-172	MELISSA POTTER, DVM	7925	DALLAS
<i>Non-voting members:</i>	<i>Dr. Samantha Mixon</i>		
CP19-271	KRISTOFER SCHOEFFLER, DVM	11071	PEARLAND

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
<i>Non-voting members:</i>	<i>Dr. Randall Skaggs</i>		
CP20-094	PAUL SMITH, DVM	2820	HOUSTON
<i>Non-voting members:</i>			
CP20-208	BRICE E. 'BRIM' THOMPSON	-	LANCASTER
<i>Non-voting members:</i>			
CP20-378	JAMES HOWARD, DVM	7956	ALLEN
<i>Non-voting members:</i>			
CP20-390	SUSAN MCCANN, DVM	7169	HOUSTON
<i>Non-voting members:</i>			
CP21-026	DANIELLE D. LIMON	-	SAN ANTONIO
<i>Non-voting members:</i>			
CP21-032	LARRY WOOD, DVM	2568	SAN ANTONIO
<i>Non-voting members:</i>			
CP21-088	GLEN CAMPBELL, DVM	6791	HURST
<i>Non-voting members:</i>	<i>Dr. Michael White</i>		
CP21-106	CHRISTOPHER LARSON, DVM	8801	SUDAN
<i>Non-voting members:</i>	<i>Dr. Michael White</i>		
CP21-346-A	ALLISON CHAMBERS	-	FORT WORTH
<i>Non-voting members:</i>			
CP21-346-B	MICHELLE GROSSE	-	FORT WORTH
<i>Non-voting members:</i>			
CP22-002	DAVID DESHENES	-	MAGNOLIA
<i>Non-voting members:</i>			
CP22-032	CELESTE HILL, DVM	6638	SWEETWATER
<i>Non-voting members:</i>	<i>Dr. Michael White</i>		
CP22-033	CHRISTINE BOECKH, DVM	8230	STEPHENVILLE
<i>Non-voting members:</i>			
CP22-056	BRIAN HAYES, DVM	15058	AUSTIN

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
<i>Non-voting members:</i>			
CP22-062	SHARI DAVIDSON, DVM	14330	ROCKWALL
<i>Non-voting members:</i>	<i>Dr. Randall Skaggs</i>		
CP22-089	TOM GRANGER, DVM	5302	LUMBERTON
<i>Non-voting members:</i>	<i>Dr. Michael White</i>		
CP22-135	LUIS TERRAZAS, DVM	10775	EL PASO
<i>Non-voting members:</i>	<i>Dr. Steven C. Golla</i>		
CP22-148	NANCY COUGHRAN, DVM	15607	WEATHERFORD
<i>Non-voting members:</i>			
CP22-195	JANICE WOLF, DVM	3331	AMARILLO
<i>Non-voting members:</i>	<i>Dr. Michael White</i>		
CP22-197	REGINA FLORES	-	SAN DIEGO
<i>Non-voting members:</i>			
CP22-224	JOSHUA SWARB, DVM	11786	MONAHANS
<i>Non-voting members:</i>	<i>Dr. Michael White</i>		
CP22-228	RUSTY HALL, DVM	4319	NOME
<i>Non-voting members:</i>	<i>Dr. Randall Skaggs</i>		
CP22-248	BRANDI LONG	-	DUMAS
<i>Non-voting members:</i>			
CP22-262	PAM ROUSSELL	-	GEORGETOWN
<i>Non-voting members:</i>			
CP22-276	JUSTIN TRAN, DVM	14549	ARLINGTON
<i>Non-voting members:</i>	<i>Dr. Randall Skaggs</i>		
CP22-320	THOMAS ELROD, DVM	1663	ODESSA
<i>Non-voting members:</i>			
CP23-083	TERESA SANDERS, DVM	12712	SAN ANTONIO
<i>Non-voting members:</i>			
CP23-106	JEANETTE SAVAGE	-	HOUSTON

<u>Case #</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
<i>Non-voting members:</i>			
CP23-186	MANLEY MAY, DVM	7206	PEARLAND
<i>Non-voting members:</i>			
CP23-291	MARIE HOSS	-	PLAINVIEW
<i>Non-voting members:</i>			

Mr. Hargis then moved to informal conference dismissals, Agenda Item #12. Case CP22-220 was pulled for discussion in Executive Session. Mrs. Allen moved to approve the informal conference dismissals except for the cases pulled. Mrs. Whitehead seconded. There was no further discussion, the motion carried unanimously.

Mr. Hargis moved on to dismissals from staff conference, Agenda Item #13. No cases were pulled for discussion in Executive Session. Mrs. Whitehead moved to approve all cases recommended dismissed from staff conference. Mrs. Olivier seconded the motion. There was no further discussion and the motion carried unanimously.

Mr. Hargis then moved to dismissal from medical review, Agenda Item #14. No cases were pulled for discussion in Executive Session. Dr. Criner moved that the Board approve all of the recommended dismissals from medical review. Dr. Skaggs seconded the motion. There was no further discussion and the motion carried unanimously.

Dr. Golla then called Agenda Item #15, discussion of potential future Board meeting dates and discussion topics. There being no discussion, Dr. Golla moved that the Board enter executive session pursuant to Section 551, Subchapter D of the Texas Government Code at 10:10 AM.

At 10:49 AM, Dr. Golla resumed the meeting from executive session and announced that no action had been taken in executive session.

After the return from Executive Session, the following motions were made:

Mrs. Whitehead moved to accept the Agreed Order for CP20-094. Dr. Mixon seconded the motion. The motion carried unanimously.

Mrs. Whitehead moved to dismiss CP22-220. Dr. Mixon seconded the motion. The motion carried unanimously.

There being no further business to come before the Board, Dr. Golla adjourned the meeting at 10:48 am.