

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
April 26th, 2022

The Texas Board of Veterinary Medical Examiners met for a scheduled meeting on Tuesday, April 26th, at 9:00am in person and via a Zoom conference call that was broadcast live on YouTube.

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

Jessica Quillivan, DVM, Board President, called the meeting to order at 9:14 am. Board Members present were Jessica Quillivan, DVM; Keith Pardue, DVM, Board Vice President Lynn Criner, DVM, Secretary; Samantha Mixon, DVM; Michael White, DVM; Randy Skaggs, DVM; Sue Allen, LVT; and Victoria Whitehead. Board Staff present were: Executive Director, John Helenberg, Operations Director, General Counsel, John Hargis; Enforcement Supervisor, Mike Tacker; and Executive Assistant, Patricia Prentice.

Raquel Olivier was absent.

Agenda Item 2. Citizen Comments

- Heather Kutumba
- Judy Santerre
- Jodi Ware
- Kristina Rios de Lumbreras (submitted electronically)

Executive Session

Dr. Criner moved to take agenda items 16 and 18 and go into executive session. It was unanimously approved.

The board entered Executive Session at 9:33 am.

Executive session ended at 11:27 am. No decisions were made in closed session.

Agenda Item 3. Executive Director's Report.

Mr. Helenberg spoke on the strategic plannings in Corpus Christi and Laredo. Corpus Christ wasn't well attended but Laredo was. Received feedback revolved around controlled substance and opioid security.

Hired Sarah Foran as administrative assistant and moved to legal to assist John Hargis. Jack Ely joined the enforcement team.

Attached were pie charts relating to the numbers regarding legal, licenses and enforcement cases.

Mr. Hargis took over to speak about legal cases. Legal has 428 in total. These were broken down into smaller numbers regarding where in legal they were (board action, staff order, legal review, etc) Mr. Hargis estimated a year to get caught up.

Victoria Whitehead asked Mr. Hargis whether the Staff Attorney will handle SOAH cases, and he responded absolutely amongst other things.

Victoria requested to see legal work hard to decrease the numbers of the cases and have measurable numbers. Ms. Whitehead wants to see the numbers to shorten faster and a plan developed. Dr. Quillivan spoke to the shortening of time slots and scheduling conflicts regarding the plan.

Randall Skaggs, DVM requested information regarding the social media ratings. Mr. Helenberg said it was an initiative by the new employee. Randall Skaggs, DVM requested things to not be done like that.

Agenda Item 4. Strategic Planning

Victoria Whitehead motioned to table until July and Dr. Skaggs seconded it. The motion carried unanimously.

Agenda Item 5. LVTs taking controlled substance course

Ms. Allen requested that LVTs take a controlled substance course

Mr. Tacker spoke to who the course is open too. Enforcement has opened the door but legislative would need to happen to be required.

Dr. Quillivan - LVTs want to be standalone or semi protected. They are able to take the course. Dr. Quillivan referred matter to the LVT advisory committee for further research and recommendation.

Agenda Item 6. Cease and Desist Orders

Dr. Criner wants to know John Hargis' plan for handling cease and desist orders. Is there a way to put out an initial fine and if there is can we add more if they do it again?

Helen Kelley spoke providing advice as part of the OAG, and she is working on an interim basis. Follow up after issuing the cease and desist to see if they are still practicing without a license and then if they are still not in compliance refer the case to the district court for legal action.

Dr. Criner asked is it only if it caused harm or for practicing without license.

No action taken.

Agenda Item 7. Discussion of Staff Conference Orders and the the Board's disposition of those.

Staff was allowed to take on more of the non-medical reviews, but they have often been brought back to medical review. To see if the process could be moved forward out of the group that was not completed, Dr. Criner would like to see a group created. It could be a proactive way that wouldn't require respondent. Dr. Mixon seconded Dr. Criner. Dr. Mixon would also like to see it brought back to the board.

Dr. Quillivan said board members are already having a hard time making board conferences. A lot of the staff orders are not truly medical, and she would like to see board members spending their time doing the IC cases.

Time was the major consideration in the discussion.

Mr. Hargis will need to think about and determine what is the best way/ plan of action for the staff conferences to be handled.

No action was taken.

Agenda Item 8. Discussion of possible board rule regarding titles of licenses and non-licensed employees i.e. LVT, CVA, etc

Dr. Michael White motioned that the rules committee work on the modification of the board rules to restrict the use of the title of veterinary technician to licensed veterinary technician and the title of veterinary assistant to individuals that have completed the TVMA certified veterinary assistant program or a similar credentialing program.

Dr. Sandra “Lynn” Criner seconded the motion.

Motion unanimously carried.

Agenda Item 9. Statute of limitations regarding complaints

Dr. White was asked when this statute of limitations was changed from 4 years to 2 years but since he originally asked to put this item on the agenda he has found that it was changed in the latter part of 2017.

No action taken.

Agenda Item 10. Committee Reports

Finance Committee: Dr. Skaggs thanked Victoria and Raquel for their actions and their oversights. The committee will meet before every meeting. The committee suggested: board to be more active in the budget process, to meet unique challenges within the board. The board would like more financial oversight, the executive directors financial report be added. Requested hearing form the CFO, general counsel and lead enforcement at every meeting.

TBVME staffed used a flight that cost \$7,000 to use a TX Dot plane twice to not be used again.

Hire an additional attorney to help Mr. Hargis.

Concerns of cost paying SHI and contract information relating to the paying

Cost of living rates for the staff that have not been initiated since 2018.

Dr. Skaggs requested the guidance of dual income be reviewed.

Discussion over the items.

Agenda Item 10. Committee Reports

573.27 Honesty, Integrity, and Fair Dealing (Amendment) Added statement to make sure that every procedure is given consent.

573.52 Veterinarian Patient Record Keeping (Amendment) Added Texas specific language that is readable and user friendly.

Rules to be published to the Texas register subject to legal review and any adjustments

Dr. Mixon motioned to approve and publishing for public comment into the Texas Register Rule 573.27 Honesty, Integrity, and Fair Dealing and 537.52 Veterinary Patient Record Keeping and subject to legal review.

Dr. Sandra “Lynn” Criner seconded the motion.

Motion unanimously carried.

Recess for 45 minutes. Started at 12:15.

Return from Recess at 1:09

Agenda Item 12. Consideration and Approval of Agreed Orders.

Cases that were pulled: CP 19-208 and CP 19-401, and CP19-174

Dr. Criner motioned to approve Board Order CP 19-174. Dr. Whited seconded the motion.
Motion carried unanimously.

Dr. Criner motioned to approve Board order CP19-208. Dr. Mixon seconded the motion.
Motion carried unanimously

Dr. Skaggs motioned to approve Board order CP19-401. Dr. Mixon seconded the motion.
Motion Carried unanimously.

Dr. Criner motioned to approve the remainder of item 12. Mr. Pardue seconded the motion.
Motion Carried unanimously.

<u>Case#</u>	<u>Name</u>	<u>License #</u>	<u>Practice City</u>
CP19-174	Melanie Kerschbaum, DVM	7663	Houston, TX
<i>Non-voting members:</i>			
CP19-208 CP19-401	Robert Thoni, DVM	4892	Kilgore, TX
<i>Non-voting members:</i>			
CP19-254 CP19-341	Gabriel Vasquez, DVM	12718	El Paso, TX
<i>Non-voting members:</i>			
CP19-307	Jocelyn Fox, DVM	9808	Vernon, TX
<i>Non-voting members:</i>			
CP19-314	Tracy Tommack, DVM	8621	San Antonio, TX
<i>Non-voting members:</i>			
CP20-008	Claudia Whippo, DVM	10564	Adkins, TX
<i>Non-voting members:</i>			
CP20-038	Ricardo Pena, DVM	10260	Houston, TX
<i>Non-voting members:</i>			

CP20-073	Rae Jan Dewitt, DVM	4292	Garland, TX
<i>Non-voting members:</i>			
CP20-106	Allen Bolt, DVM	4080	Abilene, TX
<i>Non-voting members:</i>			
CP20-137	Karen Bookout, DVM	5450	Fayetteville, TX
<i>Non-voting members:</i>			
CP20-179	Lacy Parson, DVM	14153	Austin, TX
<i>Non-voting members:</i>			
CP20-220	Patricia Davis, DVM	8917	Killeen, TX
<i>Non-voting members:</i>			
CP20-239	William Symm, DVM	9377	Kerrville, TX
<i>Non-voting members:</i>			
CP20-263	Joseph Pamplin, DVM	7385	San Antonio, TX
<i>Non-voting members:</i>			
CP20-300	Benji Alldredge, DVM	4898	Comfort, TX
<i>Non-voting members:</i>			
CP20-308	Leslie Ivie, DVM	9823	Corsicana, TX
<i>Non-voting members:</i>			
CP20-331	Robert Garrick, DVM	3256	El Paso, TX
<i>Non-voting members:</i>			
CP20-381	Robert Rohrbaugh, DVM	2699	El Paso, TX

Agenda Item 13. Consideration and Approval of cases recommended for dismissal by Informal Conference

None of the cases were pulled.

Dr. Michael White motioned to approve cases recommended for dismissal by Informal Conference.

Dr. Sandra “Lynn” Criner seconded the motion.

Motion unanimously carried.

Case#	Name	License#	Practice City
CP18-069	██████████	██████	██████████
<i>Non-voting members:</i>			
CP19-112 CP20-068	██████████	██████	██████████
<i>Non-voting members:</i>			
CP21-107	██████████	██████	██████████
<i>Non-voting members:</i> Jessica Quillivan, DVM			
CP21-122	██████████	██████	██████████
<i>Non-voting members:</i>			

Agenda Item 14. Consideration and Approval of cases recommended for dismissal by Medical Review

Dr. Criner recused herself from CP21-078, CP22-060, CP21-077, CP22-077, CP22-078, CP22-079, and CP22-080

Cases pulled: CP20-107, CP20-190, CP21-141, CP20-208, CP21-218, CP21-342, CP21-407, and CP21-178, and CP21-148

Dr. Criner motioned for **CP20-107** to go back to **Informal Conference**. Dr. White seconded motion. Motion Carried unanimously.

Dr. Criner moved to approve recommended dismissal of **CP20-190**. Dr. Skaggs seconded the motion. Motion Carried unanimously.

Dr. Skaggs motioned for **CP21-141** to go back to **Informal Conference**. Several members seconded the motion. Motion Carried unanimously.

Dr. Skaggs motioned for **CP21-148** to go back to **Informal Conference**. Dr. Criner seconded the motion. Motion Carried unanimously.

Dr. White motioned to approve recommended dismissal of **CP21-218**. Unidentified board member seconded the motion. (unclear audio) Motion Carried unanimously.

Dr. Skaggs motioned moved for **CP21-342** to go back to **Informal Conference**. Dr. Criner seconded the motion. Motion Carried Unanimously.

Dr. Skaggs motioned for **CP21-407** to go back to **Informal Conference**. Dr. Criner Seconded Motioned carried unanimously.

Mr. Pardue motioned to approve all other cases recommended for dismissal by medical Review. Dr. Criner seconded the motion.

Motion carried unanimously.

Case #	Name	License #	Practice City
CP20-107	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>			
CP20-190	[REDACTED]	[REDACTED]	[REDACTED]

<i>Non-voting members:</i>			
CP21-058			
<i>Non-voting members:</i>			
CP21-076			
<i>Non-voting members:</i>			
CP21-077			
<i>Non-voting members:</i>	Dr. Lynn Criner		
CP21-078			
<i>Non-voting members:</i>	Dr. Lynn Criner		
CP21-123			
Case #	Name	License #	Practice City
<i>Non-voting members:</i>			
CP21-127			
<i>Non-voting members:</i>			
CP21-141			
<i>Non-voting members:</i>			
CP21-148			
<i>Non-voting members:</i>			
CP21-149			
<i>Non-voting members:</i>			
CP21-218			
<i>Non-voting members:</i>			
CP21-225			
<i>Non-voting members:</i>			
CP21-228			
<i>Non-voting members:</i>			
CP21-240			
<i>Non-voting members:</i>			
CP21-273			
<i>Non-voting members:</i>			
CP21-342			
<i>Non-voting members:</i>			
CP21-407			
<i>Non-voting members:</i>			
CP22-008			
<i>Non-voting members:</i>			
CP22-021			
<i>Non-voting members:</i>			
CP22-036			
<i>Non-voting members:</i>			
CP22-060			
<i>Non-voting members:</i>	Dr. Lynn Criner		
CP22-077			
<i>Non-voting members:</i>	Dr. Lynn Criner		

CP22-078	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Lynn Criner		
CP22-079	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr Lynn Criner		
CP22-080	[REDACTED]	[REDACTED]	[REDACTED]
<i>Non-voting members:</i>	Dr. Lynn Criner		

Agenda Item 15. Consideration and Approval of cases recommended for dismissal by Staff

None of the cases were pulled.

Ms. Whitehead motioned to approved item 15. Dr. Criner seconded the motion.

Motion carried unanimously.

Case # Name License # Practice City

CP20-294 [REDACTED]

Non-voting members:

CP20-296 [REDACTED] X

Non-voting members:

CP21-341 [REDACTED]

Non-voting members:

CP22-066 [REDACTED]

Non-voting members:

CP22-082 [REDACTED]

Non-voting members:

CP22-087 [REDACTED]

Non-voting members:

CP22-093 [REDACTED]

Non-voting members:

CP22-111 [REDACTED]

Non-voting members:

CP22-120 [REDACTED]

Non-voting members:

CP22-141 [REDACTED]

Non-voting members:

CP22-151 [REDACTED]

Non-voting members:

CP22-156 [REDACTED]

Non-voting members

Executive session

The board entered executive session at 1:16.

The board returned from executive session at 1:55.

No decisions were made in closed session.

Agenda Item 17. Discussion of possible agenda items and dates for future Board Meeting.

Dr. Skaggs would like reports from CFO, Lead Investigator and Staff Attorney

Ms. Whitehead requested board and executive director policies, looking into bylaws, continuation of board meeting minutes and would also like to meet more frequently. Also would like to see more stable legal numbers.

Dr. Skaggs made an inaudible request.

Dr. Mixon needs meeting to be moved in July

Ms. Whitehead requested a June meeting.

Meeting in June: June 13th

July Meeting: July 12th.

Ms. Whitehead would like to see more transparent social media and policies in place for social media.

Agenda Item 19. Adjourn.

Ms. Whitehead made a motion to adjourn the April 26th, 2022, board meeting and the motion was unanimously passed.

Dr. Quillivan adjourned the meeting at 2:15pm.