



BOARD NOTES

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FROM THE EXECUTIVE DIRECTOR

The immediate past fiscal year was hectic and busy for the Board and for staff. The agency received a record number of complaints, conducted a record number of investigations and issued a record number of disciplinary orders. We also tried or mediated several contested cases at the State Office of Administrative Hearings (SOAH).

First, in the Licensing Department, we have maintained our consistently high percentage of on-line renewals at 85.41%. This is outstanding and I want to thank all the veterinarians who renewed on-line. For those who didn't, please try to do so in the coming year. We ended the year with a total of 7,114 licensed veterinarians. This is almost 200 more licensees than at the end of Fiscal Year 2007.

Second, in Enforcement, we had a very busy year. As noted above, we received a record 469 complaints of all kinds. We carried over 172 complaints from the previous year that were still in investigation. Of this combined 641 total, we resolved 346 cases. Of the resolved cases, 263 were dismissed or closed with no violation or no jurisdiction, a record 84 resulted in an Agreed Order and 2 cases were tried at SOAH. The agency held 79 Informal Settlement Conferences and staff conducted an additional 105 staff conferences (for administrative violations such as lack of CE hours or allowing the DPS certificate to lapse or other non-standard of care cases.) Despite this increased complaint and investigative load, average processing time only increased 5 days over the previous year (to 150 days). The investigators also conducted 611 on-site compliance inspections with professionalism and courtesy. Finally, the percentage of licensees disciplined by the Board for all violations was 17.3%, which is virtually the same as the highest previous year, 2005.

The Board continued its vigorous pursuit of unauthorized practice cases, particularly equine dentistry. The first four equine dentistry SOAH cases will be prosecuted on December 15 to December 17. What is encouraging is that we are now receiving more and more complaints from horse owners whose animals have been injured by unlicensed persons. Our efforts are working, but we still need your help to encourage clients to file complaints, especially when harm to the animal occurs. In September, Judge Margaret Cooper in Travis County dismissed the second "teeth floater" lawsuit filed by the Institute for Justice against the Board for want of jurisdiction. The first case, however, is still technically active because the teeth floaters appealed the adverse decision to the 3rd Court of Appeals in Austin. The case is under court consideration at this moment. See the Fall 2007 Board Notes for a discussion of the lawsuit and legal theories of the teeth floaters.

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Important 2009 License Renewal Information



Renewal Notices:

As with renewal year 2008, the agency will send out post card renewal reminders in January for renewal year 2009. **All licensees should renew their license on-line at www.tbvme.state.tx.us by March 1, 2009.**

Practicing With An Expired License Is Illegal:

All licensees should be aware that if they have not renewed their license by March 1, 2009, **they must cease practicing until the license has been renewed.** The law requires that veterinarians not practice without a current license. Penalties for practicing with an expired license can include a reprimand, a \$1,000 per day fine, or other measures.

Continuing Education Requirements:

Veterinarians must have attained 17 hours of acceptable continuing education during calendar year 2008 (January 1 through December 31). Of those 17 hours, 7 must have been obtained from personal attendance at live seminars.

Individuals who were unable to attain the 17 hours due to circumstances beyond their control may apply to the agency's executive director for a hardship extension. Requests for the hardship extension must be received by **December 15, 2008**. Each request should list the number of hours attained, the number of hours needed and the reason the licensee was unable to meet the requirement. If an extension is granted, the number of hours lacking must be made up the following year. If your request for an extension is not granted and you do not obtain the required Continuing Education hours, you are in violation of the laws and rules. Prior to disciplinary action being taken against your license, you will be afforded due process.

Renewal Fees to Stay the Same:

- ▶ Renewals—\$341
- ▶ Delinquent Renewals (90 days or less)—\$412
- ▶ Delinquent Renewals (90 days or more)—\$483
- ▶ Inactive Renewals—\$141
- ▶ Delinquent Inactive Renewal (90 days or less)—\$212
- ▶ Delinquent Inactive Renewal (90 days or more)—\$283
- ▶ Special License Renewal—\$336
- ▶ Delinquent Special License (90 days or less)—\$404
- ▶ Delinquent Special License (90 days or more)—\$472

The TBVME does not discriminate on the basis of race, color, religion, sex, national origin, age or disability in employment or in the provision of services, programs or activities. Individuals requiring reasonable accommodations should contact the agency's ADA Coordinator at 333 Guadalupe, Suite 3-810, Austin, TX 78701-3998, or call (512) 305-7555 or 1-800-877-8973 (TDD). This document may be requested in alternative formats by contacting the Board offices.

ADA ACCOMODATIONS

Individuals seeking ADA accommodations should contact the Board's ADA Coordinator, Loris Jones, at 512/305-7555 or by email at loris.jones@tbvme.state.tx.us.

LICENSING EXAM DATES

State Board Exam 2009

NAVLE 2009

Exam Date	Application Deadline	Location
4/6/09	2/20/09	TAMU, MSC, College Station, TX
6/8/09	4/24/09	UT, JJ Pickle Center, Austin
8/10/09	6/26/09	UT, JJ Pickle Center, Austin
10/12/09	8/28/09	UT, JJ Pickle Center, Austin
12/7/09	10/23/08	UT, JJ Pickle Center, Austin

Exam Date	Application Deadline	Location
April 2009	92 Days prior to the first window day of the exam window	Various
Nov/Dec. 2008	92 Days prior to the first window day of the exam window	Various



CONTINUING EDUCATION OFFERINGS

Information on available CE may be obtained through the following sources. Additional offerings may be available through other sources.

<p><u>RACE</u> (Registry of Approved Continuing Education) Search for Available CE: http://www.aavsb.org/RACE/RaceSearch.asp</p> <p>RACE requires approved providers to issue signed certificates of completion, maintain attendance records for four years and provide qualification of instructors and CE personnel who develop and implement courses.</p>	<p><u>Texas A&M</u> Phone: (979) 845-9102 Fax: (979) 862-2832 Email: ceoffice@cvm.tamu.edu</p>
	<p><u>Texas Veterinary Medical Association</u> www.tvma.org 8104 Exchange Dr. Austin, TX 78754 Phone: (512) 452-4224 Fax: (512) 452-6633</p>

ENFORCEMENT ISSUES

DISCIPLINARY ACTIONS

At the October 16, 2008 meeting, the Board accepted Agreed Orders in 22 docketed cases. Following are summaries of the findings of 2 of those cases. These summaries do not contain all of the facts of each case. For the full text of an Agreed Order, please contact our office.

- **Case No. 2008-62, TBVME vs. Patrick B. Griffin, D.V.M., Lic.# 5186, Little River, TX**
On October 16, 2008, the Board found that Dr. Griffin violated rule §573.62, VIOLATION OF BOARD ORDER/ NEGOTIATED SETTLEMENTS by failing to pay an administrative penalty imposed by the Board in a timely manner. Disciplinary Action: Formal Reprimand.
- **Case No. 2008-79, TBVME vs. Margaret Stummer, D.V.M., Lic.# 7278, Georgetown, TX**
On October 16, 2008, the Board found that Dr. Stummer violated rule §573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT by failing to diagnose and treat cancer and the failure to change antibiotics when there was no response to initial antibiotic treatment. Disciplinary Action: Formal Reprimand.

The remaining approved Agreed Orders consist of 8 which received administrative penalties for failure to obtain their necessary continuing education hours; 5 which received administrative penalties for failure to maintain their Department of Public Safety Controlled Substance Registration; 5 which received either an informal reprimand, were ordered to pay restitution, or a combination of both for unprofessional or dishonorable conduct; 1 which received an informal reprimand for failure to properly supervise non-licensed employees; and 1 which received an administrative penalty for unnecessary

UPCOMING BOARD MEETING DATES*



2009

February 12, 2009

June 11, 2009

October 8, 2009

*dates are not official until posted with the Secretary of State.

PEER ASSISTANCE

If you or someone you know has a substance abuse problem, it is far better to voluntarily participate in the Peer Assistance Program than to run the risk of disciplinary action, up to and including license revocation. The toll free hotline number is 1-800-288-7996.

From the Executive Director continued...

Finally, I want to briefly address a sensitive but very important subject: the issue of what should you do when you become aware of illegal or unprofessional conduct by a colleague. This agency is complaint driven, meaning that with few exceptions, we do not investigate matters or alleged violations of the Act unless someone files a complaint. The complaint does not have to have every detail of the matter, but it must at least identify the veterinarian and provide enough information for staff to make a preliminary decision to open an investigation. Rumors or innuendo simply won't suffice. I fully understand, respect and appreciate one's natural reluctance to report a friend or colleague. But one of the prime duties of every veterinarian is to protect the integrity and professionalism of the practice of veterinary medicine. Turning a blind eye on the malfeasance or misfeasance of a fellow veterinarian does neither. Any time you become aware of any illegal or unprofessional acts or conduct, please provide the Board with sufficient information to enable us to investigate. If you prefer, you may call me in confidence to discuss any such acts or conduct before you submit a written complaint.

The Animal and Agriculture Response to Hurricane Ike: Building on Past Lessons and Addressing New Challenges

Hurricane season '08, with the combination of Dolly, Gustav, and Ike, has been the busiest for Texas since Katrina and Rita wreaked their havoc in 2005. Ike was the worst storm this season, with its extremely destructive tidal surge and colossal size. The Texas Animal Health Commission (TAHC), tasked with state-level leadership of response to animal issues in natural and disease disasters, has been working toward better hurricane preparedness and response since 2005. This season was a real-life test of plans and capabilities. TAHC continues to improve through planning, personnel training, meeting disaster-specific equipment needs, and building important alliances with local and other state-level animal related entities.

TAHC fielded an experienced team of state and federal responders to the Beaumont area immediately following the storm. This team began field operations from a local incident command post that was fully operational by the Sunday following the storm. Augmenting the animal-related response, Texas State Animal Resource Team (TXSART) approved non-governmental organizations from around the country arrived soon thereafter and began to handle small animal response needs.

The rapid assessment of the area performed by TAHC responders revealed devastation unique to a tidal surge, with two-story tall debris piles riddled with the remains of peoples' houses, and in some cases animals, feral and domestic. The surge wiped out all of the ranch fences, brought salt water 23 miles inland, drowned cattle below ~400 lbs, and coated everything in salt. The need for amplification of response capabilities was evident and Texas Agrilife Extension, the Texas Department of Agriculture, and the Texas and Southwestern Cattle Raisers Association worked in the incident command structure with TAHC to meet the needs of producers and their cattle.

The response was a success, but there is still room for improvement. One critical area of need is veterinary care and consultation in the disaster area. TAHC hopes to field a veterinary care response unit in future responses. The composition of this unit may be coordinated by TAHC, but it will largely be decided by those veterinary practitioners of this state who are willing to volunteer their time and talent in the next response. The TVMA Disaster Preparedness Committee is one conduit through which TAHC is attempting to encourage participation of practitioners throughout the state. So, if you're interested in helping, please 'stay tuned,' and we'll be in touch soon. And don't forget that veterinarians can play important roles in local disaster planning, whether at the county or city level.

*Matt Cochran, DVM, MIA
Texas Animal Health Commission
Emergency Management Veterinarian
<http://www.tahc.state.tx.us/>*

BOARD ADOPTS CHANGES TO RULES

The Board adopted the following changes to rules at its October 16, 2008 Board meeting, these rules became effective November 16, 2008:

- **573.10, • Supervision of Non-Licensed Employees.** *The amendment allows a licensed veterinarian to use an electronic signature on rabies certificates. In addition, it allows a licensed veterinarian to delegate the use of an electronic signature pad to a non-licensed employee under the licensed veterinarian's direct supervision.*
- **573.51, • Rabies Control.** *The amendment allows a licensed veterinarian to use an electronic signature on rabies certificates. In addition, it requires a licensed veterinarian who wishes to delegate the use of an electronic signature pad to a non-licensed employee to do so under the licensed veterinarian's direct supervision.*
- **573.53, • Patient Records Release and Charges.** *The new rule is in essence a portion of Rule 573.52 that was moved to better organize Chapter 573. The rule still requires a veterinarian to furnish patient records, including radiographs, upon the request of the client within 15 business days. The rule specifically states the allowable charges for patient records and defines patient records. The rule still forbids the withholding of patient records for past due accounts. The rule does add client's authorized agents/representatives or designated recipient as those allowed to receive patient records.*
- **573.64, • Continuing Education Requirements.** *The amendment clarifies the rule regarding the carryover of excess hours to the next year. In addition, the rule clarifies that hardship extensions generally will not be allowed due to financial hardship or lack of time due to a busy professional or personal schedule.*
- **573.66, • Monitoring Licensees Compliance.** *The amendment removes the requirement of notarization of statements made by the licensee regarding the licensee's compliance with Board rules and the Act. The proposed amendment would standardize the time allowed for response to a compliance inspection, whether on-site or by mail to 30 days. In addition, the amendment clarifies the language of the rule describing the process of opening an investigation.*

Online Continuing Education Coming Soon...

We are proud to announce our collaboration with e-Strategy Solutions, an Austin company, to bring you an on-line learning system. Participation can yield you up to two (2) hours of acceptable continuing education (CE) credits. Please watch our web site www.tbvme.state.tx.us for this new learning module. We hope to have it in place for your use by the end of November. This CE module covers the Veterinary Licensing Act (laws) and the Board Rules, with heavy concentration on three areas: general record keeping, DEA and DPS permits and the supervision of non-licensed personnel. The module will be expanded upon at a later date.

Participation can earn you 2 hours of CE credits in the correspondence category. Once the link is available on our website, please follow the directions and prompts to utilize this CE module. You must print the certificate of completion at the conclusion of this module to be able to claim the hours earned. The cost is \$35 and payable to e-Strategy Solutions. The Board derives no financial benefits from your participation. This is strictly for you, the Texas licensed practitioner, to increase your understanding of current laws and rules as they pertain to the three categories mentioned, and to allow you to earn 2 hours of acceptable CE which you may use to complete the seventeen (17) hours required annually.

BOARD PROPOSES CHANGES TO RULES

At the October 16, 2008 meeting, the Board directed staff to post the following proposed changes in the *Texas Register* for comment, the full text of the changes can be found on the agency website:

- **571.3, Eligibility for Examination and Licensure.** *The proposed amendment corrects a typographical error.*
- **573.52, Patient Record Keeping.** *This is the second proposal of this rule. The Board, after receiving comments from the previous proposal, made substantive changes and re-filed this proposal. The proposed amendment would clarify the rule regarding patient record keeping and what is to be maintained in the records. The amendment also requires that patient records be kept for a minimum of five years and be readily available as opposed to being maintained on the business premises.*
- **573.54, Transfer and Disposal of Patient Records.** *This is the second proposal of this rule. The Board, after receiving comments from the previous proposal, made substantive changes and re-filed this proposal. The proposed new rule sets forth the required notification and method of notification when a licensed veterinarian discontinues the provision of veterinary services without the continuation of their practice. The Board revised the language to broaden the notification to state “written notification” (including placing a notice in the local newspaper) rather than a “letter” of notice.*
- **575.5, Subpoenas/Witness Expenses.** *The proposed amendment provides for a \$25 per day fee for a witness called at the request of the Board as well as reimbursement of travel expenses in the same manner as Board Employees. An expert witness called at the request of the Board shall be paid a fee of \$200 per day and reimbursement for travel expenses in the same manner as Board employees.*
- **573.65, Definitions.** *The proposed amendment defines invasive dentistry or invasive dental procedures to include exposing of the dental pulp or the performance of extractions of teeth.*

In Memoriam...

“Let us hold our lives up to the light of those who walked before us, remembering the footprints they left behind and preserving the pathways they created.”

<u>NAME</u>	<u>CITY</u>	<u>VET. SCHOOL/GRAD YEAR</u>	<u>DATE OF DEATH</u>
Everett Besch, DVM	Baton Rouge, LA	Texas A&M '54	August 2008
Brian Hablinski, DVM	Willis, TX	Texas A&M '94	October 2008

DID YOU KNOW???

- This publication as well as other important information is available on our website, www.tbvme.state.tx.us.
- All licensees can renew their license online through our website.

Notice of Address Change

(please type or print)

Name _____

License Number _____

Please mail to:

Texas Board of Veterinary Medical Examiners
333 Guadalupe, Suite 3-810
Austin, Texas 78701
Fax: (512) 305-7556

Mailing Address:

Street/PO Box _____

City, State _____ Zip Code _____

Practice Address:

Practice Name _____

Street _____

City, State _____ Zip Code _____

Phone _____ Fax _____

Home Address:

Street _____

City, State _____ Zip Code _____

Home Phone _____ Cell Phone _____

Email _____

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Austin, TX 78701