

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
333 Guadalupe, Wm. P. Hobby Bldg. Room 225
Austin, Texas 78701

June 9, 2005

MINUTES

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Thursday, June 9, 2005 in Room, #2-225 of the William P. Hobby, Jr. Building, 333 Guadalupe, Austin, Travis County, Texas. Dr. Gary C. Brantley, President, called the meeting to order at 8:30 a.m. The following members were present:

DR. GARY C. BRANTLEY, President	of Richardson, Texas
DR. ROBERT LASTOVICA, Vice President	of Fredericksburg, Texas
DR. GUY W. JOHNSEN, Secretary	of El Paso, Texas
DR. DEE A. PEDERSON, Member	of Austin, Texas
DR. BUD E. ALLDREDGE, JR., Member	of Sweetwater, Texas
DR. PAT ALLEN, Member	of Lubbock, Texas
MR. PAUL MARTINEZ, Member	of Sonora, Texas
MS. DAWN REVELEY, Member	of Blanco, Texas

Mr. Mario Escobar was not present. Upon motion by Dr. Pederson, second and an affirmative vote, Mr. Escobar's absence was excused. Members of the staff attending included: RON ALLEN, Executive Director; JULIE BARKER, Executive Assistant; PETER HARTLINE, Chief Investigator; INA FRANZ, Director of Licensing; and LEE MATHEWS, General Counsel.

4881 Approval of Agenda. Upon motion by Dr. Pederson, second, and an affirmative vote, the agenda was approved.

4882 Approval of Minutes. Upon motion by Ms. Reveley, second, and an affirmative vote, the minutes of the February 17, 2005 meeting of the Board were approved as presented and signed.

4883 Citizen Comments. Dr. Brantley called for citizen comments. Ellis Gilliland addressed the Board regarding possible legislation relating to animal cruelty.

4884 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-24, TSBVME v. Sonja Lee, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Lee was not present. Dr. Lee allegedly violated provisions of the Veterinary Licensing Act, Chapter 801 of the Texas Occupations Code, by performing an unauthorized de-claw on a cat. Disciplinary Action: Informal Reprimand. Upon motion by Dr. Alldredge, second and an affirmative vote, the Board approved the Agreed Order as presented.

4885 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-25, TSBVME v. James L. Cox, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Cox was not present. Dr. Cox allegedly violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE

TREATMENT, by failing to adequately diagnose and treat a patient; 573.74, DUTY TO COOPERATE WITH BOARD, by failing to respond to requests for information in a timely manner; 573.75, NOTIFICATION OF LICENSEE ADDRESSES, by failing to notify the Board of residence address. Disciplinary Action: Formal Reprimand, a Civil Penalty of One Thousand, Two Hundred and Fifty Dollars (\$1,250), due within 45 days of the date of the Agreed Order, and, within 12 months of the date of the Agreed Order, and Dr. Cox must complete four hours of continuing education in an approved course of emergency medicine and provide proof of completion to the Board. Upon motion by Mr. Martinez, second and an affirmative vote, the Board approved the Agreed Order as presented.

4886 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-26, TSBVME v. Thomas Hooper, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Alldredge and Mr. Martinez were also recused. Dr. Hooper was not present. Dr. Hooper allegedly violated Rule 573.74, DUTY TO COOPERATE WITH BOARD, by failing to respond to requests for information; and Rule 573.75, NOTIFICATION OF LICENSEE ADDRESSES, by failing to notify the Board of a valid mailing address. Disciplinary Action: Informal Reprimand and required to pay a Civil Penalty of Five Hundred Dollars (\$500), within 45 days of the date of the Agreed Order. Upon motion by Dr. Pederson, second and an affirmative vote, the Board approved the Agreed Order as presented.

4887 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-26, TSBVME v. Marilyn Maltby, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Mr. Martinez and Dr. Alldredge were also recused. Dr. Maltby was not present. Dr. Maltby allegedly violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, by failing to properly inspect and re-wrap a splint and consult and properly follow-up with the client to ascertain the condition and progression of cancer in a patient. Disciplinary Action: Formal Reprimand. Upon motion by Dr. Allen, second and an affirmative vote, the Board approved the Agreed Order as presented.

4888 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-28, TSBVME v. Douglas M. Johnson, D.V.M. Dr. Guy Johnsen, as the Secretary in this case, was recused from voting. Dr. Johnson was not present. Dr. Johnson allegedly violated Rule 573.40, LABELING OF MEDICATIONS DISPENSED, by failing to include the name of the dispensing veterinarian, the date of dispensing, name of the drug, and name of the client on a medication label; and Rule 573.52, PATIENT RECORD KEEPING, by failing to include dosages, concentration, or routes of administration of a drug in patient records. Disciplinary Action: Informal Reprimand. Upon motion by Dr. Alldredge, second and an affirmative vote, the Board approved the Agreed Order as presented.

4889 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-29, TSBVME v. Lewis K. Knowles, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Knowles was not present. Dr. Knowles allegedly violated Rule 573.22, PROFESSIONAL STANDARD

OF HUMANE TREATMENT, by failing to offer a client a pre-surgery consent form, investigate the possible cause of death, offer a necropsy, and by failing to monitor a dog's vital signs during or after surgery; and Rule 573.52, PATIENT RECORD KEEPING, by failing to maintain complete, accurate patient records. Disciplinary Action: Formal Reprimand. Upon motion by Mr. Martinez, second and an affirmative vote, the Board approved the Agreed Order as presented.

4890 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-30, TSBVME v. Joseph Mandola, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Mandola was not present. Dr. Mandola allegedly violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, by failing to properly investigate, diagnose and comprehensively treat a long-term chronic intestinal dysfunction of a patient and by inappropriately performing surgery on an animal suspected of having cancer; and Rule 573.52, PATIENT RECORD KEEPING, by failing to maintain complete accurate patient records. Disciplinary Action: Formal Reprimand and a Civil Penalty of Two Thousand dollars (\$2,000), payable within 45 days of the date of the Agreed Order. Dr. Mandola is ordered to submit, within 12 months of the date of this order, complete patient records of at least eight patients treated during the 12-month period. Upon motion by Ms. Reveley, second and an affirmative vote, the Board approved the Agreed Order as presented.

4891 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-31, TSBVME v. Ferdinand Tamas, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Tamas was not present. Dr. Tamas allegedly violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, by failing to discuss with a client the possibility of cancer in a patient, provide follow-up treatment or refer the patient to a specialist; and Rule 573.52, PATIENT RECORD KEEPING, by failing to maintain complete accurate patient records. Disciplinary Action: Formal Reprimand, and a Civil Penalty of One Thousand dollars (\$1,000) within 45 days of the date of this Agreed Order. Dr. Tamas was ordered to submit, within 12 months of the date of this order, complete patient records of at least eight patients treated during the 12-month period. Upon motion by Dr. Pederson, second and an affirmative vote, the Board approved the Agreed Order as presented.

4892 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-32, TSBVME v. David Thurmond, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Thurmond was not present. Dr. Thurmond allegedly violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT because he knew or should have known of an April 1, 2004 notation in a patient record that a patient had "multiple soft tissue swelling in colon, possible colon cancer," but failed to discuss the matter with the client, provide follow-up treatment or refer the patient to a specialist. Disciplinary Action: Formal Reprimand, a Civil Penalty of One Thousand dollars (\$1,000) within 45 days of the date of this Agreed Order. Dr. Thurmond was ordered to submit, within 12 months of

the date of this order, complete patient records of at least eight patients treated during the 12-month period. Upon motion by Dr. Lastovica, second and an affirmative vote, the Board approved the Agreed Order as presented.

4893 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-33, TSBVME v. Ferdinand Tamas, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Tamas was not present. Dr. Tamas allegedly violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, by failing to properly evaluate and treat a patient's condition; and Rule 573.52, PATIENT RECORD KEEPING, by failing to maintain complete, accurate patient records. Disciplinary Action: Informal Reprimand. Upon motion by Dr. Pederson, second and an affirmative vote, the Board approved the Agreed Order as presented.

4894 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-34, TSBVME v. Jaymes Mortensen, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Mortensen was not present. Dr. Mortensen allegedly violated Rule 573.60, PROHIBITION AGAINST TREATMENT OF HUMANS, by writing prescriptions for his wife and children. Disciplinary Action: Formal Reprimand, and a One Year Stayed Suspension of his license. Upon motion by Dr. Alldredge, second and an affirmative vote, the Board approved the Agreed Order as presented.

4895 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-35, TSBVME v. Robert Tiller, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Tiller was not present. Dr. Tiller allegedly violated 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, by failing to draw blood for analysis and address medical issues when it became apparent that the patient was in difficulty and appearing nervous; and by failing to assure that his mechanical chute was working properly. Disciplinary Action: Formal Reprimand and pay a Civil Penalty of Five Hundred dollars (\$500), payable within 45 days of the date of the Agreed Order. Upon motion by Mr. Martinez, second and an affirmative vote, the Board approved the Agreed Order as presented.

4896 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-36, TSBVME v. Joe Bennett, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Bennett was not present. Dr. Bennett allegedly violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, by failing to investigate the cause of anemia in a patient; failing to conduct blood work; failing to communicate the patient's condition to the client; failing to provide medication and/or instruction upon discharge; and failing to present the option of seeking after hours care at an emergency clinic to the client; and Rule 573.52, PATIENT RECORD KEEPING, by failing to maintain complete accurate patient records. Disciplinary Action: Formal Reprimand and Dr. Bennett was ordered to obtain eight (8) hours of Board approved continuing education in emergency medicine within eighteen (18) months of the date of

this Agreed Order. Upon motion by Dr. Allen, second and an affirmative vote, the Board approved the Agreed Order as presented.

4897 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-37, TSBVME v. Darr F. Wilson, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Wilson was not present. Dr. Wilson allegedly violated Rule 573.52, PATIENT RECORD KEEPING, by failing to maintain complete accurate patient records. Disciplinary Action: Informal Reprimand. Upon motion by Mr. Martinez and an affirmative vote, the Board approved the Agreed Order as presented.

4898 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-38, TSBVME v. Rebecca Hudson, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Alldredge was also recused. Dr. Hudson was not present. Dr. Hudson allegedly violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, by failing to rule out other causes of GI problems within a patient, such as a bleeding disorder, chronic use of Rimadyl, and problems that cause hyponatremia, such as Addison's Disease; failing to institute a broad assessment and aggressive therapeutic protocol; failing to send medications home with the patient upon discharge; and failing to provide IV therapy. Disciplinary Action: Informal Reprimand. After discussion, and upon motion by Mr. Martinez, second and an affirmative vote, the Board approved the Agreed Order as presented.

4899 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-39, TSBVME v. Robert L. Wilson, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Wilson was not present. Dr. Wilson allegedly violated Rule 573.64, CONTINUING EDUCATION, by failing to obtain any of the required continuing education hours for 2004, renewal year 2005. Disciplinary Action: Ordered to pay a Civil Penalty of Two Hundred and Fifty dollars (\$250.00), payable within 45 days of the date of the Agreed Order. Upon motion by Dr. Pederson, second and an affirmative vote, the Board approved the Agreed Order as presented.

4900 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-40, TSBVME v. Michael Keller, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Keller was not present. Dr. Keller allegedly violated Rule 573.64, CONTINUING EDUCATION, by failing to obtain any of the required continuing education hours for 2004, renewal year 2005. Disciplinary Action: Ordered to pay a Civil Penalty of Two Hundred and Fifty dollars (\$250.00), payable within 45 days of the date of the Agreed Order. Upon motion by Dr. Pederson, second and an affirmative vote, the Board approved the Agreed Order as presented.

4901 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-41, TSBVME v. Shawna Walters, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Walters was not present. Dr. Walters allegedly violated Rule 573.64, CONTINUING EDUCATION, by failing to obtain any of the required continuing education hours for 2004, renewal year 2005. Disciplinary Action:

Ordered to pay a Civil Penalty of Two Hundred and Fifty dollars (\$250.00), payable within 45 days of the date of the Agreed Order. Upon motion by Dr. Pederson, second and an affirmative vote, the Board approved the Agreed Order as presented.

4902 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-42, TSBVME v. Kimberly Tunmire, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Tunmire was not present. Dr. Tunmire allegedly violated Rule 573.64, CONTINUING EDUCATION, by failing to obtain all of the required continuing education hours for 2004, renewal year 2005. Disciplinary Action: Ordered to pay a Civil Penalty of Five Hundred dollars (\$500.00), payable within 45 days of the date of the Agreed Order. Upon motion by Dr. Pederson, second and an affirmative vote, the Board approved the Agreed Order as presented.

4903 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-43, TSBVME v. William C. Anderson, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Anderson was not present. Dr. Anderson allegedly violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, by failing to perform a complete ovariohysterectomy on a patient, which resulted in additional stress on the patient and additional expense to the owners. Disciplinary Action: Informal Reprimand. Upon motion by Mr. Martinez, second and an affirmative vote, the Board approved the Agreed Order as presented.

4904 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-44, TSBVME v. Rachel Bass, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Bass was not present. Dr. Bass allegedly violated provisions of the Veterinary Licensing Act, Chapter 801 of the Texas Occupations Code, by failing to obtain authorization prior to treating a patient. Disciplinary Action: Informal Reprimand. Upon motion by Dr. Alldredge, second and an affirmative vote, the Board approved the Agreed Order as presented.

4905 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-45, TSBVME v. Angus MacDonald, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. MacDonald was not present. Dr. MacDonald allegedly violated Rule 571.41, USE OF PRESCRIPTION DRUGS, by prescribing and dispensing prescription drugs that are not therapeutically indicated for the health of animals; Rule 573.60, PROHIBITION AGAINST TREATMENT OF HUMANS, by prescribing and dispensing drugs for personal use by a human; Rule 573.4, ADHERENCE TO THE LAW, by continuing to possess and use controlled substances after surrendering his DEA registration on June 30, 2004; and Rule 573.10, SUPERVISION OF NON-LICENSED EMPLOYEES, by improperly supervising a non-licensed employee and/or the improper delegation of veterinary treatment responsibilities to a non-licensed person. Disciplinary Action: Official Reprimand, License Suspension for a period of two years, the suspension stayed for the entire period, and probation for two years. Dr. MacDonald was ordered to

provide quarterly written reports on the status of his practice and his compliance with the Agreed Order. Dr. MacDonald was ordered to comply with the conditions of the Peer Assistance and Treatment program he is currently participating in; and inform the Board in the event he ceases participating in or complying with the program. Upon motion by Ms. Reveley and an affirmative vote, the Board approved the Agreed Order as presented.

4906 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-46, TSBVME v. Donald S. Fletcher, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Fletcher was not present. Dr. Fletcher allegedly violated Rule 573.24, ISSUANCE OF CERTIFICATES THROUGH DIRECT KNOWLEDGE ONLY, and Rule 573.4, ADHERENCE TO THE LAW, by issuing Certificates of Veterinary Inspection on cattle who had not been tested or vaccinated for brucellosis and/or TB. Disciplinary Action: License Suspended for a period of not less than two years from the date of the Agreed Order. Dr. Fletcher may petition the Board after two years for reinstatement of his license. The suspension will continue for as long as reinstatement is not granted. Upon motion by Mr. Martinez, and an affirmative vote, the Board approved the Agreed Order as presented.

4907 Agreed Order. The Board considered an Agreed Order in Docketed Case No. 2005-47, TSBVME v. Robert J. Riccitello, D.V.M. Dr. Johnsen, as the Secretary in this case, was recused from voting. Dr. Riccitello was not present. Dr. Riccitello allegedly violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, by failing to provide meaningful veterinary care during the time patients were in his clinic; allowing a non-veterinarian to treat animals without veterinary supervision while he was away from his clinic, and by failing to suggest having another veterinarian examine a mare that was in his clinic for treatment when he was not available. The mare was later euthanized at his authorization while he was still away from his clinic and without having been seen by a veterinarian; 573.10, SUPERVISION OF NON-LICENSED EMPLOYEES, and 573.11, RESPONSIBILITY FOR UNLICENSED AND LICENSED EMPLOYEES, by allowing a non-veterinarian to treat patients, including the administration of controlled substances, without veterinary supervision while he was away from his clinic; 573.52, PATIENT RECORD KEEPING, by failing to maintain complete accurate patient records; 573.43, MISUSE OF DEA NARCOTICS REGISTRATION, by failing to possess a current controlled substance registration from the Texas Department of Public Safety; and 573.67, CONTINUING EDUCATION REQUIREMENTS, by failing to obtain continuing education for 2002, renewal year 2003. Disciplinary Action: Formal Reprimand, License Suspended for a period of two years from the date of the Agreed Order, with the entire two years stayed and Dr. Riccitello placed on probation; Ordered to pay a Civil Penalty of One Thousand, Two Hundred and Fifty dollars (\$1,250), and take and pass the Board's Jurisprudence Examination, both within 45 days of the date of the Agreed Order. Dr. Riccitello may not re-take the exam any more

frequently than 10 working days from the date of his last sitting for the examination. Upon motion by Mr. Martinez and an affirmative vote, the Board approved the Agreed Order as presented.

4908 Waiver. Dennis R. Cundy, D.V.M., requested that the Board waive the Clinical Competency Test (CCT) required to obtain a Texas license. Dr. Cundy graduated from Colorado State University College of Veterinary Medicine, in 1976. The CCT was not available at that time. Dr. Cundy was present and spoke to the Board regarding his request. Upon motion by Dr. Johnsen, second and an affirmative vote, the Board approved the waiver with the following conditions: Dr. Cundy is required to take and pass the State Board Examination within one year of the approval of his waiver.

4909 Waiver. James F. Zimmer, D.V.M., requested that the Board waive the Clinical Competency Test (CCT) required to obtain a Texas license. Dr. Zimmer graduated from the New York State College of Veterinary Medicine in 1968. The CCT was not available at that time. Dr. Zimmer was present and spoke to the Board regarding his request. Upon motion by Dr. Johnsen, second and an affirmative vote, the Board approved the waiver with the following conditions: Dr. Zimmer is required to take and pass the State Board Examination within one year of the approval of his waiver.

4910 Waiver. Patricia Murphy, D.V.M., requested that the Board waive the National Board Exam required to obtain a Texas license. Dr. Murphy graduated from the Iowa State University, College of Veterinary Medicine in 1990. She has unsuccessfully taken the National Board Exam on three separate occasions. Dr. Murphy was present and spoke to the Board regarding her request. Upon motion by Dr. Johnsen, second and an affirmative vote, the Board denied Dr. Murphy's request.

4911 Waiver. Carlos Pereyra, D.V.M. requested that the Board waive the foreign graduate licensure requirements for obtaining a Texas license and the Clinical Competency Test (CCT). Dr. Pereyra graduated from the Universidad Nacional Pedro Henríquez Ureña (UNPHU), Santo Domingo, Dominican Republic, in 1990. As stated in the Veterinary Licensing Act, Dr. Pereyra is not eligible to receive a license without having been a graduate of an approved (AVMA accredited) college or having completed either the Program for Assessment of Veterinary Education Equivalence (PAVE) or the Educational Commission For Foreign Graduates (ECFVG) program. UNPHU does not hold AVMA accreditation and Dr. Pereyra has not completed either the PAVE or ECFVG program. He currently holds a license in practice in New York, which does not have the same requirements as Texas. Dr. Pereyra was present and spoke to the Board regarding his request. The Board requested that staff provide details of an exam that Dr. Pereyra took to gain his New York license. The details are to include his grades in each section. The Board will review the information for comparison against the CCT of the ECFVG program. The Board also requested a review of Dr. Pereyra from his present employer, Banfield Corporation. Upon motion by Dr. Johnsen, second and an affirmative vote, the Board voted to table Dr. Pereyra's request until the next Board meeting to allow time to collect the requested information.

4912 Adopted Rules. The following changes to Board rules were proposed at the February 17, 2005 Board meeting and were considered for adoption:

Amendments:

571.54, Retired License Status;

575.26 Complaint Form; and

573.40, Labeling of Medications Dispensed.

The above-entitled rules were posted in the *Texas Register* on March 18, 2005. No comments were received. Upon motion by Dr. Alldredge, second and an affirmative vote, the Board voted to adopt the amendments to 571.54, 575.26, and 573.40 as posted in the *Texas Register*.

4913 Proposed Rules. The Board considered the following proposed amendments to Board rules:

577.15, Fee Schedule. The proposed amendment increases fees for current license renewals, including those for regular licensure, inactive, and special licenses; reduces delinquency fees, fees for the State Board Examination and Special License Examination. These changes are required to cover the costs of the Board's legislative appropriations for FY2006 and to reflect changes made to the Veterinary Licensing Act by the 79th Legislature. Upon motion by Dr. Alldredge, second and an affirmative vote, the Board directed staff to post the proposed preamble and amendment in the *Texas Register* in accordance with law.

571.3, Eligibility for Examination and Licensure. The proposed amendment allows for the refund of license examination fees under certain circumstances and defines "emergency" as it relates to the refunding of fees. This action is required based on changes made to the Veterinary Licensing Act through the Sunset process. Upon motion by Dr. Alldredge, second and an affirmative vote, the Board directed staff to post the proposed preamble and amendment in the *Texas Register* in accordance with law.

575.27, Complaints – Receipt, Investigation and Disposition. The proposed amendment sets out the process used by the Board when receiving and processing complaints. The amendment proposes to state that the primary concern of the Board's enforcement program is to investigate complaints and that complaints will take precedence over all other elements of the enforcement program, including compliance inspections. The amendment also sets out complaint priorities. Mr. Gilliland requested that the Board consider changing section D(5), which currently states: "a board investigator shall review it and may interview the complainant." Mr. Gilliland asked that the term "may" be changed to "shall" He also requested that the Board consider removing the Executive Director's option of dismissing a complaint as it is stated in paragraph eight, and possibly move the responsibility to the Board Secretary. Upon motion by Dr. Alldredge, second and an affirmative vote, the Board directed staff to post the proposed preamble and amendment in the *Texas Register*, in accordance with law.

4914 Desk Side Compliance Audits. At the February Board meeting, members instructed staff to begin a Desk Side Audit pilot. Mr. Allen and Mr. Hartline gave an overview of the pilot program process. Mr.

Hartline stated that the primary drawback to conducting desk side compliance audits versus on-site compliance audits was seen in the area of controlled substances. He stated that desk side audits lacked the ability to review how controlled substances were secured and where they were stored and the ability to physically review drugs on hand versus drugs ordered and purchased. This limits the Board's ability to ensure that controlled substance requirements and laws are being followed. Mr. Hartline stated that while the desk side audits were not as comprehensive as on-site inspections, they do require veterinarians to review rules and become more familiar with Board requirements for patient records and continuing education as well as other areas of the Board's rules. Ms. Reveley suggested requiring veterinarians to attest, under notarized signature, that the information they are submitting is complete and accurate. Dr. Johnsen suggested adding an offer to mail copies of the Board's Rules to those veterinarians undergoing an audit. Dr. Brantley recommended adding a notation that veterinarians should indicate any items within the audit that do not apply to them, for example a controlled substance log or patient records if the veterinarian is retired. Board staff will incorporate the suggested changes.

4915 Program For Assessment of Veterinary Education Equivalence (PAVE). Members viewed a video presentation on PAVE.

4916 Contract for Peer Assistance. Mr. Allen gave an overview of changes made to the contract with Texas Veterinary Medical Association to provide the Board's Peer Assistance Program. Mr. Allen suggested that the Board consider asking the next legislature to allow the agency's fines go to the general revenue fund and allow the Board to assess fees sufficient to cover the Peer Assistance program.

4917 Continuing Education. Mr. Allen gave an overview of the current continuing education approval process and the requirements of the Sunset staff management action item, recommending that the Board explore and implement ways to ensure that CE providers comply with minimum standards established by the Board. He stated that he felt that the Board should review its current policies, sighting an incident with a CE provider whose CE was given credit during a TVMA symposium but who was denied credit when they applied directly to the Board. Mr. Allen suggested that the Board create a committee to review the current process and staff concerns as well as providing guidance to TVMA, local VMAs and other CE providers. Dr. Brantley requested that Drs. Pederson and Alldredge continue to serve on the committee and appointed Ms. Reveley to replace Dr. Lawhon as a committee member.

4918 FY2006-2007 Biennial Appropriations. Mr. Allen gave an overview of the FY2006-2007 Biennial appropriations approved for the Board by the 79th Legislature.

4919 79th Legislative Session. Mr. Allen gave an overview of bills passed by the 79th Legislature, which will affect the veterinary community as well as bills that were proposed but not passed.

4920 Sunset Advisory Commission. Mr. Allen gave an overview of the agency's Sunset bill and the changes that were made to the Veterinary Licensing Act.

4921 Executive Director's Report.

2005 License Renewals – As of May 18, 2005, 6494 licensees had renewed.

April 11, 2005 State Board Examination – 161 individuals were examined, 160 passed

Status of FY2005 Operating Budget – Mr. Allen gave an overview of the status of the FY2005 operating budget.

Enforcement Report – As of May 10, 2005, the Board has received 186 complaints for FY2005 and resolved 233 complaints, with an average resolution time of 154 days.

Licensing and Examinations Report – As of May 19, 2005, the Board licenses 6813 veterinarians, the State Board Exam was administered to 204 applicants, the Provisional License Exam was administered to 11 applicants, and the Special License Exam was administered to 10 applicants

Peer Assistance Report – As of May 31, 2005, 17 individuals were participating in the Peer Assistance program. Two of those individuals are under Board order to participate.

4921 Adjournment. There being no further business, the meeting was adjourned.

Approved:

Gary C. Brantley, D.V.M.
President

Guy W. Johnsen, D.V.M.
Secretary