

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
BOARD MEETING MINUTES
October 16, 2008**

The Texas Board of Veterinary Medical Examiners met for a regularly scheduled meeting on Thursday, October 16, 2008 in Room, #2-225 of the William P. Hobby, Jr. Building, 333 Guadalupe, Austin, Travis County, Texas. Bud Alldredge, D.V.M., President, called the meeting to order at 8:34 a.m. Board Members present were Patrick Allen, D.V.M., Vice-President; Janie Carpenter, D.V.M., Secretary; John Clader, D.V.M.; David Heflin, D.V.M., Mr. David Kercheval, Mr. Paul Martinez, and David Rosberg, D.V.M. Board Staff present were: Dewey E. Helmcamp III, JD, Executive Director; Nicole Oria, General Counsel; Ina Franz, Director of Licensing; and Loris Jones, Executive Assistant.

Dr. Clader moved, Dr. Heflin seconded and the motion passed to approve the absence of Cynthia Diaz.

Agenda Item 2, Approval of Minutes. Dr. Carpenter moved, Dr. Allen seconded and the motion passed to approve the minutes of the June 19, 2008 Board meeting with the noted non-substantive corrections.

Agenda Item 3, Approval of August 18, 2008 Rules Committee Minutes. Mr. Martinez moved, Dr. Carpenter seconded, and the motion passed to approve the minutes of the August 18, 2008 Rules Committee.

Agenda Item 4, Approval of the September 17, 2008 Emergency Telephonic Board Meeting minutes. Dr. Allen moved, Mr. Martinez seconded and the motion passed to approve the minutes of the September 17, 2008 Emergency Telephonic Board Meeting.

Dr. Alldredge recognized members of the audience, Chris Copeland, Ronald Stried, DVM, and Annmarie MacFarland with Texas Veterinary Medical Association and Julie Harker with the Office of the Governor.

Agenda Item 5, Citizen Comments. Dr. Alldredge called for citizen comments. Mr. Greg Munson and Ms. Cindy Munson addressed the Board.

Dewey Helmcamp introduced and welcomed Paul Guinn, the Assistant General Counsel for the Board.

Agenda Item 5, Licensure Petitions.

a. Discussion, recommendation and possible action on petitions to waive the Clinical Competency Test and have license reissued upon passage of the State Board Exam.

- 1. Eldred E. Keahey, D.V.M.** requested that the Board waive the Clinical Competency Test (CCT) required to obtain a Texas license. Dr. Keahey is a 1964 veterinary graduate of Texas A & M University. Upon graduation, Dr. Keahey took and passed the National Board Examination (NBE) in Colorado. After passing the NBE, Dr. Keahey applied for and earned his Texas veterinary license on February 12, 1964. His Texas veterinary medical license was renewed until March 1, 1996, at which time it was cancelled for failure to renew as provided by law. Dr. Keahey retired from Texas A & M University in 1996, after 29 years of teaching veterinary and biomedical science. In the past, his Texas veterinary license had been renewed by Texas A & M University, and, even though several notices had been mailed to his address of record, he was unaware that his license had expired and ultimately was cancelled. Dr. Keahey worked in the biomedical science field as an instructor in the Food Safety Education Program at Texas A & M University through 2003. Thereafter, he taught microbiology in the Lone Star College System until present. Should Dr. Keahey regain his license, he would like to pursue opportunities as a relief veterinarian in the Montgomery, Texas area. **Dr. Clader moved, Dr. Heflin seconded and the motion passed to approve the waiver** with the following conditions: Dr. Keahey is required to take and pass the State Board Examination within one year of the approval of his waiver. **Dr. Allen moved, Mr. Martinez seconded and the motion passed to waive the requirement of the CCT.**

b. Discussion, recommendation and possible action on petitions to take the state board exam.

- 1. John Montalbano, DVM.** Dr. Montalbano is a 1983 veterinary graduate from the University Autonoma de Tamaulipas, Mexico. Prior thereto, he served in the US Air Force from which he was honorably discharged in 1974. As a graduate of a non-AVMA

accredited college of veterinary medicine, Dr. Montalbano was required to complete a foreign graduate program. At the time, only the ECFVG program administered by the AVMA was available. The two national boards (NBE and CCT) were passed by him in April of 1998. He ultimately completed the ECFVG program in May of 2008. It appears that Dr. Montalbano is licensed to practice in Mexico, however, to date, confirmation regarding the Cedulla has not been received and petitioner is aware that this document is still missing. According to documentation received from Dr. Montalbano and other sources, he worked at the AA Animal Clinic in Harlingen, Texas from 1994 until 2006. On February 25, 2008, the Board and the Texas Attorney General's office sought and were granted from the 197th District Court an agreed permanent injunction against John G. Montalbano, due to his continued practice of veterinary medicine without a license, in violation of the voluntarily signed cease and desist statement and the laws and rules governing the practice of veterinary medicine in the State of Texas. **Dr. Heflin moved, Dr. Carpenter seconded and the motion passed to allow Dr. Montalbano to take the state board exam (SBE) and upon passage of the exam have a Texas license issued with certain terms and conditions.** The terms and conditions are:

- Pass the SBE within one (1) year;
- Within two (2) years, acquire fifty-one (51) hours of continuing education;
- Must work under the general supervision of a mentor for one (1) year that is approved by the Executive Director;
- The mentor must submit reports on Dr. Montalbano twice within the one (1) year period;
- Dr. Montalbano must submit quarterly reports on medical case records with a minimum of two (2) cases per quarter.
- The Board must receive a letter from the approved mentor acknowledging that they have been made aware of the terms and conditions placed on Dr. Montalbano's license.

c. Discussion, recommendation and possible action on petition to waive the Clinical Competency Test.

1. **Theodore R. Gonzalez, D.V.M.** Dr. Gonzalez is a 1974 veterinary graduate of Cornell University. Upon graduation, Dr. Gonzalez took and passed the National Board Examination (NBE) in New York. After passing the NBE, Dr. Gonzalez applied for and earned his New York veterinary license that he maintains in active status. Dr. Gonzalez has been in continuous practice for the past 34 years, but would like to move to Texas to join family in this region. **Dr. Carpenter moved, Dr. Heflin seconded and the motion passed to approve the waiver** with the following conditions: Dr. Gonzalez is required to take and pass the State Board Examination within one year of the approval of his waiver.
2. **Claude L. Woodard, II, D.V.M.** Dr. Woodard is a 1978 veterinary graduate of Kansas State University. Upon graduation, Dr. Woodard took and passed the National Board Examination (NBE) in Kansas. After passing the NBE, Dr. Woodard applied for and earned his Kansas veterinary license that he maintains in active status. Additional licenses were gained in Arizona, Maryland and Nebraska, but they were not renewed. Dr. Woodard retired from active military duty in 1994. Thereafter and until 2006, he practiced in Nebraska, Kansas and Maryland. In March of 2006, he gained employment at the Center for Comparative Medicine, Baylor College of Medicine, in Houston, Texas. In July of 2008, he passed the American College of Laboratory Animal Medicine Boards and currently holds Diplomate status in said college. **Dr. Clader moved, Dr. Heflin seconded and the motion passed to approve the waiver** with the following conditions. Dr. Woodard is required to take and pass the State Board Examination within one year of the approval of his waiver.

Agenda Item 8, Consideration and approval of Agreed Orders. Dr. Rosberg moved, Mr. Martinez seconded, and the motion passed to approve the Agreed Orders on the following: *Aubrey Watkins, DVM; Joel B. Akin, DVM; Patrick B. Griffin, DVM; Nancy E. Blakeman, DVM; J. Elroy Whitworth, DVM; April Altman, DVM; Kevin Gray, DVM; Margaret Stummer, DVM; Eddie J. Hayes, DVM; Amy Southerland, DVM; Patrick Jarrett, DVM; Justin Goebel, DVM; W.L. Scrutchfield, DVM; Timothy Storms, DVM; Cindy Moore, DVM; M. Gordon Parham, DVM; Greg Veneklasen, DVM; David E. Wainwright, DVM; James D. Hudson, DVM; Wendi A. Becker, DVM; Penny Kelso, DVM; and Ana D. Cortinas, DVM.*

Agenda Item 9, Consideration and approval of Cease and Desist Orders. There were no items to be considered.

Agenda Item 10, Consideration and approval of Proposal for Decision, Marvin Hare, DVM. Dr. Hare did not appear, Mr. Paul Guinn represented the board. Mr. Guinn presented a summary of the case history and the Proposal for Decision. After discussion, **Mr. Martinez moved, Dr. Allen seconded and the motion passed to adopt the Findings of Fact and Conclusions of Law recommended by the Administrative Law Judge in the Proposal for Decision.**

Agenda Item 11, Discussion, recommendation and possible action regarding Termination of Suspension Petitions. Mr. Guinn presented information regarding the suspension of Dr. Christopher Arnold's license and the options available to the Board on terminating the suspension. Dr. Arnold addressed the board regarding his petition to have the suspension on his license terminated. After discussion, **Dr. Carpenter moved, Dr. Heflin seconded and the motion passed to have the enforcement division conduct an investigation on Dr. Arnold and to bring the results to the Board at the February 12, 2009 regular meeting.**

Agenda Item 12, Report from the Rules Committee. The rules committee met as part of the full Board meeting, Ms. Oria presented the rules that were up for adoption and those that were being proposed to the full board.

a. Discussion, recommendation, and possible action on rules to be adopted. The following changes to Board rules were proposed at the June 19, 2008 Board meeting and were considered for adoption:

1. 573.10, Supervision of Non-Licensed Employees.
2. 573.51, Rabies Control.
3. 573.53, Patient Records Release and Charges.
4. 573.64, Continuing Education Requirements.
5. 573.66, Monitoring Licensees Compliance.

After discussion by the Board, **Dr. Heflin moved, Dr. Clader seconded and the motion passed to adopt the proposed amendments to §§ 573.10, 573.51, 573.53, 573.64, and 573.66.**

- b. Discussion, recommendation, and possible action on rules to be proposed.** After discussion, **Dr. Carpenter moved, Mr. Kercheval seconded and the motion passed to approve proposed amendments with non-substantive changes as discussed to §§571.3, Eligibility for Examination and Licensure; 573.52, Patient Record Keeping; 573.54, Transfer and Disposal of Patient Records; 575.5, Subpoenas/Witness Expenses; and 573.65, Definitions; and to publish the proposed preambles and amendments in the *Texas Register* in accordance with law.**

Agenda Item 14, Election of Officers. Dr. Alldredge called for nominations for the Vice-President and Secretary positions. After discussion, **Dr. Allen moved, Mr. Martinez seconded and the motion passed to elect Dr. Janie Carpenter as the Board Vice-President.** After discussion, **Dr. Allen moved, Dr. Carpenter seconded, and the motion passed to elect Dr. David Heflin as the Board Secretary.**

Agenda Item 15, Appointment of Committees.

- a. Executive Disciplinary Committee.** Dr. Alldredge appointed Dr. Heflin and himself as well as each public member on a rotating basis to serve on the Executive Disciplinary Committee.
- b. Enforcement Committee.** Dr. Alldredge appointed Dr. Carpenter and Dr. Heflin to serve on this committee, along with 1 public member of the board on a rotating basis.
- c. Rules Committee.** Dr. Alldredge appointed Ms. Diaz to serve as the chair, Dr. Clader, Dr. Rosberg and Mr. Kercheval to serve on this committee.

Agenda Item 16, Discussion, recommendation and possible action regarding *Board Policy Relating to the Amount of Personnel Time Spent Annually on Requests for Public Information.*

Mr. Guinn presented background information and the enabling portion of the Texas Public Information Act on the issue of the amount of time allowed per requestor each fiscal year before

personnel time may be charged on all subsequent requests for information. After discussion, **Dr. Clader moved, Dr. Rosberg seconded and the motion passed to approve the policy.**

Agenda Item 17, Discussion, recommendation and possible action regarding NAVLE Retakes. Mr. Helmcamp presented background information on NAVLE examination attempts. After discussion, **Dr. Carpenter moved, Dr. Clader seconded and the motion passed to follow the five (5) attempt/five (5) year limit and ask the National Board of Veterinary Medical Examiners (NBVME) notify TBVME of failures, and that TBVME will not accept a passing score on the sixth or subsequent attempts for licensure purposes.**

Agenda Item 18, Update on AAVSB Meeting on September 18 – 20, 2008. Mr. Helmcamp presented a brief update on the meeting and notified the members that on October 28, 2008 there would be a meeting of a task force on licensure pathways for foreign graduates.

Agenda Item 19, Executive Director's Report.

- A. Report on Health Professions Council (HPC) Activities.** Mr. Helmcamp gave a brief update on HPC activities.
- B. Report on 2008 License Renewals.** Ms. Franz discussed the annual renewals as of August 31, 2008.
- C. Report on State Board Exams.** Ms. Franz discussed the results of the August 11, 2008 State Board Exams, noting the 97% pass rate for the exam.
- D. Status of FY2008 and FY2009 Operating Budgets.** Mr. Keith Cole, Chief Fiscal Officer, gave a brief overview of the status of closing out the FY2008 budget as well as an overview of the FY2009 budget.
- E. Board Performance Update.**
 - 1. Enforcement Report:** Mr. Hartline discussed the Enforcement side of the agency and noted that there was an increased number of complaints received in FY2008 as well as an increase in the number of complaints resolved, with only a slight increase in the average resolution time.
 - 2. Licensing and Examinations Report:** Mr. Helmcamp discussed the statistics related to Licensing and Examinations, as of August 31, 2008 we had 7,114

licensed veterinarians in all categories. The Board directed staff to begin to include a breakdown of “specialties” declared by veterinarians in the licensing report.

3. Peer Assistance Report: Mr. Helmcamp mentioned that there are currently fifteen veterinarians under the Peer Assistance program. The Board directed staff to gather information on the peer assistance statistics from other states.

F. Report on discussion with Texas Veterinary Medical Association. Mr. Helmcamp mentioned that discussions with the TVMA have been ongoing and continue to be productive.

G. Report on NBVME revised species specific examinations. Mr. Helmcamp informed the members that the NBVME newly revised species specific examinations were available for confidential review.

Mr. Helmcamp also discussed TBVME’s attendance and testimony given at the October 1, 2008 meeting of the House Committee on Agriculture and Livestock. He mentioned that it is expected and staff will be watching for a draft bill on the addition of tooth floating to the current listing of livestock management practices.

Agenda Item 13, Presentation by Cleet Griffin, D.V.M. regarding Equine Dental Procedures.

Dr. Alldredge welcomed and introduced Dr. Cleet Griffin , Clinical Assistant Professor Dept. of Large Animal Medicine and Surgery College of Veterinary Medicine Texas A&M University College. Dr. Griffin presented an overview of equine dental procedures and training provided by Texas A&M College of Veterinary Medicine.

Dr. Clader moved, Dr. Carpenter seconded, and the motion passed to go into Executive Session at 3:30 p.m. to discuss matters involving a test item or information related to a test item that may be included in an examination that the agency administers to applicants seeking licensure under the authority of the Open Meetings Act, GOVERNMENT CODE Section 551.088. Open session resumed at 4:02 p.m. and it was announced that no action was taken. A certified agenda was made.

There being no further business, Dr. Carpenter moved, Mr. Kercheval seconded, and the meeting was adjourned at 4:04 p.m.