



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Board Meeting Agenda

1106 Clayton Lane, Suite 125E

Austin, Texas

Tuesday, April 15, 2025

9:00 a.m.

The Texas Board of Veterinary Medical Examiners will consider and act, if necessary, on matters within the jurisdiction of the Board which are listed on this agenda. This meeting will take place at 1106 Clayton Lane, Suite 125E, Austin, Texas, via videoconference and will be broadcast on the Texas Department of Licensing and Regulation's (TDLR) YouTube channel: <https://www.youtube.com/user/TexasLicensing/streams>. The Board's presiding officer will be present at the meeting location. The meeting agenda and materials are available on TDLR's webpage at <https://www.tdlr.texas.gov/> and on the Board's webpage at <https://veterinary.texas.gov/board-meetings/>.

1. Full Board call to order, roll call, and vote on absences, if necessary (*Dr. Golla & Mrs. Whitehead*)

2. Consideration and Approval of February 20, 2025, Meeting Minutes (*Dr. Golla*)

3. Public comments (*Dr. Golla*)

Any person wishing to address the Board in person should complete a Public Comment Form and submit it to the Board Liaison at the meeting. Public Comments may also be made via email or videoconference. Any person wishing to address the Board via videoconference must submit an email by following the Public Comment Instructions found on the last page of this agenda or located at www.tdlr.texas.gov. Emails must be submitted to the Board liaison at board.comments@tdlr.texas.gov by 12 p.m., Monday, April 14, 2025. Comments will be limited to no more than three minutes. The Board will not hear public comment or testimony regarding a pending contested case.

4. Executive session [held in the 1st Floor Commission Executive Session Meeting Room]

a) *Consultation with the Board's and Commission's attorneys pursuant to Section 551.071(1), Government Code, concerning pending or contemplated litigation and/or settlement offers.*

b) *Advice from the Board's and Commission's attorneys on legal matters authorized by Section 551.071(2), Government Code.*

NOTE: The Board may adjourn into executive session to consider any item listed on this agenda if a matter is appropriate for executive session discussion.

5. Possible action or recommendations on items discussed in executive session (*Dr. Golla*)

6. Director reports (*Ms. Sharkey*)

a) Brittany Sharkey – Executive Director

b) Wendy Womack – Licensing

c) Mike Tacker – Enforcement

- d) Kelly Phelps – Legal
- e) Jerod Honrath – Compliance
- f) Kandace Van Vlerah – Finance

- 7. Board committee reports (*Dr. Golla*)
- 8. Discussion regarding use of compounded controlled substances and the application of Texas Administrative Code Rule 573.44 (*Dr. Golla*)
- 9. Discussion regarding inspection policies and procedures (*Mr. Tacker*)
- 10. Contested Cases – Consideration and Possible Action (heard before State Office of Administrative Hearings) **(TAB 10)**

Item	Case/ SOAH Docket Number	Respondent
1.	CP21-217/ 578-24-24729	Lauren Ellender, D.V.M.
2.	CP23-231/ 578-25-00015	Timothy Wallis, D.V.M.

- 11. Consideration and approval of agreed orders (*Ms. Phelps*)

Case #	Name	License #	Practice City
CP23-065	Howard Davenport	-	Spring
CP23-226	Dusty Nagy, D.V.M.	15754	College Station
CP23-447	Joanna Boone, D.V.M.	10130	Paradise
CP23-456	Reagan Vadell, D.V.M.	13332	Richardson
CP24-028	Kishor Patel, D.V.M.	10831	Austin
CP24-029	John Montalbano, D.V.M.	11256	Harlingen
CP24-077	Jennifer Kapp, D.V.M.	7361	Carrollton
CP24-101	Sherri Edgar, D.V.M.	16559	Irving
CP24-119	Angela Joergensen, D.V.M.	17800	Carrollton
CP24-129	Arlon Graef, D.V.M.	4121	Taylor
CP24-143	Chandra Padidem, D.V.M.	11997	Missouri City
CP24-203	Eric Boudoin, D.V.M.	18136	Austin
CP24-217	Thayne Pittman, D.V.M.	6683	Kilgore
CP24-248	James Bailey, D.V.M.	6377	Brownwood
CP24-264	David VanTrease, D.V.M.	5676	Wills Point
CP24-317	Joyce Vega, L.V.T.	LVT-659	Schertz
CP24-393	Jaclyn Lott-Myers, D.V.M.	14835	Decatur
CP24-450	Katharine Nenni, D.V.M.	8392	El Paso
CP24-486 & CP25-184	Bennie Zacek, D.V.M.	2705	Kingwood
CP24-529	Amanda Savage, L.V.T.	LVT-1724	Iowa Colony
CP24-530	Tifini Batts, D.V.M.	15485	Houston
CP24-561	Rita Echandi, D.V.M.	11579	Coppell

CP24-575	Jennifer Ohalek, D.V.M.	LVT-1894	Pearland
CP24-583	Nicholas Millington, D.V.M.	11302	Austin
CP24-605	Adam Ayoub, D.V.M.	16567	Hutto
CP24-607	Susan Andrews, D.V.M.	10654	Burleson

12. Consideration and approval of cases recommended for dismissal from informal conference (*Ms. Phelps*)

Case #
CP22-190
CP23-336
CP24-015
CP24-044
CP24-089
CP24-494

13. Consideration and approval of cases recommended for dismissal from staff conference (*Ms. Phelps*)

Case #
CP21-349
CP23-374
CP23-414
CP24-037
CP24-132
CP24-265
CP24-314
CP24-335
CP24-337
CP24-416
CP24-417
CP24-419
CP24-461
CP24-462
CP24-463
CP24-562
CP24-606
CP25-056

14. Consideration and approval of cases recommended for dismissal from medical review (*Ms. Phelps*)

Case #
CP22-147
CP23-216
CP23-362
CP23-372

CP24-014
CP24-023
CP24-034
CP24-050
CP24-057
CP24-059
CP24-098
CP24-128
CP24-147
CP24-150
CP24-166
CP24-167
CP24-168
CP24-184
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CP24-239
CP24-244
CP24-255
CP24-266
CP24-267
CP24-277
CP24-279
CP24-312
CP24-313
CP24-346
CP24-360
CP25-051
CP25-052
CP25-110
CP25-208
CP25-209
CP25-210

15. Discussion of possible agenda items for future Board meetings

16. Adjourn

Persons requiring special accommodations, including the use of an interpreter, due to a disability should contact the Board office at least five working days prior to the Board meeting. **Phone: (512) 583-7152, E-MAIL: advisory.boards@tdlr.texas.gov , TDD/RELAY TEXAS: 1-800-relay-VV (for voice), 1-800-relay-TX (for TDD).**

Las personas que necesiten servicios especiales, incluyendo los de un intérprete, debido a un impedimento físico, llamen la oficina de la Junta por lo menos cinco días antes de la reunión de la Junta. **TELEPHONO: (512) 583-7152, CORREO ELECTRÓNICO: advisory.boards@tdlr.texas.gov , TDD/RELAY TEXAS: 1-800-relay-VV (for voice), 1-800-relay-TX (for TDD).**

The Texas Board of Veterinary Medical Examiners will accept public comment for the April 15, 2025, meeting.

Online Public Comment Instructions

(If you are going to appear at the Board meeting in person DO NOT complete this step to provide public comment. You will complete a form in-person at the meeting.)

Written comments must be submitted to board.comments@tdlr.texas.gov by no later than 12:00 p.m. on Monday, April 14, 2025. Comments will be provided to the Board members for their review prior to the meeting but will not be read aloud during the public meeting.

If you wish to address the Board virtually during the public meeting, please provide your contact information to board.comments@tdlr.texas.gov by 12:00 p.m. on Monday, April 14, 2025. The day prior to the meeting, you will receive an email with a link to join the meeting. You will be given no more than three (3) minutes to speak. The Board President may reduce the time provided for public comments based on the number of requests received. Ensure that you have a reliable connection and clear audio. Sharing of pre-recorded audio or video is not allowed during the public comment period.

****Please email your public comment request to board.comments@tdlr.texas.gov. ****

**DEADLINE FOR PUBLIC COMMENT REQUEST IS
12:00 P.M., MONDAY, APRIL 14, 2025.**

Board Members:

Dr. Steven C. Golla, DVM President
Sandra “Lynn” Criner, DVM, Vice President
Victoria Whitehead, JD, Secretary
Randall Skaggs, DVM
Stacey McLeod, DVM

Larry Moczygemba, DVM
Sue Allen., LVT
Keith Pardue, JD
Raquel Olivier, CPA

AGENDA ITEM 1

TAB 1

CALL TO ORDER, ROLL CALL AND VOTE ON ABSENCES

(Dr. Golla & Mrs. Whitehead)

This meeting of the Texas Board of Veterinary Medical Examiners is now called to order, the time is _____.

May I have a roll call please...

Member Name

ATTENDANCE NOTATION*

Steven Golla, DVM, President	_____
Sandra "Lynn" Criner, DVM, Vice President	_____
Victoria Whitehead, JD, Secretary	_____
Randall Skaggs, DVM, Member	_____
Stacy McLeod, DVM, Member	_____
Larry Moczygemba, DVM, Member	_____
Sue Allen, LVT, Member	_____
Keith Pardue, JD, Member	_____
Raquel Olivier, CPA, MBA, Member	_____

If there are any absences...

- Do I have a motion to approve or deny the absences?
 - o I move that we approve the absence(s) of _____.
 - o I move that we deny the absence(s) of _____.
- Is there a second?
- Is there any discussion?

*

✓ = In Attendance

X = Absent (Please indicate if Not Excused)

AGENDA ITEM 2

TAB 2

CONSIDERATION AND APPROVAL OF THE FEBRUARY 20, 2025,

MINUTES. The minutes of the February 20, 2025, board meeting were

sent to you for review.

- Do I have a motion to approve the minutes?
 - o I move that we approve the minutes as presented.
 - o I move that we approve the minutes with corrections as discussed.
- Is there a second?
- Is there any discussion?
- All in favor, say aye.
- All opposed, say nay.



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Texas Department of Licensing and Regulation
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS MEETING

Summary of Board Meeting

Thursday, February 20, 2025, at 9:00 a.m.

Board President, Dr. Steven Golla, called the meeting to order at 9:01 a.m.

President, Dr. Steven Golla, moved to agenda item 1., Full Board Call to Order, Roll Call Vote on Absences. Board Secretary, Victoria Whitehead called roll. Board Members Dr. Steven Golla, Dr. Lynn Criner, Mrs. Victoria Whitehead, Dr. Randall Skaggs, Mr. Keith Pardue, Mrs. Sue Allen, Ms. Raquel Olivier, Dr. Stacey McLeod and Dr. Larry Moczygemba were present. A quorum was seated.

President, Dr. Steven Golla, moved to agenda item 2., Consideration and Approval of October 24, 2024, Minutes. Board Member, Dr. Lynn Criner, seconded by Ms. Raquel Olivier, made a motion to approve the minutes. The motion passed.

President, Dr. Steven Golla, moved to agenda item 3., Public Comments. Anita Ross, Heather Kutymba, Aaron Lopez, Michael Juliano and Troy Alexander gave public comment. The Board also received four emailed public comments.

President, Dr. Steven Golla, moved to agenda item 4., Executive Session. The Board adjourned at 9:18 a.m. The Board returned at 9:50 a.m.

President, Dr. Steven Golla, moved to agenda item 5., Discussion and Possible Action on Items discussed in Executive Session. No action was taken.

President, Dr. Steven Golla, moved to agenda item 6., Director Reports. Executive Director, Brittany Sharkey, presented the Executive Director Report. Licensing Supervisor, Wendy Womack, presented the Licensing Report. Executive Director, Brittany Sharkey, presented the Enforcement Report on behalf of the Enforcement Director, Mike Tacker. General Counsel, Kelly Phelps, presented the Legal Report. Compliance Director, Jerod Honrath, presented the Compliance Report. Finance Director, Kandace Van Vlerah, presented the Finance Report.

President, Dr. Steven Golla, moved to agenda item 7., Director Committee Reports. President, Dr. Steven Golla, introduced the newly appointed Board Members, Dr. Stacey McLeod and Dr. Larry Moczygemba, before presenting the Executive Committee Report. Board Member, Dr. Randall Skaggs, presented the Finance Committee Report. No additional reports were presented.

President, Dr. Steven Golla, moved to agenda item 8., Discussion, Recommendation and Possible Action regarding Election of the Executive Committee. President, Dr. Steven Golla, opened the floor for nominees. Board Member, Mrs. Victoria Whitehead, seconded by Ms. Raquel



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Olivier, made a motion to appoint Board Member, Dr. Lynn Criner, as Vice-Chair. The motion passed. Board Member, Dr. Lynn Criner, seconded by Ms. Raquel Olivier, made a motion to appoint Board Member, Mrs. Victoria Whitehead, as Secretary. The motion passed.

President, Dr. Steven Golla, moved to agenda item 9., Discussion, Recommendation and Possible Action regarding appointment of Standing Committees. President, Dr. Steven Golla, introduced the committees. The Enforcement Committee made up by Dr. Steven Golla as Chair, Dr. Lynn Criner and Mrs. Victoria Whitehead. The Licensing Committee made up of Mrs. Sue Allen as Chair, Dr. Randall Skaggs and Mr. Keith Pardue. The Finance Committee made up of Mrs. Victoria Whitehead as Chair, Ms. Raquel Olivier and Dr. Stacey McLeod. The Rules Committee made up by Dr. Larry Moczygemba as Chair, Dr. Steven Golla and Mr. Keith Pardue.

President, Dr. Steven Golla, moved to agenda item 10., Discussion, Recommendation, and Possible Action regarding adoption of Rule 571.7, Veterinary Licensing Eligibility. The rule would be amended to elongate the period of 60 days to 120 for graduating students to take the State Board Exam. The rule was published to the Texas Register and there were no public comments, making the rule eligible for adoption. Board Member, Dr. Lynn Criner, seconded by Mrs. Victoria Whitehead, made a motion to adopt Rule 571.7, Veterinary Licensing Eligibility. The motion passed.

President, Dr. Steven Golla, moved to agenda item 11., Discussion regarding statutory definition of livestock. General Counsel, Kelly Phelps, spoke on this item. Ms. Phelps presented Section 1000.3 of the Agriculture Code and Section 36.1 of the Texas Administrative Code as examples for definitions of livestock.

President, Dr. Steven Golla, moved to agenda item 12., Discussion regarding individual licensee responsibility in corporate owned veterinary practices. General Counsel, Kelly Phelps, spoke on this item. Ms. Phelps presented Section 801.506 of the Texas Occupations Code and Rule 573.6, Restriction of Partnerships to the Veterinary Profession.

President, Dr. Steven Golla, moved to agenda item 13., Discussion regarding the scope of practice for Equine Dental Providers. General Counsel, Kelly Phelps, spoke on this item. Ms. Phelps presented Section 801.262 of the Texas Occupations Code and Rule 573.19, Dentistry.

President, Dr. Steven Golla, moved to agenda item 14., Discussion regarding other state's approaches to mid-level practitioners in veterinary medicine. Executive Director, Brittany Sharkey, spoke on this item. Board Member, Mrs. Victoria Whitehead, left the meeting during this item at 11:07 a.m.

President, Dr. Steven Golla, moved to agenda item 15., Contested Cases --consideration and possible recommendation to the Texas Commission of Licensing and Regulation regarding contested cases heard before State Office of Administrative Hearings.



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Docket Number LA24-002/578-24-19083; Staff Attorney, Kristin Stavrou, spoke on this item. Dr. Catherine Pampiglione's attorney, Theresa Byrd, spoke for Dr. Pampiglione. Board Member, Dr. Randall Skaggs, seconded by Dr. Lynn Criner made a motion to approve the Proposal for Decision. The motion passed.

President, Dr. Steven Golla, moved to agenda item 16., Consideration and approval of agreed orders. General Counsel, Kelly Phelps, spoke on this item. Board Member, Dr. Lynn Criner, seconded by Ms. Raquel Olivier, made a motion to approve the agreed orders. The motion passed.

Case #	Name	License #	Practice City
CP20-382	Johnny Taylor, D.V.M.	3652	Weatherford
CP21-413	J. Randell Bridges, D.V.M.	5162	Dallas
CP21-416	Tamra Walthall, D.V.M.	5363	Waco
CP22-039	Shay Hanson	-	La Marque
CP23-016	Phillip Henderson, D.V.M.	3761	Ponder
CP23-029	Justin Fraser, D.V.M.	16685	Katy
CP23-126	Autumn Gillespie, D.V.M.	16288	Angleton
CP23-225	Kevin Washburn, D.V.M.	10930	College Station
CP23-285	Meghan McCarville, D.V.M.	13237	Bonham
CP23-360	Amy Davenport, D.V.M.	11353	Houston
CP23-366	Robin Sechrest-Lang, D.V.M.	15444	New Braunfels
CP23-453	Monte White, D.V.M.	11101	Alvarado
CP24-016	Marlon Hobbs, D.V.M.	7262	Stephenville
CP24-021	Kayla Swanberg, D.V.M.	15701	Elkhart
CP24-410	Robert Garcia	-	Corsicana
CP24-428	Marissa Martin	-	Spring
CP24-429, CP24-329, CP24-321 & CP24-320	Caleb Witcher, D.V.M.	16888	Lufkin
CP24-557	Sarah Luce	-	Dunlin
CP24-604	Jenny Corral	-	Georgetown

Mrs. Sue Allen and Dr. Steven Golla were recused from CP21-416. Dr. Randall Skaggs was recused from CP23-126.

President, Dr. Steven Golla, moved to agenda item 17. Consideration and approval of cases recommended for dismissal from Informal Conference. General Counsel, Kelly Phelps, spoke on this item. Board Member, Ms. Raquel Olivier, seconded by Dr. Lynn Criner, made a motion to approve the cases for dismissal from Informal Conference. The motion passed.



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

President, Dr. Steven Golla, moved to agenda item 18., Consideration and approval of cases recommended for dismissal from Staff Conference. General Counsel, Kelly Phelps, spoke on this item. Board Member, Mrs. Sue Allen, seconded by Dr. Lynn Criner, made a motion to approve the cases for dismissal from Staff Conference. The motion passed.

Dr. Steven Golla was recused from CP25-050.

President, Dr. Steven Golla, moved to agenda item 19. Consideration and approval of cases recommended for dismissal from Medical Review. General Counsel, Kelly Phelps, spoke on this item. Board Member, Dr. Lynn Criner, seconded by Mrs. Sue Allen, made a motion to approve the cases for dismissal from Medical Review. The motion passed.

President, Dr. Steven Golla, moved to agenda item 20., Executive Session. This was not an original agenda item. The Board did not go into Executive Session.

President, Dr. Steven Golla, moved to agenda item 21., Discussion of possible agenda items for future Board Meetings. President, Dr. Steven Golla, proposed a discussion on Rule 573.44, Compounding Drugs. Board Member, Dr. Randall Skaggs, proposed a discussion about Inspections with Enforcement.

President, Dr. Steven Golla, moved to agenda item 22., Adjourn. The meeting was adjourned at 11:32 a.m.

Dr. Steven Golla, Presiding Officer
Texas Board of Veterinary Medical Examiners



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Executive Director's Report
January 21, 2025

Dear Members of the Board and Public,

I hope everyone is feeling rested and recharged after the holiday season and is ready to tackle the upcoming challenges of 2025.

2025 Legislative Session

The 89th Legislative Session kicks off on January 14th. On January 15th, the Sunset Advisory Commission will hear testimony and updates on the implementation of SB1414, or the TBVME Sunset Bill. I have attached a copy of the most recent Sunset report to this update. I will begin meeting with legislators and their staff this month to discuss our appropriation requests and provide updates on the agency.

New Board Members

Please join me in welcoming new board members, Dr. Stacy McLeod, DVM and Dr. Larry Moczygamba, DVM to the Board. The new board members were appointed Governor Abbott on October 31st, 2024. They have attended an initial board training and we are looking forward to working with them further!

Strategic Plan and Legislative Appropriations Request Timeline

Per the discussion at the previous board meeting, I wanted to share our new projected timeline for the development of both the agency's strategic plan and legislative appropriations request.

Going forward in even numbered years:

- January Board Meeting: Announcement of focus groups, town halls and other information gathering opportunities to help inform the strategic plan
- April Board Meeting: Presentation, discussion and approval of draft of the agency's strategic plan
- July Board Meeting: Presentation, discussion and approval of draft of the agency's Legislative Appropriations Request, prepared in conjunction with the finance committee
- October Board Meeting: Final review and discussion of submitted versions of the strategic plan and legislative appropriations request

Diligent – Board Effect Software Implementation

Earlier this fiscal year, the agency acquired a subscription to BoardEffect, a software to better manage information for board members. This is the first meeting where we are using BoardEffect and I want to commend our legal team for their diligence and efforts in navigating and learning this software. While any technological change has its hiccups and false starts, we appreciate the board's patience navigating this transition and welcome feedback on its usage.



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Attachments:

Please find attached each department's update and a list of complaints dismissed by staff in the first quarter of FY 2025 pursuant to Tex. Occ. Code 801.205 and a copy of the Sunset Advisory Commission's Implementation Status Report.

Sincerely,

Brittany Sharkey, JD

Brittany Sharkey, JD
Executive Director



Texas Department of Information Resources

Transforming How Texas
Government Serves Texans

2024 Information Security Plan Benchmark Report

Prepared for: 578 – Texas State Board of Veterinary Medical Examiners



Confidential under Texas Government Code Sections 2059.055 and 552.139

Table of Contents

Introduction	3
Process Overview	3
Statewide Overview	5
Overall Maturity	8
Functional Area Peer Group Comparison	11
Security Maturity Analysis by Functional Area	12
Identify	12
Protect	14
Detect	16
Respond and Recover	17

Introduction

[Government Code Section 2054.133](#) requires state agencies, institutions of higher education, and public junior colleges to submit an [Information Security Plan](#) to the Texas Department of Information Resources (DIR) by June 1 of each even-numbered year. In addition, DIR must produce a report to state leadership summarizing those Information Security Plans by November 15 of each even-numbered year.

Process Overview

In October 2023, DIR provided state agencies with the 2024 standardized Information Security Plan template within the [Statewide Portal for Enterprise Cybersecurity Threat, Risk, and Incident Management \(SPECTRIM\)](#).

The Information Security Plan template included three primary sections: Security Objectives, a Vulnerability Report, and an Executive Written Acknowledgement of Risk. The Security Objectives portion includes the Texas Cybersecurity Framework’s 42 security objectives, which are organized into five broad functional areas: **Identify**, **Protect**, **Detect**, **Respond**, and **Recover**.

As shown in [Table 1 | Texas Cybersecurity Framework Functional Areas](#), each functional area contains specific security control objectives to help agencies identify, assess, and manage cybersecurity risks necessary to a mature security program.

Table 1 | Texas Cybersecurity Framework Functional Areas

Functional Area	Description
Identify	Develop an organizational understanding of business context and resources to manage cybersecurity risk to systems, people, assets, data, and capabilities.
Protect	Develop and implement proactive measures and appropriate safeguards to defend against cybersecurity threats and ensure the delivery of critical services.
Detect	Develop and implement appropriate measures to recognize and detect a cybersecurity event as it is happening.
Respond	Develop and implement appropriate response activities for when a cybersecurity incident is detected.
Recover	Develop and implement resources to maintain recovery plans for resilience and restore services and capabilities impaired due to a cybersecurity incident.

Agencies must evaluate their security maturity in each functional area based on the degree of implementation and level of optimization of processes and security controls within a security maturity scale ranging from 0.00 (**Non-existent**) to 5.00 (**Optimized**), as shown in [Table 2 | Texas Cybersecurity Framework Security Maturity Model](#).

Table 2 | Texas Cybersecurity Framework Security Maturity Model

Security Maturity Level	Information Security Plan Score	Security Maturity Definition	Risk Value	Risk Definition
Level 0: Non-existent	0.00-0.99	There is no evidence of the organization meeting the objective.	Very high risk (very likely)	No cyber hygiene is being performed.
Level 1: Initial	1.00-1.99	The organization has an ad hoc, inconsistent, or reactive approach to meeting the objective.	High risk (highly likely)	Basic cyber hygiene is being performed.
Level 2: Repeatable	2.00-2.99	The organization has a consistent overall approach to meeting the objective, but it is still mostly reactive and undocumented and does not routinely measure or enforce policy compliance.	Moderate risk (likely)	Intermediate cyber hygiene is being performed.
Level 3: Defined	3.00-3.99	The organization has a documented, detailed approach to meeting the objective and regularly measures its compliance.	Low risk (possible)	Good cyber hygiene is being performed.
Level 4: Managed	4.00-4.99	The organization uses an established risk management framework to measure and evaluate risk and integrate improvements beyond the requirements of applicable regulations.	Low risk (unlikely)	Proactive cyber hygiene is being performed.
Level 5: Optimized	5.00	The organization has refined its standards and practices focusing on ways to improve its capabilities in the most efficient and cost-effective manner.	Low risk (very unlikely)	Advanced or proactive cyber hygiene is being performed.

Statewide Overview

Figure 1 | 2016–2024 Overall Functional Area Security Maturity represents the security maturity value for each of the five functional areas over time. The closer a value is to the exterior of the chart, the higher the security maturity.

Figure 1 | 2016–2024 Overall Functional Area Security Maturity

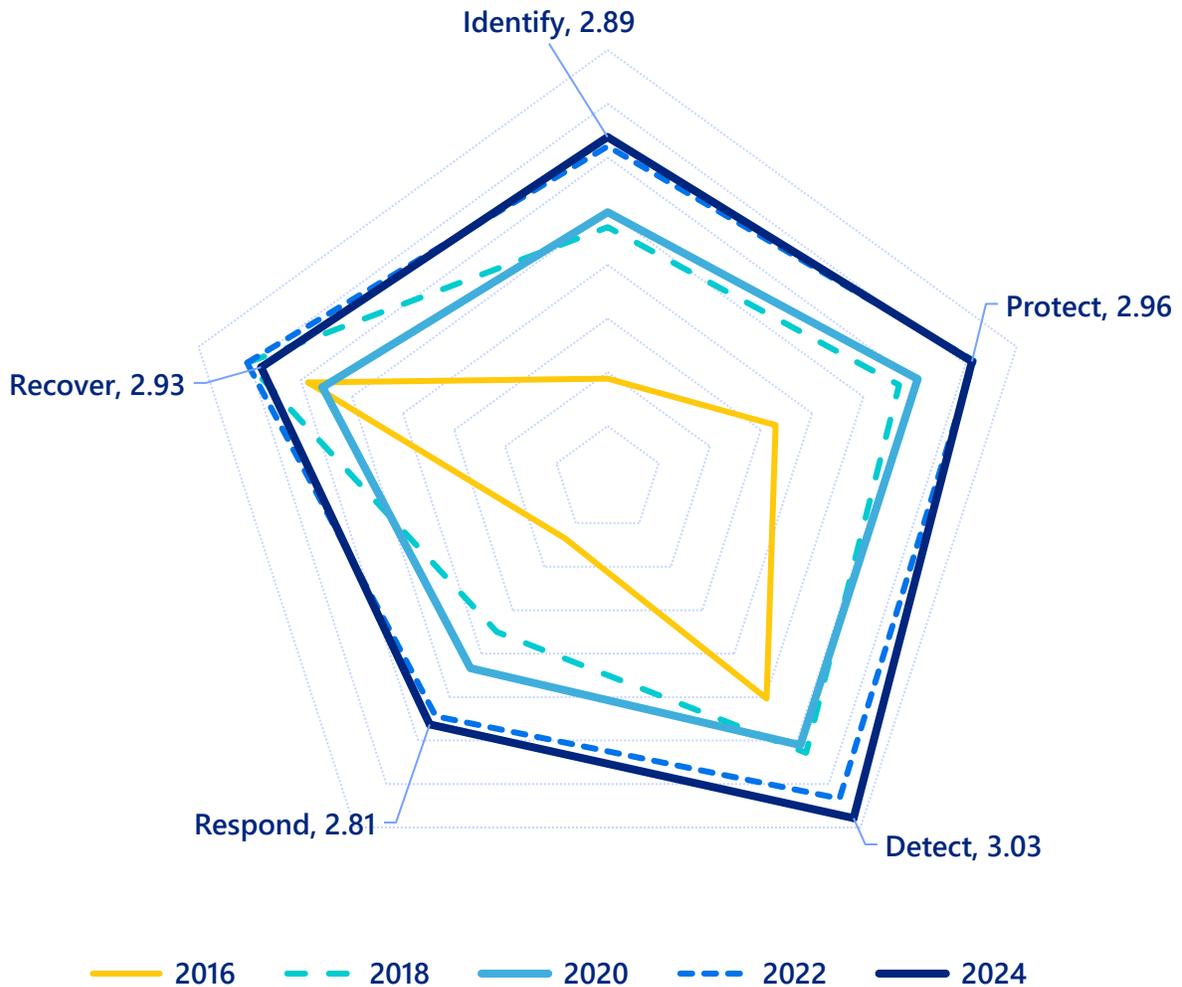


Figure 2 | 2016–2024 Average Security Maturity by Security Objective provides a visual representation of the average security maturity for each security objective over time. The closer a value is to the exterior of the chart, the higher the security maturity.

Figure 2 | 2016–2024 Average Security Maturity by Security Objective

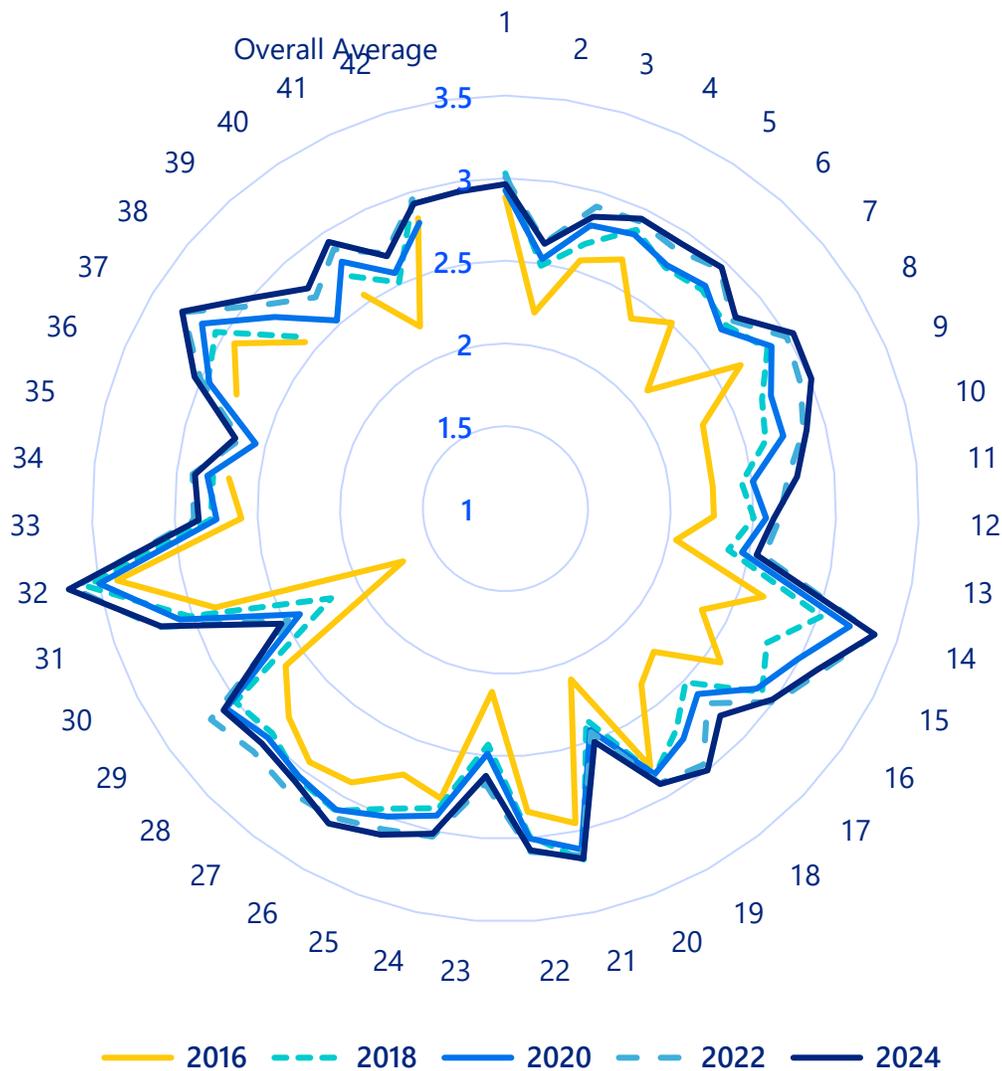
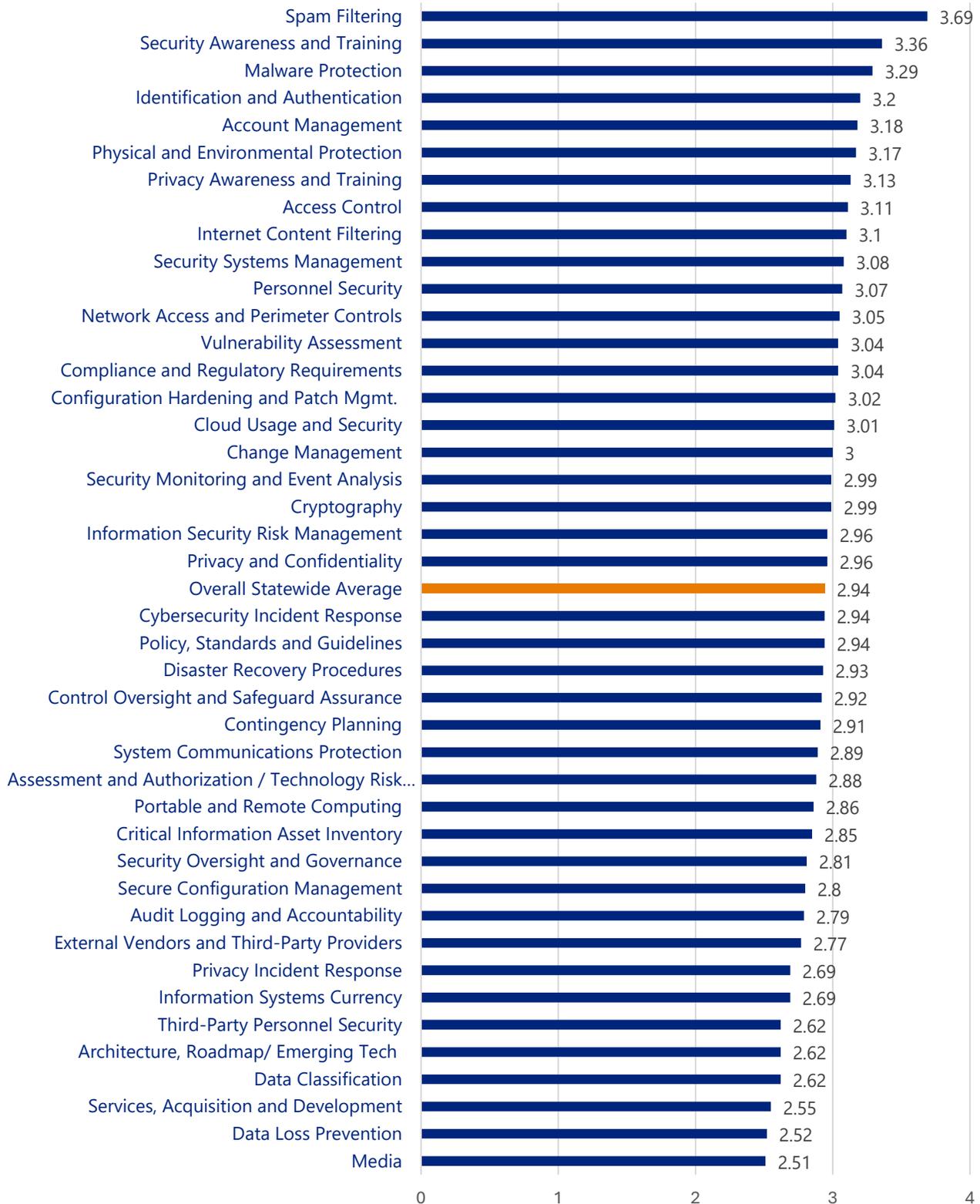


Figure 3 | 2016-2024 Average Statewide Security Maturity by Security Objective provides a visual representation of the average security maturity for each security objective from most to least mature.

Figure 3 | 2024 Average Statewide Security Maturity by Security Objective



Overall Maturity

Table 3 | Average Security Maturity compares your agency's security maturity with the average security maturity levels for each objective recorded since 2016. **Figure 4 | Agency Comparison to State Averages** compares your agency's average security maturity with the overall 2024 security maturity average.

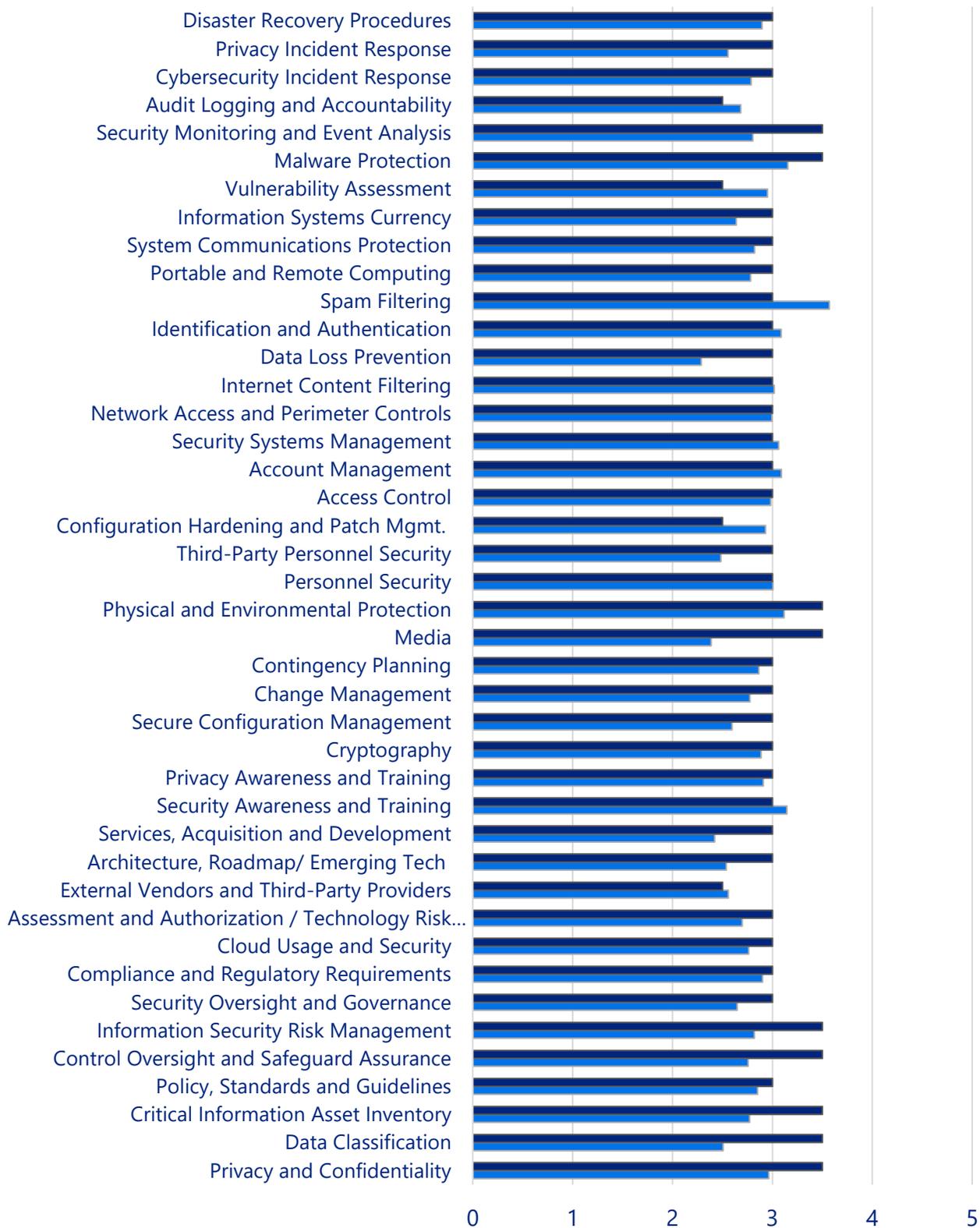
Table 3 | Average Security Maturity

#	Security Objective	2016	2018	2020	2022	2024	Your Org
1	Privacy and Confidentiality	2.89	3.03	2.93	3.01	2.96	3.50
2	Data Classification	2.20	2.49	2.53	2.63	2.62	3.50
3	Critical Information Asset Inventory	2.57	2.67	2.79	2.91	2.85	3.50
4	Policy, Standards and Guidelines	2.67	2.86	2.83	2.92	2.94	3.00
5	Control Oversight and Safeguard Assurance	2.38	2.75	2.77	2.88	2.92	3.50
6	Information Security Risk Management	2.51	2.78	2.81	2.95	2.96	3.50
7	Security Oversight and Governance	2.12	2.74	2.70	2.78	2.81	3.00
8	Compliance and Regulatory Requirements	2.67	2.86	2.89	2.99	3.04	3.00
9	Cloud Usage and Security	2.30	2.69	2.75	2.94	3.01	3.00
10	Assessment and Authorization / Technology Risk Assessment	2.27	2.63	2.74	2.86	2.88	3.00
11	External Vendors and Third-Party Providers	2.26	2.44	2.50	2.72	2.77	2.50
12	Architecture, Roadmap/ Emerging Tech	2.26	2.50	2.58	2.66	2.62	3.00
13	Services, Acquisition and Development	2.05	2.37	2.45	2.59	2.55	3.00
14	Security Awareness and Training	2.65	3.02	3.20	3.36	3.36	3.00
15	Privacy Awareness and Training	2.34	2.78	2.99	3.15	3.13	3.00
16	Cryptography	2.60	2.91	2.87	3.01	2.99	3.00
17	Secure Configuration Management	2.25	2.51	2.62	2.70	2.80	3.00
18	Change Management	2.35	2.69	2.76	2.96	3.00	3.00
19	Contingency Planning	2.79	2.85	2.84	2.91	2.91	3.00
20	Media	2.11	2.37	2.43	2.45	2.51	3.50
21	Physical and Environmental Protection	2.95	3.18	3.11	3.15	3.17	3.50
22	Personnel Security	2.84	2.99	3.00	3.08	3.07	3.00
23	Third-Party Personnel Security	2.11	2.43	2.49	2.67	2.62	3.00
24	Configuration Hardening and Patch Mgmt.	2.80	2.86	2.90	3.03	3.02	2.50
25	Access Control	2.72	2.94	2.99	3.08	3.11	3.00

26	Account Management	2.90	3.10	3.09	3.14	3.18	3.00
27	Security Systems Management	2.94	3.06	3.05	3.16	3.08	3.00
28	Network Access and Perimeter Controls	2.82	2.96	3.00	3.12	3.05	3.00
29	Internet Content Filtering	2.63	3.01	3.08	3.19	3.10	3.00
30	Data Loss Prevention	1.70	2.19	2.40	2.48	2.52	3.00
31	Identification and Authentication	2.85	3.02	3.08	3.22	3.20	3.00
32	Spam Filtering	3.39	3.58	3.50	3.66	3.69	3.00
33	Portable and Remote Computing	2.60	2.78	2.75	2.88	2.86	3.00
34	System Communications Protection	2.68	2.78	2.81	2.90	2.89	3.00
35	Information Systems Currency			2.56	2.66	2.69	3.00
36	Vulnerability Assessment	2.77	2.96	2.94	3.01	3.04	2.50
37	Malware Protection	2.92	3.05	3.15	3.28	3.29	3.50
38	Security Monitoring and Event Analysis	2.58	2.63	2.81	2.93	2.99	3.50
39	Audit Logging and Accountability			2.53	2.72	2.79	2.50
40	Cyber-Security Incident Response	2.55	2.69	2.79	2.88	2.94	3.00
41	Privacy Incident Response	2.22	2.51	2.57	2.71	2.69	3.00
42	Disaster Recovery Procedures	2.84	2.95	2.81	2.96	2.93	3.00
Overall Average		2.55	2.79	2.82	2.93	2.94	3.06

Figure 4 | Agency Comparison to State Averages

■ Your Org ■ 2024



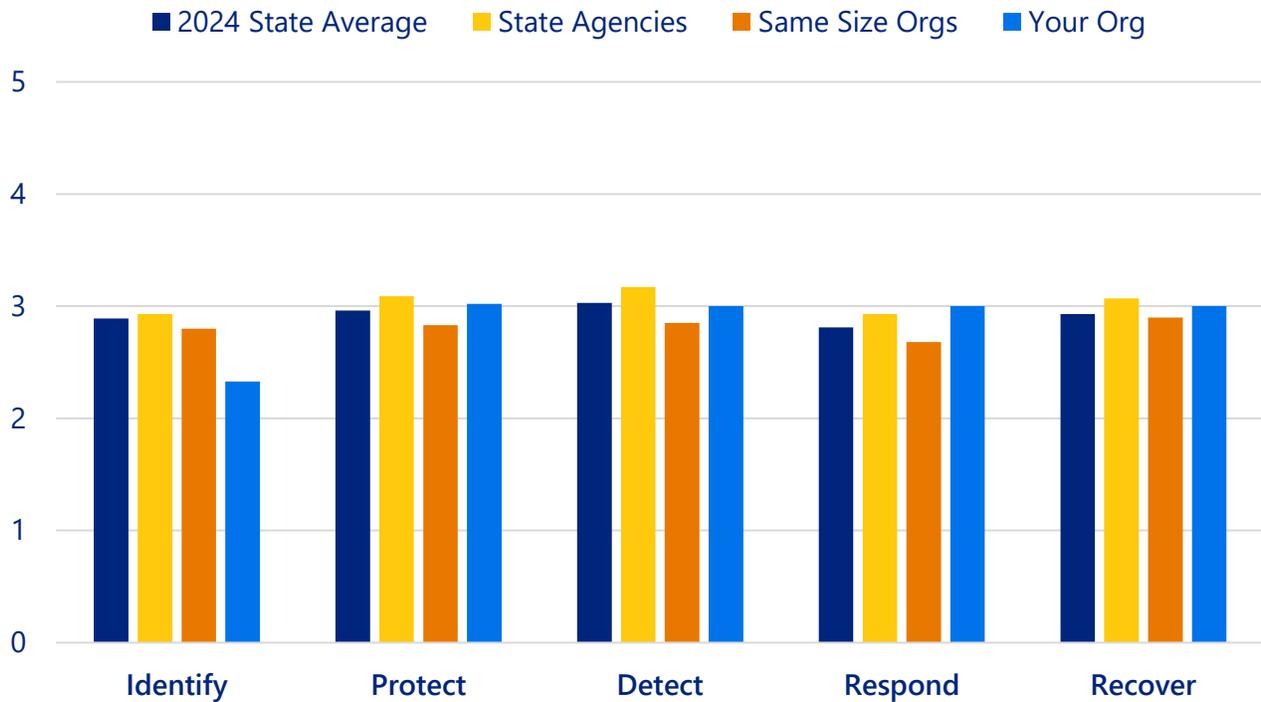
Functional Area Peer Group Comparison

The following sections contain key metrics that show how your organization compares to similar organizations in the state by functional area.

Table 4 | 2016-2024 Comparison by Functional Area

Functional Area	2016	2018	2020	2022	2024	Org Type: State Agency	Org Size ¹ : Small	Your Org
Identify	2.44	2.72	2.75	2.87	2.89	2.93	2.80	2.33
Protect	2.58	2.82	2.86	2.97	2.96	3.09	2.83	3.02
Detect	2.75	2.88	2.86	2.98	3.03	3.17	2.85	3.00
Respond	2.39	2.60	2.68	2.79	2.81	2.93	2.68	3.00
Recover	2.84	2.95	2.81	2.96	2.93	3.07	2.90	3.00

Figure 3 | Comparison by Functional Area



¹ For the purposes of this report, a small agency is defined as less than 100 full-time equivalent employees, a medium agency is defined as 100 to 999 full-time equivalent employees, a large agency is defined as 1,000 to 1,999 full-time equivalent employees, and an extra-large agency is defined as 2,000 or more full-time equivalent employees.

Security Maturity Analysis by Functional Area

For the security objectives in each functional area, the following sections contain key metrics that show how your organization compares to similar organizations in the state.

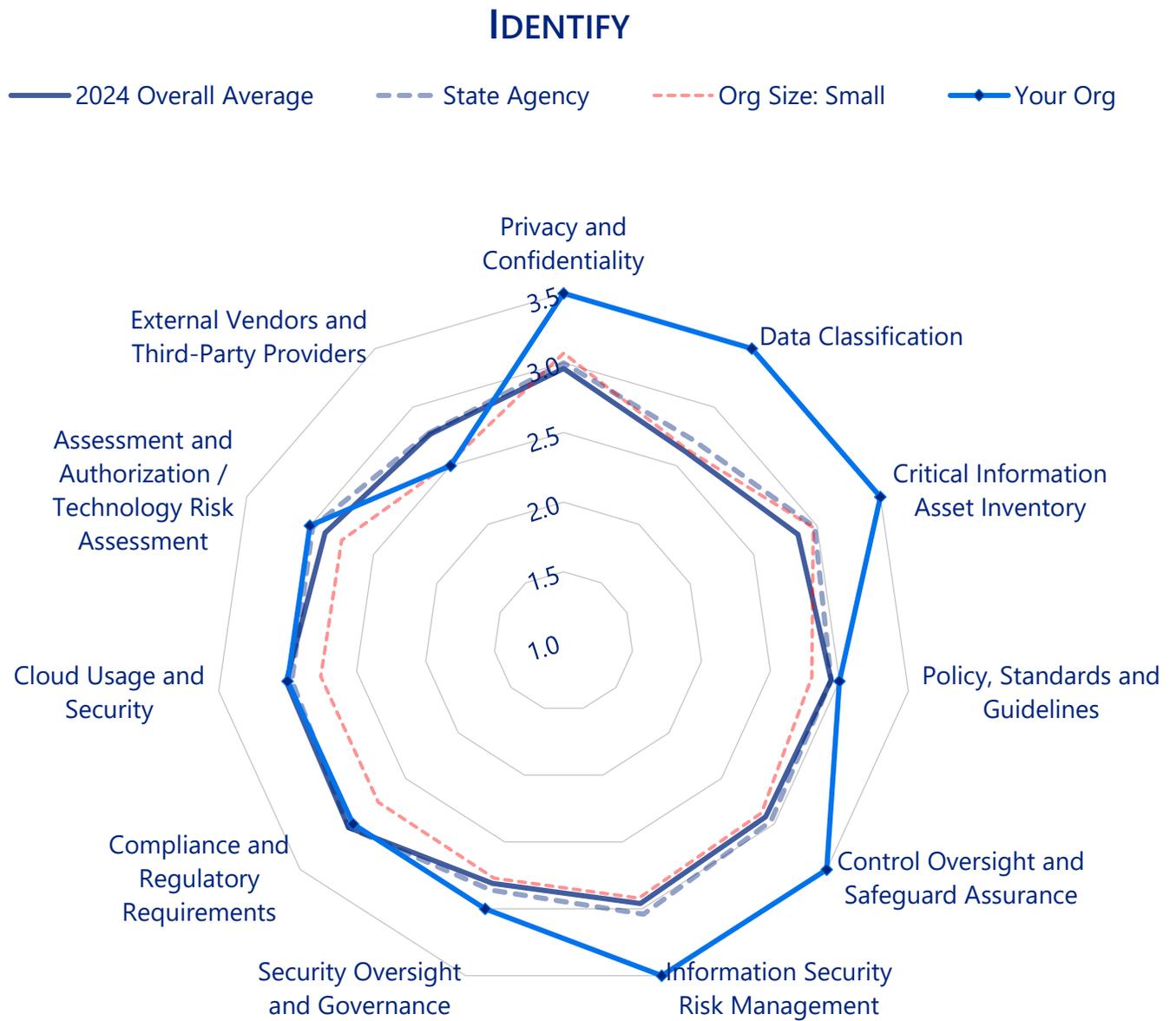
Identify

The **Identify** functional area focuses on understanding the business context, the resources that support critical functions, and the related cybersecurity risks. State entities must understand what they are protecting and the various protections required.

Table 5 | Security Maturity Comparison for Identify

Security Objective	2024 Overall Average	Org Type: State Agency	Org Size: Small	Your Org
Privacy and Confidentiality	2.96	3.00	3.07	3.50
Data Classification	2.62	2.72	2.64	3.50
Critical Information Asset Inventory	2.85	2.98	2.97	3.50
Enterprise Security Policy, Standards and Guidelines	2.94	2.94	2.80	3.00
Control Oversight and Safeguard Assurance	2.92	2.97	2.88	3.50
Information Security Risk Management	2.96	3.04	2.92	3.50
Security Oversight and Governance	2.81	2.86	2.77	3.00
Security Compliance and Regulatory Requirements	3.04	3.04	2.76	3.00
Cloud Usage and Security	3.01	2.97	2.76	3.00
Security Assessment and Authorization / Technology Risk Assessments	2.88	2.98	2.75	3.00
External Vendors and Third-Party Providers	2.77	2.78	2.52	2.50

Figure 4 | Security Maturity Comparison for Identify



Protect

The **Protect** functional area supports the ability to limit or contain the impact of a potential cybersecurity event.

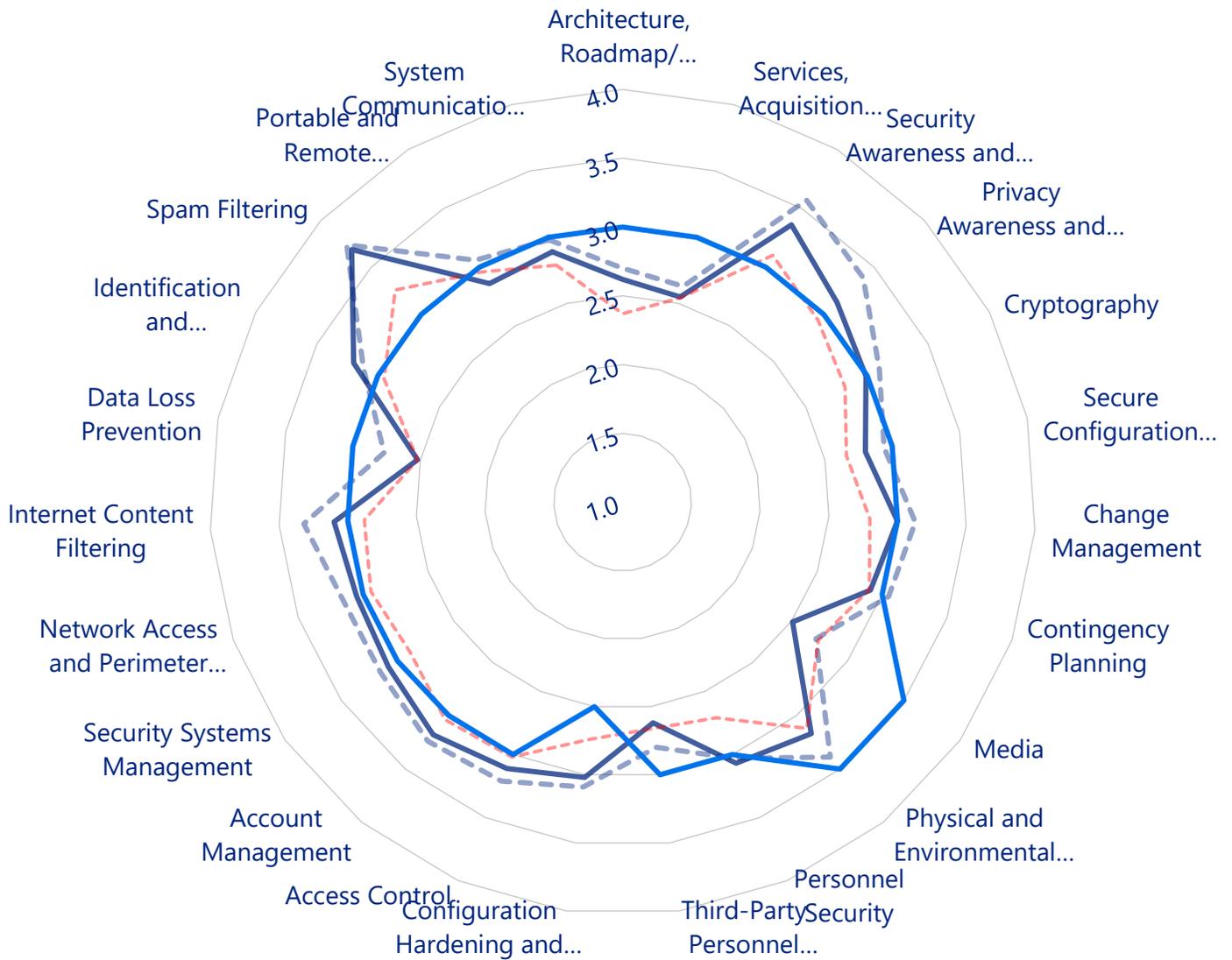
Table 6 | Security Maturity Comparison for Protect

Security Objective	2024 Overall Average	Org Type: State Agency	Org Size: Small	Your Org
Architecture, Roadmap/ Emerging Tech	2.62	2.70	2.37	3.00
Services, Acquisition and Development	2.55	2.63	2.54	3.00
Security Awareness and Training	3.36	3.57	3.10	3.00
Privacy Awareness and Training	3.13	3.39	2.94	3.00
Cryptography	2.99	3.10	2.82	3.00
Secure Configuration Management	2.80	2.94	2.66	3.00
Change Management	3.00	3.13	2.80	3.00
Contingency Planning	2.91	3.05	2.90	3.00
Media	2.51	2.72	2.74	3.50
Physical and Environmental Protection	3.17	3.39	3.12	3.50
Personnel Security	3.07	3.03	2.71	3.00
Third-Party Personnel Security	2.62	2.80	2.66	3.00
Configuration Hardening and Patch Mgmt.	3.02	3.09	2.74	2.50
Access Control	3.11	3.21	3.02	3.00
Account Management	3.18	3.24	3.04	3.00
Security Systems Management	3.08	3.15	2.89	3.00
Network Access and Perimeter Controls	3.05	3.15	2.94	3.00
Internet Content Filtering	3.10	3.32	2.88	3.00
Data Loss Prevention	2.52	2.77	2.52	3.00
Identification and Authentication	3.20	3.12	2.95	3.00
Spam Filtering	3.69	3.74	3.26	3.00
Portable and Remote Computing	2.86	3.06	2.96	3.00
System Communications Protection	2.89	2.98	2.79	3.00

Figure 5 | Security Maturity Comparison for Protect

PROTECT

— 2024 Overall Average - - - State Agency - - - Org Size: Small — Your Org



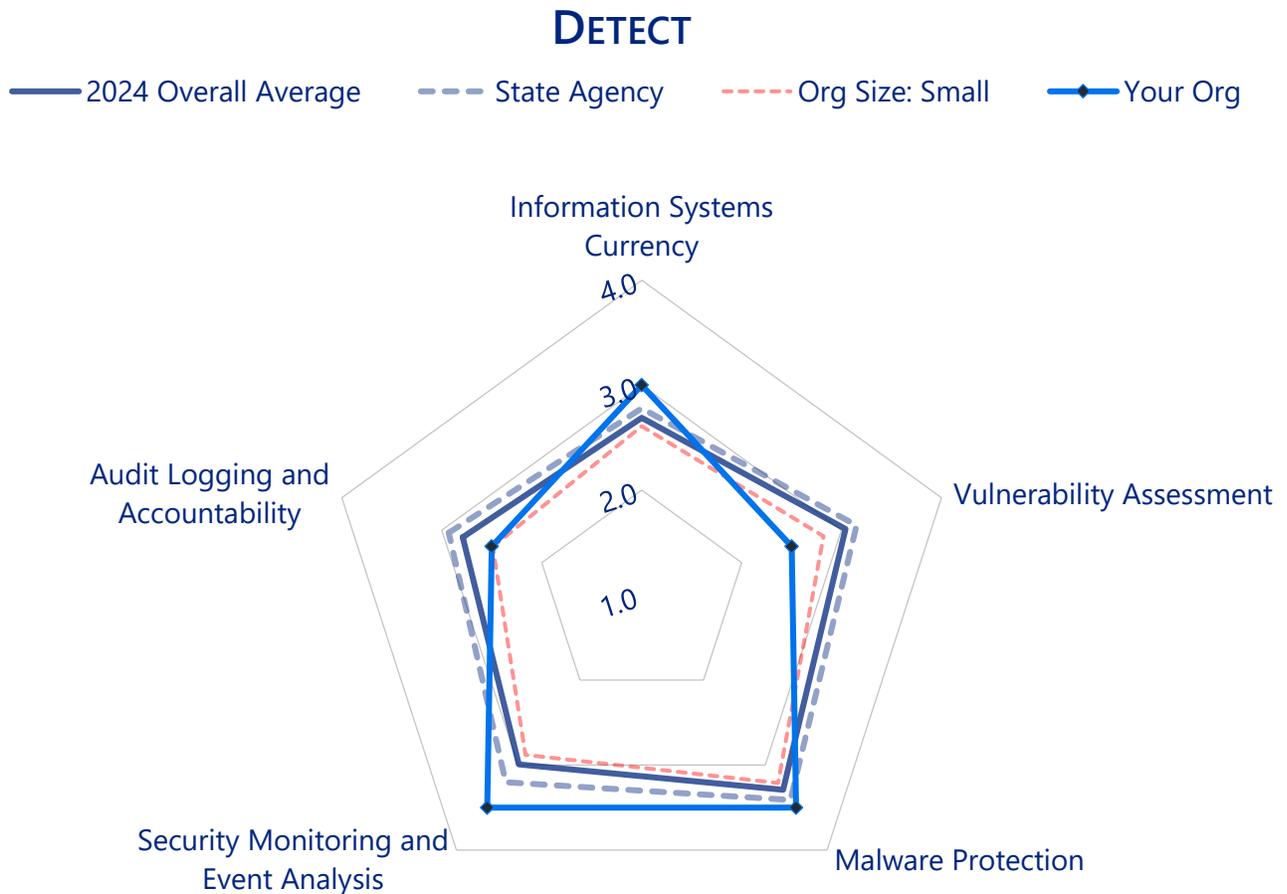
Detect

The **Detect** function enables timely discovery of cybersecurity incidents.

Table 7 | Security Maturity Comparison for Detect

Security Objective	2024 Overall Average	Org Type: State Agency	Org Size: Small	Your Org
Information Systems Currency	2.69	2.78	2.61	3.00
Vulnerability Assessment	3.04	3.15	2.82	2.50
Malware Protection	3.29	3.41	3.21	3.50
Security Monitoring and Event Analysis	2.99	3.20	2.88	3.50
Audit Logging and Accountability	2.79	2.93	2.49	2.50

Figure 6 | Security Maturity Comparison for Detect



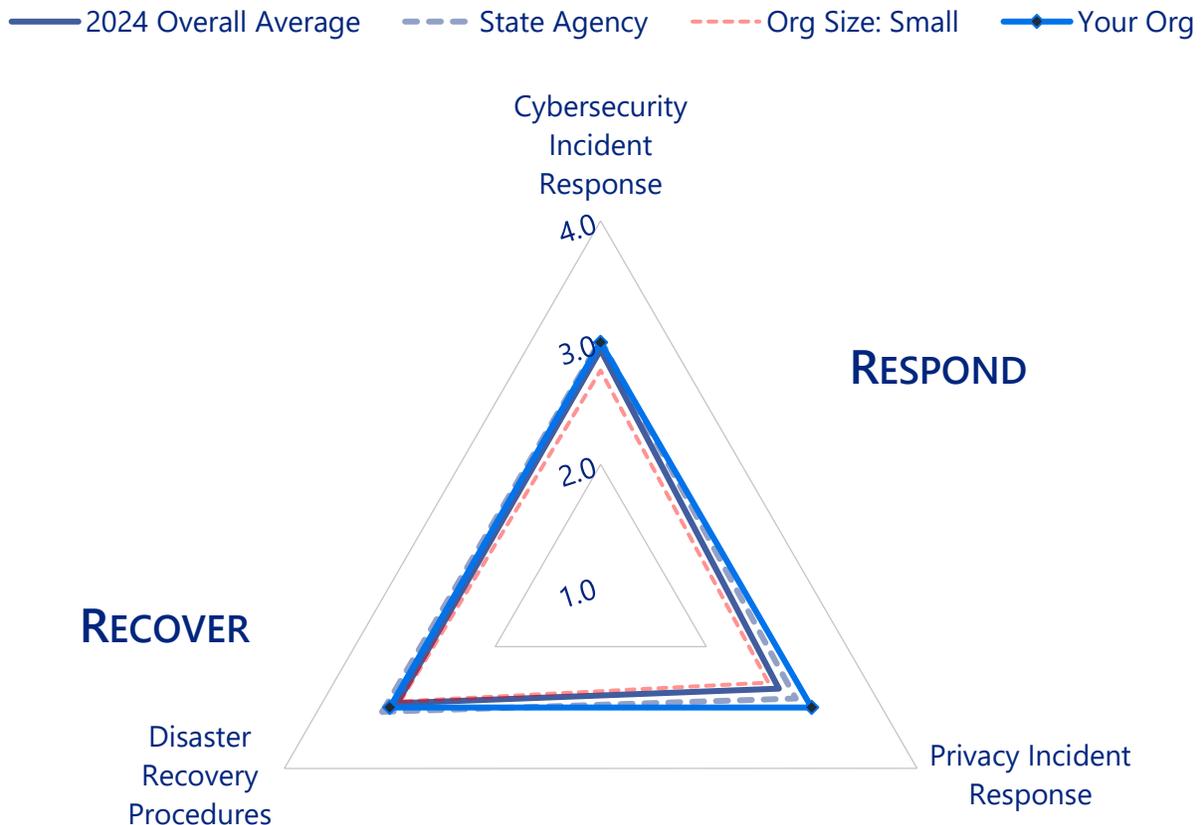
Respond and Recover

The **Respond** function supports the ability to contain the impact of a potential cybersecurity incident. The **Recover** function supports timely recovery to return to normal operations, reducing the impact of a cybersecurity incident. The **Respond** and the **Recover** security objectives are presented together as they are closely related and often addressed within a single plan.

Table 8 | Security Maturity Comparison for Respond and Recover

Security Objective	2024 Overall Average	Org Type: State Agency	Org Size: Small	Your Org
Cybersecurity Incident Response	2.94	3.02	2.77	3.00
Privacy Incident Response	2.69	2.85	2.59	3.00
Disaster Recovery Procedures	2.93	3.07	2.90	3.00

Figure 7 | Security Maturity Comparison for Respond and Recover



Case Number:	Date Opened:	Date Closed:
CP24-598	8/26/2024	9/9/2024
CP24-183	2/7/2024	9/11/2024
CP24-584	8/20/2024	9/11/2024
CP24-504	7/19/2024	9/11/2024
CP24-602	8/26/2024	9/20/2024
CP24-467	6/28/2024	9/20/2024
CP24-488	7/8/2024	9/23/2024
CP24-252	3/15/2024	9/25/2024
CP25-032	9/18/2024	9/27/2024
CP25-017	9/11/2024	10/1/2024
CP25-039	9/23/2024	10/3/2024
CP25-053	9/27/2024	10/7/2024
CP24-592	8/22/2024	10/7/2024
CP25-014	9/8/2024	10/11/2024
CP24-466	6/28/2024	10/11/2024
CP25-074	10/10/2024	10/16/2024
CP25-088	10/16/2024	10/22/2024
CP24-493	7/10/2024	11/13/2024
CP24-007	9/8/2023	11/19/2024
CP24-005	9/7/2023	11/19/2024

Case Number:	Date Opened:	Date Closed:
CP24-403	5/13/2024	6/16/2024
CP23-407	8/8/2023	6/18/2024
CP24-424	5/28/2024	6/26/2024
CP24-174	2/5/2024	6/26/2024
CP24-175	2/5/2024	6/26/2024
CP24-457	6/24/2024	6/30/2024
CP24-442	6/10/2024	6/30/2024
CP24-473	6/28/2024	7/15/2024
CP24-342?	4/17/2024	7/22/2024
CP24-343?	4/17/2024	7/22/2024
CP24-344?	4/17/2024	7/22/2024
CP24-345?	4/17/2024	7/22/2024
CP24-347?	4/17/2024	7/22/2024
CP24-348?	4/17/2024	7/22/2024
CP24-349?	4/17/2024	7/22/2024
CP24-350?	4/17/2024	7/22/2024
CP24-351?	4/17/2024	7/22/2024
CP24-352?	4/17/2024	7/22/2024
CP24-091?	11/10/2023	7/24/2024
CP24-283?	4/3/2024	7/25/2024
CP24-284?	4/3/2024	7/25/2024
CP24-285?	4/3/2024	7/25/2024
CP24-286?	4/3/2024	7/25/2024
CP24-287?	4/3/2024	7/25/2024
CP24-288?	4/3/2024	7/25/2024
CP24-289?	4/3/2024	7/25/2024
CP24-290?	4/3/2024	7/25/2024
CP24-293?	4/3/2024	7/25/2024
CP24-294?	4/3/2024	7/25/2024
CP24-295?	4/3/2024	7/25/2024

CP24-296?	4/3/2024	7/25/2024
CP24-297?	4/3/2024	7/25/2024
CP24-298?	4/3/2024	7/25/2024
CP24-299?	4/3/2024	7/25/2024
CP24-300?	4/3/2024	7/25/2024
CP24-301?	4/3/2024	7/25/2024
CP24-302?	4/3/2024	7/25/2024
CP24-303?	4/3/2024	7/25/2024
CP24-304	4/3/2024	7/25/2024
CP24-305?	4/3/2024	7/25/2024
CP24-306?	4/3/2024	7/25/2024
CP24-307?	4/3/2024	7/25/2024
CP24-497?	7/16/2024	7/25/2024
CP24-482?	7/6/2024	7/25/2024
CP24-195?	2/13/2024	7/25/2024
CP24-270?	3/27/2024	8/7/2024
CP24-544?	8/6/2024	8/7/2024
CP24-526?	7/31/2024	8/8/2024
CP24-449?	6/16/2024	8/15/2024
CP24-542?	8/2/2024	8/20/2024
CP24-547?	8/5/2024	8/21/2024
CP24-548?	8/5/2024	8/21/2024
CP24-549?	8/5/2024	8/21/2024
CP24-550?	8/5/2024	8/21/2024
CP24-551?	8/5/2024	8/21/2024
CP24-585?	8/20/2024	8/22/2024
CP24-586?	8/20/2024	8/22/2024
CP24-240?	3/10/2024	8/22/2024
CP24-577?	8/19/2024	8/22/2024
CP24-282?	4/3/2024	8/22/2024
CP24-003?	9/7/2023	8/26/2024

CP24-582

8/20/2024

8/27/2024



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Licensing Update Report January 21, 2025, Board Meeting

The licensing team is reporting for the first quarter (September – November):
NEW LICENSES ISSUED:

- 102 DVM licenses
- 96 LVT licenses
- 1 EDP licenses

FOR A TOTAL OF 199 NEW LICENSES ISSUED IN THE FIRST QUARTER

NOTE: “ACTIVE” LICENSEE NUMBERS REPORTED BELOW ARE COUNTED AS THOSE WHOSE LICENSE IS IN ONE OF THE FOLLOWING STATUSES: ACTIVE, EXPIRED, INACTIVE, SUSPENDED, AND PROBATED SUSPENDED NOT COUNTED AS ACTIVE: REVOKED, RETIRED, SURRENDERED, DECEASED, CANCELLED.

THE TOTAL ACTIVE AGENCY LICENSE COUNTS AS OF November 30, 2024, WERE:

- 11,432 DVM Licenses
- 2,828 LVT Licenses
- 66 EDP Licenses

FOR A First Quarter End TOTAL OF 14,326 LICENSES

THIS CONCLUDES THE LICENSING REPORT. ARE THERE ANY QUESTIONS?

The chart below can help answer any questions.

AGENCY LICENSE COUNT BREAKDOWN BY STATUS AS OF 11/30/24:

License Status →	-	Active	Expired	Inactive	Suspended	Revoked	Retired	Surrendered	Deceased	Cancelled	Probated Suspension	Total
☐ Profession ↑	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count	Count
☐ Doctor of Veterinary Medicine (DVM)	1	10,357	585	476	5	13	493	34	985	5,954	9	18,912
☐ Licensed Veterinary Technician (LVT)	0	2,381	249	195	2	1	9	2	6	716	1	3,562
☐ Equine Dental Provider (EDP)	0	58	8	0	0	0	0	0	0	22	0	88
Total	1	12,796	842	671	7	14	502	36	991	6,692	10	22,562



FY25

Enforcement

First Quarter - September – November

By: Mike Tacker

Complaints

	September
Total number of complaints received	47
Number of complaints found to be non-jurisdictional	9
Completed Investigations	43
Cases Under Investigation	298

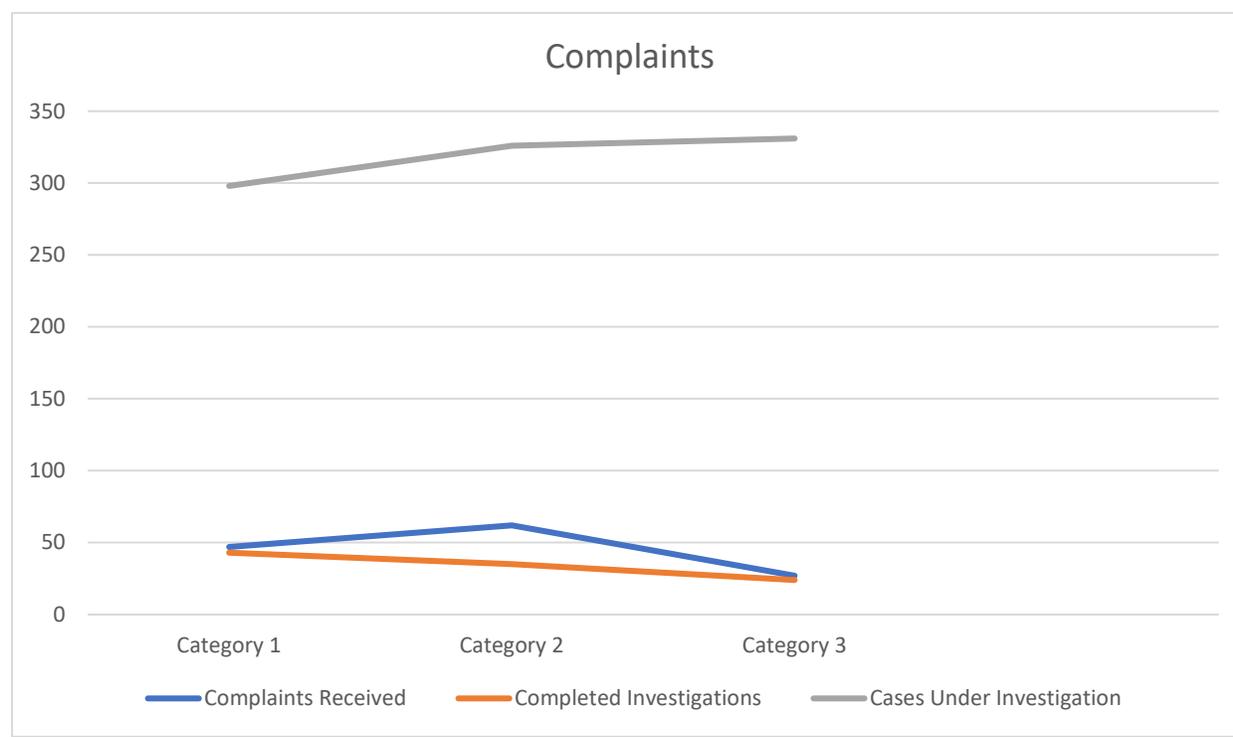
	October
Total number of complaints received	64
Number of complaints found to be non-jurisdictional	8
Completed Investigations	35
Cases Under Investigation	326

	November
Total number of complaints received	27
Number of complaints found to be non-jurisdictional	3

	November
Completed Investigations	24
Cases Under Investigation	331

Top Categories

Standard of Care	Practicing Without License	Honesty, Integrity, Fair Dealing	Adherence to Law
75	17	3	3



Compliance Inspections

Total Inspections - 420

Total Complaints Opened – 29

	September
Inspectons Performed	153
Complaints Opened from Inspections	14

	October
Inspectons Performed	170
Complaints Opened from Inspections	10

	November
Inspectons Performed	97
Complaints Opened from Inspections	5

Top Complaint Openings From Inspections

Controlled Substances Records Keeping for Drugs on Hand	Veterinarian Patient Record Keeping	Responsibility for Unlicensed Employee
17	3	3





TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Legal Update Report

January 21, 2025, Board Meeting

- **167 complaints** – below numbers are projections
 - Pending Board ICs – 10
 - Pending Board action – 64
 - Pending Board approval of orders – 22
 - ON HOLD – pending civil/criminal proceedings – 7
 - Pending staff conference – 8
 - Filed at SOAH – 10
 - Pending SOAH filing – 10
 - Pending cease and desist – 5
 - Pending agreed order – 31

- **After Board Meeting** – projected complaints remaining – approximately 84



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Compliance Statistics Fiscal Year 2025

January 21, 2025, Board Meeting

- Criminal History Evaluations/Reviews/Calls--- 4
- CE and General Compliance Related Phone Calls Answered/Returned-- 148
- Hardships Granted for CE's--- 8
- Opioid Presentations and Course Material Reviews--- 4
- Outside Agency Requests/Assistance--- 3
- Background Investigations--- 1
- Current Open Compliance Cases--- 48
- Fingerprints Reviewed--- 235
- CE Audits Performed--- 8
- CE Audit Follow-Up--- 3
- Legal/Enforcement/Finance/Licensing Division Requests Performed--- 38
- Failure to Report Warning Letters--- 3
- TDLR Meetings--- 4
- Audit Meetings--- 1
- Other Meetings--- 3



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Compliance Department Update for January 21, 2025, Board Meeting

The Compliance Department currently has 48 licenses that are being monitored regarding Board Orders. Compliance has seen requests for CE Hardship Extensions during the fiscal year decline. This is attributed to CE's being able to be obtained online and more avenues for learning that way. The task of DPS Fingerprint validations is continuing to be done daily and will continue for years to come. Every licensee will have their fingerprints validated after 5 years to make sure they are still an active licensee per state and federal guidelines. Staying on the fingerprint topic, 235 total new fingerprints have been reviewed for applicants in the 2025 FY. Lastly, DPS has begun auditing our fingerprint program again as it is done every 3-4 years.

The Compliance Department (Director Honrath) has fielded 148 phone calls for compliance, licensing, fingerprints, CE, and general agency related questions from licensees and applicants so far in FY 2025. The number of calls is declining as more information is now on our website and employees are getting well versed in our agency's rules and regulations. The Compliance Department has also assisted with 38 agency-related requests from the various departments within our agency in FY 2025.

Finally, CEs are required to be updated upon renewal and if not, an extension may be granted with auditing taking place when extension due dates are lapsed. This is being tracked through our new database, and compliance so far with these CEs extensions has been impressive so far.

**** Overall Compliance Statistics attached for FY 2025****

**** Statistics are as of Dec 22nd, 2024 ****



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

TBVME Finance Division Board Report

January 21, 2025, Board Meeting

The Agency has entered its 2nd Quarter of Fiscal Year 2025 as of December 1st. We are about 42% of our way through the Fiscal Year and have spent approximately 31% of our budget so far.

Texas Board of Veterinary Medical Examiners						
Budget Analysis for Fiscal Year 2025 as of January 8, 2025						
	Licensure	Complaints	Indirect-Licensure	Indirect-Compliance	Acq. Of Inform Resource Tech.	
Appropriation Number	13001	13002	13800	13801	58001	
Appropriations - GR	\$ 443,171.00	\$ 1,766,659.00	\$ 83,965.00	\$ 84,064.00	\$ -	\$ 2,377,859.00
Excess Collected Revenue						
Appropriation Transfers Out	\$ 33,277.00	\$ 33,277.00				\$ 66,554.00
Cash Revenue	\$ 5,607.00					\$ 5,607.00
Est Col Rev Posted	\$ 5,527.00					\$ 5,527.00
Appropriation Transfers In	\$ 11,578.00	\$ 129,000.00			\$ 36,000.00	\$ 176,578.00
Unexpended Balance In					\$ 200,552.93	
Lapsed Appropriations	\$ -					
Cash Rsvrd - Payroll	\$ -					
Total Receipts	\$ 432,606.00	\$ 1,862,382.00	\$ 83,965.00	\$ 84,064.00	\$ 236,552.93	\$ 2,699,569.93
Total Expenditures	\$ 150,702.53	\$ 479,414.16	\$ 3,506.33	\$ 3,726.34	\$ 135,763.57	\$ 773,112.93
Cash Budget Balance	\$ 270,769.47	\$ 1,382,967.84	\$ 80,458.67	\$ 80,337.66	\$ 100,789.36	\$ 1,915,323.00
APPN Cash Available	\$ 270,849.47	\$ 1,382,967.84	\$ 80,458.67	\$ 80,337.66	\$ 100,789.36	\$ 1,915,403.00
Total Budget Available (Not includ. 58001)						\$ 1,814,533.64

Texas Board of Veterinary Medical Examiners
Budget Analysis for Fiscal Year 2025 as of March 19, 2025

TBVME
Other Appropriations

BT	Appropriation Number	Licensure		Complaints		Indirect- Licensure	Indirect- Compliance	Acq. Of Inform Resource Tech.		Peer Assistance		Texas Online
		13001	13002	13800	13801	58001	13006	13007				
01	Appropriations - GR	\$ 443,171.00	\$ 1,766,659.00	\$ 83,965.00	\$ 84,064.00	\$ -	\$ 2,377,859.00			\$ 85,500.00	\$ 40,000.00	
03	Appropriation Transfers Out	\$ 33,277.00	\$ 33,277.00							\$ 85,500.00	\$ 40,000.00	
04	Appropriation Transfers In	\$ 11,578.00	\$ 129,000.00			\$ 36,000.00	\$ 176,578.00					
11	Est Collected Revenue	\$ 5,527.00					\$ 5,527.00					
12	Cash Revenues	\$ 14,257.00					\$ 14,257.00			\$ 55,516.00	\$ 33,046.00	
13	Exs Collected Revenue Posted	\$ 8,690.00					\$ 8,690.00					
06	Unexpended Balance In	\$ -				\$ 200,552.93	\$ 200,552.93					
08	Lapsed Appropriations	\$ -										
16	Cash Rsrvd - Payroll	\$ -										
	Total Receipts	\$ 435,689.00	\$ 1,862,382.00	\$ 83,965.00	\$ 84,064.00	\$ 236,552.93	\$ 2,702,652.93			\$ 55,516.00	\$ 33,046.00	
15	Total Expenditures	\$ 231,786.10	\$ 741,710.63	\$ 7,750.97	\$ 8,191.00	\$ 137,452.52	\$ 1,126,891.22			\$ 49,889.84	\$ 19,541.00	
	Cash Budget Balance	\$ 198,375.90	\$ 1,120,671.37	\$ 76,214.03	\$ 75,873.00	\$ 99,100.41	\$ 1,570,234.71			\$ 35,610.16	\$ 20,459.00	
	APPN Cash Available	\$ 198,415.90	\$ 1,120,671.37	\$ 76,214.03	\$ 75,873.00	\$ 99,100.41	\$ 1,570,274.71			\$ 5,626.16	\$ 13,505.00	
	Total Budget Available (Not includ. 58001)						\$ 1,471,134.30					

Expenditures	Licensure 13001	Complaints 13002	Indirect-Lic 13800	Indirect-Comp 13801	Acq. Of Inform Resource Tech. 58001	LAR Budget	Percentage Spent	Peer Assistance	
								13006	13007
1001 - Salaries and wages							58.33%		
7001 Exempt Salaries	29,574.32	29,574.32	-	-	-			-	-
7002 Sal-Full Time Class	186,097.43	652,694.40	-	-	-			-	-
7003 Sal/Wages-Class&N/C-Perm fult	-	-	-	-	-			-	-
7007 Sal/Wages-Class&N/C-Perm fult	-	-	-	-	-			-	-
Subtotal - Salaries and Wages	215,671.75	682,268.72	-	-	-	1,931,579.00	46%	-	-
1002 - Other Personnel Costs									
7017 One-time Merits	-	-	-	-	-			-	-
7022 Longevity	2,200.00	3,380.00	-	-	-			-	-
7023 Lump Sum Termination Payment	-	-	-	-	-			-	-
7025 Compensatory of Salary Per Diem	-	-	-	-	-			-	-
7033 Employee Rtrmnt-Oth Emplmmt Exp	-	-	-	-	-			-	-
Subtotal - Other Personnel Costs	2,200.00	3,380.00	-	-	-	25,360.00	22%	-	-
2001 - Professional Fees and Services									
7243 Educational/Training Services	1,748.00	1,810.00	425.00	425.00	-			-	-
7245 Financial and accounting svc	-	-	470.00	470.00	-			-	-
7253 Other Professional Services	-	-	2,250.00	2,250.00	-			49,875.00	-
7275 Information Tech Svc	-	-	569.02	569.02	-			-	-
Subtotal - Professional Fees and Services	1,748.00	1,810.00	3,714.02	3,714.02	-	57,405.00	19%	49,875.00	-
2002 - Fuels and Lubricants									
7304 Fuels and Lubricants-Other	-	-	-	-	-			-	-
Subtotal - Fuels and Lubricants	-	-	-	-	-	150.00	0%	-	-
2003 - Consumable Supplies									
7300 Consumables	1,319.29	1,176.83	150.50	150.50	-			-	-
Subtotal - Consumable Supplies	1,319.29	1,176.83	150.50	150.50	-	2,797.12	233%	-	-

Expenditures	Licensure	Complaints	Indirect-Lic	Indirect-Comp	Acq. Of Inform Resource Tech.	LAR Budget	Percentage Spent	Peer Assistance	Texas Online
	13001	13002	13800	13801	58001		58.33%	13006	13007
2004 - Utilities									
7516 Cell Phone Charges	-	8,842.81	-	-	-	8,842.81		-	-
7526 Waste Disposal	-	-	-	-	-	-		-	-
Subtotal - Utilities	-	8,842.81	-	-	-	8,842.81	9,760.00	91%	-
2005 - Travel									
7101 Travel-In St-Pub Trans	-	3,035.65	-	-	-	3,035.65		-	-
7102 Travel-In-State Mileage	-	7,566.63	-	-	-	7,566.63		-	-
7105 Travel-InState Incident	-	2,236.71	-	-	-	2,236.71		-	-
7106 Travel-In State Meals	-	14,451.36	-	-	-	14,451.36		-	-
7107 Travel-In State Non-Overnight (Meals)	-	-	-	-	-	-		-	-
7110 Travel In-State - Brd Mem Meals & Lodging	-	1,029.52	-	-	-	1,029.52		-	-
7116 Travel Out-of-State - Meals & Lodging	-	-	-	-	-	-		-	-
7135 Travel In-State - State Hotel Occ Tax	-	-	-	-	-	-		-	-
Subtotal - Travel	-	28,319.87	-	-	-	28,319.87	264,580.00	11%	-
2007 - Rent - Machine and Other									
7406 Rental - Equipment	-	-	942.43	942.44	-	1,884.87		-	-
Subtotal - Rent - Machine and Other	-	-	942.43	942.44	-	1,884.87	6,120.00	31%	-
2009 - Other Operating Expense									
7040 Additional Payroll Ret. Cont.	1,078.50	3,411.19	-	-	-	4,489.69		-	-
7042 Payroll Health Insurance 1%	2,047.92	5,462.74	-	-	-	7,510.66		-	-
7201 Membership Dues	-	-	350.00	250.00	-	600.00		-	-
7203 Registration Fees	-	-	-	-	-	-		-	-
7210 Fees and Other Charges	-	-	52.50	52.50	-	105.00		-	-
7211 Awards	-	79.50	-	-	-	79.50		-	-
7219 Fees for Rec. Electronic	-	-	-	-	-	-		-	19,541.00
7262 Maint & Repair-Comp Sftware-Expensed	-	-	2,499.91	2,499.92	-	4,999.83		-	-
7273 Preproduction/Printing	644.33	-	-	-	-	644.33		-	-
7276 Communication Svcs	-	143.00	-	-	-	143.00		-	-
7285 Comp Serv - Statewide Technology Center	-	-	-	-	137,452.52	137,452.52		-	-
7286 Freight Delivery	259.86	141.88	-	-	-	401.74		-	-
7291 Postal Services	340.20	225.00	30.93	30.94	-	627.07		-	-
7299 Purchased Contracted Services	-	-	-	-	-	-		-	-
7334 Furn & Equip-expensed	-	-	-	-	-	-		-	-
7335 Parts-Computer Equipment Expsd	-	-	-	-	-	-		-	-
7377 Personal Prop-Comp Equip-Expnsd	-	-	-	-	-	-		-	-
7380 Comp SW-5000 or less	3,832.50	3,832.50	-	540.00	-	8,205.00		-	-
7470 Rental of Space	310.60	310.60	-	-	-	621.20		-	-
7806 Interest on Late Pmts	28.06	0.86	10.68	10.68	-	50.28		14.84	-
7947 SORM Pmt	637.53	637.53	-	-	-	1,275.06		-	-
7961 Telecomm-Cap Compl	822.30	822.31	-	-	-	1,644.61		-	-
7962 Cap. Cplx. Transfers	845.26	845.29	-	-	-	1,690.55		-	-
7984 Unemployment Compensation Benefit Trsr	-	-	-	-	-	-		-	-
Subtotal - Other Operating Expense	10,847.06	15,912.40	2,944.02	3,384.04	137,452.52	170,540.04 **	186,283.00	92%	14.84
Grand Total	231,786.10	741,710.63	7,750.97	8,191.00	137,452.52	1,126,891.22	2,482,437.00	45%	49,889.84
	-	-	-	-	-	-		-	-

Appropriation 13006 and 13007 have been excluded. They do not fund the agency budget.

** Capital Budget Item Removed from LAR Budget - Other Operating Expense to show true agency budget**

Capital Budget

Item	FY24	FY25	Total for Biennium
Licensing Database	\$ 1,129,070.00	\$ 36,000.00	\$ 1,165,070.00
Transfer in:	\$ -	\$ 200,552.93	
Total Budget:	\$ 1,129,070.00	\$ 236,552.93	

COBJ	FY24 Expend.	FY25 Expend.
7285	\$ 907,292.22	\$ 137,452.52
7275	\$ 21,224.85	
Total:	\$ 928,517.07	\$ 137,452.52
Amt Transf to FY25	\$ 200,552.93	
Balance:	\$ -	\$ 99,100.41

AGENDA ITEM 3

TAB 3

CITIZEN COMMENTS

(Dr. Golla)

If there is anyone in the audience who wishes to address the Board and has not completed one of the Witness Cards, please do so at this time.

Individuals wishing to comment on the rules to be adopted will be recognized during the time the rules are addressed.

The Board will now recognize _____, please limit your comments to 3 minutes.

AGENDA ITEM 4

EXECUTIVE SESSION TO DISCUSS PENDING AND CONTEMPLATED LITIGATION

(Dr. Golla)

I move that we go into Executive Session for private consultation and advice of counsel concerning pending or contemplated litigation, including administrative proceedings, or settlement offer and/or possible disciplinary actions under the authority of the Texas Open Meetings Act, Chapter 551 of the Government Code.

AGENDA ITEM 5

RETURN FROM EXECUTIVE SESSION

RETURN TO OPEN SESSION STATEMENT:

There was no final action, decision, or vote with regard to any matter considered or discussed in executive session. The executive session ended at (____) on (____). A certified agenda of the executive session was made.

Motion to approve all orders:

I move that we approve all Agreed Orders as presented.

Motion regarding orders that were pulled and not approved as a group:

*I move that we do not approve Agreed Order(s) _____
and direct staff to _____.*

AGENDA ITEM 6

TAB 6

EXECUTIVE DIRECTOR'S REPORT

(Ms. Sharkey)

Additional Reports will be verbally provided by the following:

- Executive Director Report- *Brittany Sharkey*
- Licensing Report- *Wendy Womack*
- Enforcement Report- *Mike Tacker*
- Legal Report- *Kelly Phelps*
- Compliance Report- *Jerod Honrath*
- Finance Report- *Kandace Van Vlerah*

This item is informational only, no vote needed.



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Executive Director's Report

April 15, 2025

Dear Members of the Board and Public,

Spring has sprung and there's a lot of exciting developments around the agency.

2025 Legislative Session

We are over halfway through the 2025 legislative session. There are a few particular bills of interest for TBVME. We are monitoring the following bills closely:

- **SB 1/ HB 1:** The state budget
- **SB 1442/HB 3346:** Would allow the veterinarian-client patient relationship to be established via telephonic/electronic means
- **SB 2155/HB 1550:** The legislative recommendations from TDLR that was required by SB1414 (the TBVME Sunset Bill) from last session
- **SB 2400/HB 1545:** Would move the date of our next Sunset Advisory Commission review would be moved from 2027 to 2033.

New Website

The new website went officially live in mid-March and I want to thank Femi Salami, our systems administrator, and the website team from TDLR for their hard work. The functionality and content is a massive improvement!

AAVSB Spring Meeting

I attended the AAVSB Spring Executive Director's Summit and Board Basics Training in Kansas City in late March. It was great to be with other veterinary regulators from across the country and discuss common issues and trends we are all experiencing. Other jurisdictions are currently monitoring efforts to expand telemedicine and veterinary midlevel practitioners.

Attachments:

Please find attached each department's update and a list of complaints dismissed by staff in the second quarter of FY 2025 pursuant to Tex. Occ. Code 801.205.

Sincerely,

A handwritten signature in cursive script that reads "Brittany Sharkey, JD".

Brittany Sharkey, JD
Executive Director

CP24-082	11/10/2023	1/9/2025	Required for Practice of Veterinary Medicine	INSUFFICIENT EVIDENCE
CP25-192	12/23/2024	1/13/2025	Prices of Services	NON-JURISDICTIONAL
CP25-197	12/28/2024	1/13/2025	STANDARD OF CARE	COMPLAINT WITHDRAWN
CP25-213	1/13/2025	1/15/2025	STANDARD OF CARE	NON-JURISDICTIONAL
CP25-527	8/1/2024	1/17/2025	STANDARD OF CARE	NON-JURISDICTIONAL
CP24-221	2/28/2024	1/18/2025	Adherence to the Law	INSUFFICIENT EVIDENCE
CP25-204	1/7/2025	1/21/2025	STANDARD OF CARE	NON-JURISDICTIONAL
CP25-183	1/7/2025	1/24/2025	PMP Alert	NON-JURISDICTIONAL
CP25-166	12/9/2024	1/27/2025	573.51 Rabies Control	NON-JURISDICTIONAL
CP25-162	12/5/2025	1/27/2025	801.251 Texas Occupation Code License Required for Practice of Veterinary Medicine 573.12 Responsibility for Licensure of Licensed Persons	NON-JURISDICTIONAL
CP25-228	1/28/2025	1/29/2025	Refusing to write prescriptions outside of the Clinic	NON-JURISDICTIONAL
CP25-195	12/28/2025	1/30/2025	573.20 Responsibility for Acceptance of Medical Care "Rudeness"	NON-JURISDICTIONAL
CP25-226	1/23/2025	1/30/2025	801.251 Texas Occupation Code License Required for Practice of Veterinary Medicine	NON-JURISDICTIONAL
CP25-198	12/28/2024	2/5/2025	573.79 Maintenance of Sanitary Premises	INSUFFICIENT EVIDENCE
CP25-187	12/20/2024	2/5/2025	573.27 Honesty, Integrity, and Fair Dealing	NON-JURISDICTIONAL
CP25-245	2/3/2025	2/6/2025	STANDARD OF CARE	NON-JURISDICTIONAL



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Licensing Department Report

April 15, 2025, Board Meeting

The licensing team is reporting for the second quarter FY24 - December, January and February

NEW LICENSES ISSUED

*66 new DVM licenses plus 3 DVM reinstatements issued
2 new EDP licenses issued
56 new LVT licenses issued*

FOR A TOTAL OF 127 NEW LICENSES ISSUED IN THE SECOND QUARTER

LICENSE RENEWALS ISSUED

*2,511 DVM licenses were renewed
13 EDP licenses were renewed
591 LVT licenses were renewed*

FOR A TOTAL OF 3,115 LICENSES RENEWED IN THE SECOND QUARTER

NOTE: "ACTIVE" LICENSEE NUMBERS REPORTED BELOW ARE COUNTED AS THOSE WHOSE LICENSE IS IN ONE OF THE FOLLOWING STATUSES: ACTIVE, EXPIRED, INACTIVE, SUSPENDED, AND PROBATED SUSPENDED

NOT COUNTED AS ACTIVE: REVOKED, RETIRED, SURRENDERED, DECEASED, CANCELLED. THE TOTAL ACTIVE AGENCY LICENSE COUNTS AS OF February 28, 2025, WERE:

*13,001 DVM Licenses
2,897 LVT Licenses
67 EDP Licenses*

FOR A Second Quarter End TOTAL OF 15,962 LICENSES



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Copy of Licenses by Status Wendy

As of 2025-03-14 12:03:32 Central Standard Time/CST • Generated by Wendy Womack

Filtered By

Show: All individual licenses

Date Field: Created Date equals Custom (10/10/1910 to 2/28/2025)

License Status equals Active, Expired, Inactive, Suspended, Probated Suspension

License Status →	Active	Expired	Inactive	Suspended	Probated Suspension	Total
Profession ↑	Record Count	Record Count				
Doctor of Veterinary Medicine (DVM)	10303	2160	524	5	9	13001
Licensed Veterinary Technician (LVT)	2456	215	221	2	0	2894
Equine Dental Provider (EDP)	58	8	1	0	0	67
Total	12817	2383	746	7	9	15962



FY25

Enforcement

Second Quarter – December – January - February

By: Mike Tacker

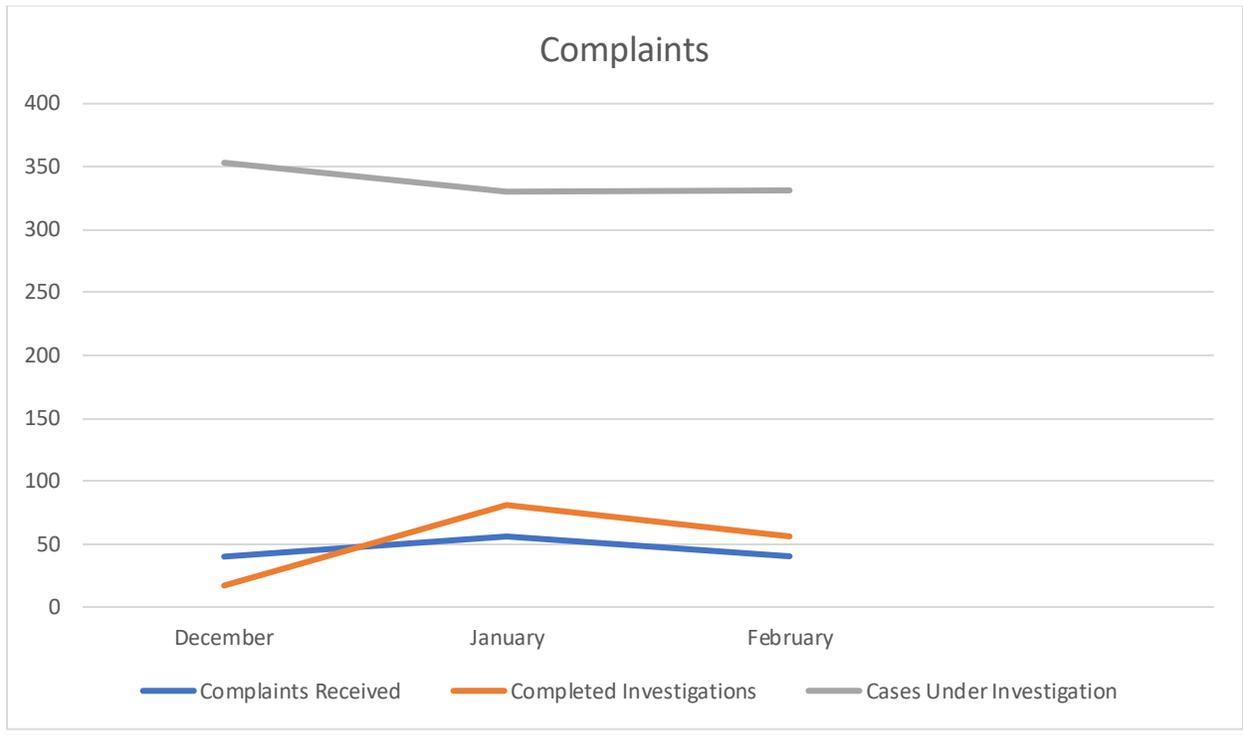
Complaints	December
Total number of complaints received	40
Number of complaints found to be non-jurisdictional	1
Completed Investigations	17
Cases Under Investigation	353

Complaints	January
Total number of complaints received	56
Number of complaints found to be non-jurisdictional	14
Completed Investigations	81
Cases Under Investigation	330

Complaints	February
Total number of complaints received	41
Number of complaints found to be non-jurisdictional	6
Completed Investigations	56
Cases Under Investigation	315

Top Complaint Categories

Standard of Care	Practicing Without License	Honesty, Integrity, Fair Dealing	Adherence to Law
72	12	15	5



Compliance Inspections

Total Inspections - 405

Total Complaints Opened – 11

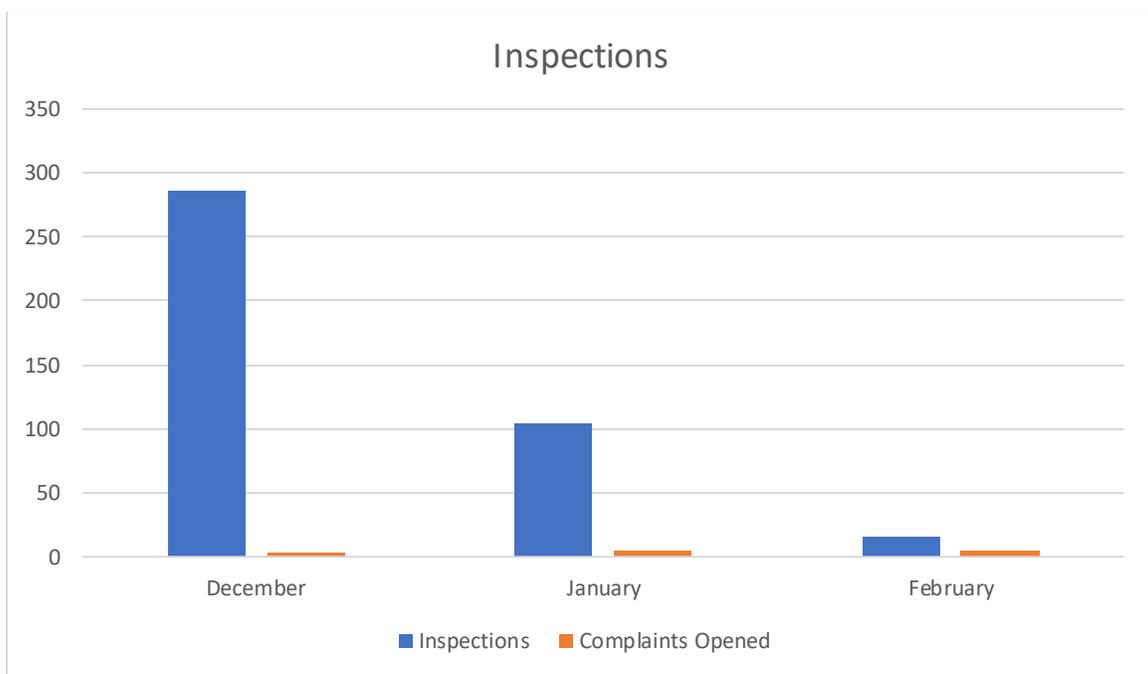
	December
Inspectons Performed	286
Complaints Opened from Inspections	4

	January
Inspectons Performed	104
Complaints Opened from Inspections	5

	February
Inspectons Performed	15
Complaints Opened from Inspections	2

Top Complaint Openings From Inspections

Controlled Substances Records Keeping for Drugs on Hand	Veterinarian Patient Record Keeping	Responsibility for Unlicensed Employee
6	1	1





TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Legal Department Report

April 15, 2025, Board Meeting

- **238 complaints** – below numbers are projections
 - Pending Board ICs – 55 (30 are companion cases against same DVM)
 - Pending Board action – 72
 - Pending Board approval of orders – 27
 - ON HOLD – pending civil/criminal proceedings – 7
 - Pending staff conference – 40
 - Filed at SOAH – 11
 - Pending SOAH filing – 9
 - Pending cease and desist – 6
 - Pending agreed order – 8
 - Pending TCLR approved of contested case – 1
 - Pending Licensing Committee Hearing - 2

- **After Board Meeting** – projected complaints remaining – approximately 138

****Compiled March 18, 2025****



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Compliance Department Report

April 15, 2025, Board Meeting

The Compliance Department currently has 44 licenses that are being monitored regarding Board Orders. The task of DPS Fingerprint validations is continuing to be done daily and will continue for years to come. Every licensee will have their fingerprints validated after 5 years to make sure they are still an active licensee per state and federal guidelines. Staying on the fingerprint topic, 517 total new fingerprints have been reviewed for applicants in the 2025 FY. Lastly, DPS has begun auditing our fingerprint program again as it is done every 3-4 years, and we are about 95% completed.

The Compliance Department (Director Honrath) has fielded 251 phone calls for compliance, licensing, fingerprints, CE, and general agency related questions from licensees and applicants so far in FY 2025. The number of calls is declining as more information is now on our website and employees are getting well versed in our agency's rules and regulations. The Compliance Department has also assisted with 83 agency-related requests from the various departments within our agency in FY 2025.

Finally, CEs are required to be updated upon license renewal and if not, an extension may be granted with auditing taking place when extension due dates are lapsed. This is being tracked through our new database, and compliance so far with these CEs extensions has been impressive. 5 cases for CE non-compliance have been transferred to Enforcement for further investigation as of this time.

**** Overall Compliance Statistics attached for FY 2025****

**** Statistics are as of March 11th, 2025 ****



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Compliance Statistics

- Criminal History Evaluations/Reviews/Calls--- 8
- CE and General Compliance Related Phone Calls Answered/Returned-- 251
- Hardships Granted for CE's--- 12
- Opioid Presentations and Course Material Reviews--- 4
- Outside Agency Requests/Assistance--- 3
- Background Investigations--- 1
- Current Open Compliance Cases--- 44
- Fingerprints Reviewed--- 517
- CE Audits Performed--- 10
- CE Audit Follow-Up--- 11
- CE Audit Transfer to Enforcement--- 5
- Legal/Enforcement/Finance/Licensing Division Requests Performed--- 83
- Failure to Report Warning Letters--- 6
- TDLR Meetings--- 5
- Audit Meetings--- 5
- Other Meetings--- 4



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Finance Report

April 15, 2025, Board Meeting

The Agency has entered its 3rd Quarter of Fiscal Year 2025 as of March 1st. We are about 58% of our way through the Fiscal Year and have spent approximately 45% of our budget so far.

Texas Board of Veterinary Medical Examiners
Budget Analysis for Fiscal Year 2025 as of March 19, 2025

	Licensure	Complaints	Indirect- Licensure	Indirect- Compliance	Acq. Of Inform Resource Tech.	
Appropriation Number	13001	13002	13800	13801	58001	
Appropriations - GR	\$ 443,171.00	\$ 1,766,659.00	\$ 83,965.00	\$ 84,064.00	\$ -	\$ 2,377,859.00
Appropriation Transfers Out	\$ 33,277.00	\$ 33,277.00				
Appropriation Transfers In	\$ 11,578.00	\$ 129,000.00			\$ 36,000.00	\$ 176,578.00
Est Collected Revenue	\$ 5,527.00					\$ 5,527.00
Cash Revenues	\$ 14,257.00					\$ 14,257.00
Exs Collected Revenue Posted	\$ 8,690.00					\$ 8,690.00
Unexpended Balance In	\$ -				\$ 200,552.93	\$ 200,552.93
Lapsed Appropriations	\$ -					
Cash Rsrvd - Payroll	\$ -					
Total Receipts	\$ 435,689.00	\$ 1,862,382.00	\$ 83,965.00	\$ 84,064.00	\$ 236,552.93	\$ 2,702,652.93
Total Expenditures	\$ 231,786.10	\$ 741,710.63	\$ 7,750.97	\$ 8,191.00	\$ 137,452.52	\$ 1,126,891.22
Cash Budget Balance	\$ 198,375.90	\$ 1,120,671.37	\$ 76,214.03	\$ 75,873.00	\$ 99,100.41	\$ 1,570,234.71
APPN Cash Available	\$ 198,415.90	\$ 1,120,671.37	\$ 76,214.03	\$ 75,873.00	\$ 99,100.41	\$ 1,570,274.71
Total Budget Available (Not includ. 58001)						\$ 1,471,134.30

Texas Board of Veterinary Medical Examiners
Budget Analysis for Fiscal Year 2025 as of March 19, 2025

TBVME
Other Appropriations

BT	Appropriation Number	Licensure	Complaints	Indirect-Licensure	Indirect-Compliance	Acq. Of Inform Resource Tech.	Peer	
		13001	13002	13800	13801	58001	Assistance 13006	Texas Online 13007
01	Appropriations - GR	\$ 443,171.00	\$ 1,766,659.00	\$ 83,965.00	\$ 84,064.00	\$ -	\$ 2,377,859.00	
03	Appropriation Transfers Out	\$ 33,277.00	\$ 33,277.00					\$ 85,500.00 \$ 40,000.00
04	Appropriation Transfers In	\$ 11,578.00	\$ 129,000.00			\$ 36,000.00	\$ 176,578.00	\$ 85,500.00 \$ 40,000.00
11	Est Collected Revenue	\$ 5,527.00					\$ 5,527.00	
12	Cash Revenues	\$ 14,257.00					\$ 14,257.00	\$ 55,516.00 \$ 33,046.00
13	Exs Collected Revenue Posted	\$ 8,690.00					\$ 8,690.00	
06	Unexpended Balance In	\$ -				\$ 200,552.93	\$ 200,552.93	
08	Lapsed Appropriations	\$ -						
16	Cash Rsrvd - Payroll	\$ -						
	Total Receipts	\$ 435,689.00	\$ 1,862,382.00	\$ 83,965.00	\$ 84,064.00	\$ 236,552.93	\$ 2,702,652.93	\$ 55,516.00 \$ 33,046.00
15	Total Expenditures	\$ 231,786.10	\$ 741,710.63	\$ 7,750.97	\$ 8,191.00	\$ 137,452.52	\$ 1,126,891.22	\$ 49,889.84 \$ 19,541.00
	Cash Budget Balance	\$ 198,375.90	\$ 1,120,671.37	\$ 76,214.03	\$ 75,873.00	\$ 99,100.41	\$ 1,570,234.71	\$ 35,610.16 \$ 20,459.00
	APPN Cash Available	\$ 198,415.90	\$ 1,120,671.37	\$ 76,214.03	\$ 75,873.00	\$ 99,100.41	\$ 1,570,274.71	\$ 5,626.16 \$ 13,505.00
	Total Budget Available (Not includ. 58001)						\$ 1,471,134.30	

Expenditures	Licensure 13001	Complaints 13002	Indirect-Lic 13800	Indirect-Comp 13801	Acq. Of Inform Resource Tech. 58001	LAR Budget	Percentage Spent	Peer	
								Assistance 13006	Texas Online 13007
1001 - Salaries and wages							58.33%		
7001 Exempt Salaries	29,574.32	29,574.32	-	-	-			-	-
7002 Sal-Full Time Class	186,097.43	652,694.40	-	-	-			-	-
7003 Sal/Wages-Class&N/C-Perm fult	-	-	-	-	-			-	-
7007 Sal/Wages-Class&N/C-Perm fult	-	-	-	-	-			-	-
Subtotal - Salaries and Wages	215,671.75	682,268.72	-	-	-	1,931,579.00	46%	-	-
1002 - Other Personnel Costs									
7017 One-time Merits	-	-	-	-	-			-	-
7022 Longevity	2,200.00	3,380.00	-	-	-			-	-
7023 Lump Sum Termination Payment	-	-	-	-	-			-	-
7025 Compensatory of Salary Per Diem	-	-	-	-	-			-	-
7033 Employee Rtrmnt-Oth Emplmmt Exp	-	-	-	-	-			-	-
Subtotal - Other Personnel Costs	2,200.00	3,380.00	-	-	-	25,360.00	22%	-	-
2001 - Professional Fees and Services									
7243 Educational/Training Services	1,748.00	1,810.00	425.00	425.00	-			-	-
7245 Financial and accounting svc	-	-	470.00	470.00	-			-	-
7253 Other Professional Services	-	-	2,250.00	2,250.00	-			49,875.00	-
7275 Information Tech Svc	-	-	569.02	569.02	-			-	-
Subtotal - Professional Fees and Services	1,748.00	1,810.00	3,714.02	3,714.02	-	57,405.00	19%	49,875.00	-
2002 - Fuels and Lubricants									
7304 Fuels and Lubricants-Other	-	-	-	-	-			-	-
Subtotal - Fuels and Lubricants	-	-	-	-	-	150.00	0%	-	-
2003 - Consumable Supplies									
7300 Consumables	1,319.29	1,176.83	150.50	150.50	-			-	-
Subtotal - Consumable Supplies	1,319.29	1,176.83	150.50	150.50	-	2,797.12	233%	-	-

Expenditures	Licensure	Complaints	Indirect-Lic	Indirect-Comp	Acq. Of Inform Resource Tech.	LAR Budget	Percentage Spent	Peer Assistance	Texas Online	
	13001	13002	13800	13801	58001		58.33%	13006	13007	
2004 - Utilities										
7516 Cell Phone Charges	-	8,842.81	-	-	-	8,842.81		-	-	
7526 Waste Disposal	-	-	-	-	-	-		-	-	
Subtotal - Utilities	-	8,842.81	-	-	-	8,842.81	9,760.00	91%	-	-
2005 - Travel										
7101 Travel-In St-Pub Trans	-	3,035.65	-	-	-	3,035.65		-	-	
7102 Travel-In-State Mileage	-	7,566.63	-	-	-	7,566.63		-	-	
7105 Travel-InState Incident	-	2,236.71	-	-	-	2,236.71		-	-	
7106 Travel-In State Meals	-	14,451.36	-	-	-	14,451.36		-	-	
7107 Travel-In State Non-Overnight (Meals)	-	-	-	-	-	-		-	-	
7110 Travel In-State - Brd Mem Meals & Lodging	-	1,029.52	-	-	-	1,029.52		-	-	
7116 Travel Out-of-State - Meals & Lodging	-	-	-	-	-	-		-	-	
7135 Travel In-State - State Hotel Occ Tax	-	-	-	-	-	-		-	-	
Subtotal - Travel	-	28,319.87	-	-	-	28,319.87	264,580.00	11%	-	-
2007 - Rent - Machine and Other										
7406 Rental - Equipment	-	-	942.43	942.44	-	1,884.87		-	-	
Subtotal - Rent - Machine and Other	-	-	942.43	942.44	-	1,884.87	6,120.00	31%	-	-
2009 - Other Operating Expense										
7040 Additional Payroll Ret. Cont.	1,078.50	3,411.19	-	-	-	4,489.69		-	-	
7042 Payroll Health Insurance 1%	2,047.92	5,462.74	-	-	-	7,510.66		-	-	
7201 Membership Dues	-	-	350.00	250.00	-	600.00		-	-	
7203 Registration Fees	-	-	-	-	-	-		-	-	
7210 Fees and Other Charges	-	-	52.50	52.50	-	105.00		-	-	
7211 Awards	-	79.50	-	-	-	79.50		-	-	
7219 Fees for Rec. Electronic	-	-	-	-	-	-		-	19,541.00	
7262 Maint & Repair-Comp Sftware-Expensed	-	-	2,499.91	2,499.92	-	4,999.83		-	-	
7273 Preproduction/Printing	644.33	-	-	-	-	644.33		-	-	
7276 Communication Svcs	-	143.00	-	-	-	143.00		-	-	
7285 Comp Serv - Statewide Technology Center	-	-	-	-	137,452.52	137,452.52		-	-	
7286 Freight Delivery	259.86	141.88	-	-	-	401.74		-	-	
7291 Postal Services	340.20	225.00	30.93	30.94	-	627.07		-	-	
7299 Purchased Contracted Services	-	-	-	-	-	-		-	-	
7334 Furn & Equip-expensed	-	-	-	-	-	-		-	-	
7335 Parts-Computer Equipment Expsd	-	-	-	-	-	-		-	-	
7377 Personal Prop-Comp Equip-Expnsd	-	-	-	-	-	-		-	-	
7380 Comp SW-5000 or less	3,832.50	3,832.50	-	540.00	-	8,205.00		-	-	
7470 Rental of Space	310.60	310.60	-	-	-	621.20		-	-	
7806 Interest on Late Pmts	28.06	0.86	10.68	10.68	-	50.28		14.84	-	
7947 SORM Pmt	637.53	637.53	-	-	-	1,275.06		-	-	
7961 Telecomm-Cap Compl	822.30	822.31	-	-	-	1,644.61		-	-	
7962 Cap. Cplx. Transfers	845.26	845.29	-	-	-	1,690.55		-	-	
7984 Unemployment Compensation Benefit Trsfr	-	-	-	-	-	-		-	-	
Subtotal - Other Operating Expense	10,847.06	15,912.40	2,944.02	3,384.04	137,452.52	170,540.04 **	186,283.00	92%	14.84	19,541.00
Grand Total	231,786.10	741,710.63	7,750.97	8,191.00	137,452.52	1,126,891.22	2,482,437.00	45%	49,889.84	19,541.00

Appropriation 13006 and 13007 have been excluded. They do not fund the agency budget.

** Capital Budget Item Removed from LAR Budget - Other Operating Expense to show true agency budget**

Capital Budget

Item	FY24	FY25	Total for Biennium
Licensing Database	\$ 1,129,070.00	\$ 36,000.00	\$ 1,165,070.00
Transfer in:	\$ -	\$ 200,552.93	
Total Budget:	\$ 1,129,070.00	\$ 236,552.93	

COBJ	FY24 Expend.	FY25 Expend.
7285	\$ 907,292.22	\$ 137,452.52
7275	\$ 21,224.85	
Total:	\$ 928,517.07	\$ 137,452.52
Amt Transf to FY25	\$ 200,552.93	
Balance:	\$ -	\$ 99,100.41

AGENDA ITEM 7

TAB 7

BOARD COMMITTEE REPORTS

(Dr. Golla)

Additional Reports will be verbally provided by the following:

- Executive Committee- *Dr. Golla*
- Enforcement Committee- *Dr. Golla*
- Licensing Committee- *Mrs. Allen*
- Finance Committee- *Mrs. Whitehead*
- Rules Committee- *Dr. Moczygemba*

This item is informational only, no vote needed.

AGENDA ITEM 8

TAB 8

**DISCUSSION REGARDING USE OF COMPOUNDED
CONTROLLED SUBSTANCES AND THE
APPLICATION OF TEXAS ADMINISTRATIVE CODE
RULE 573.44**

(Dr. Golla)

Rule §573.44

Compounding Drugs

(a) A veterinarian may only compound drugs for a specific animal or herd with which the veterinarian has established and maintained a valid veterinarian-client-patient relationship.

(b) A veterinarian may only prescribe, administer, or dispense compounded drugs to treat a specific occurrence of a disease or condition, which threatens the health of the animal or will cause suffering or death if left untreated, that the veterinarian has observed and diagnosed in the particular patient for whom the compounded drugs are intended. The amount of a drug that a veterinarian compounds or orders compounded for dispensing or office use must not exceed the established need for specific compounded drugs for patients with which the veterinarian has established and maintained a valid veterinarian-client-patient relationship.

(c) Labeling Requirements.

(1) All compounded drugs must bear the labeling information required under §573.40 of this title (relating to Labeling of Medications Dispensed), as well as the following information:

- (A) date on which the drug was compounded;
- (B) name and strength of medically active ingredients;
- (C) identity of treated animals;
- (D) withdrawal/withholding times if needed; and
- (E) condition or disease to be treated.

(2) In addition to the information listed in paragraph (1) of this subsection, compounded drugs dispensed to the client must also state a date dispensed and an expiration date, which should not exceed the length of the prescribed treatment.

(d) Limitations on Compounded Products.

(1) A veterinarian shall not compound or order a drug compounded if there is a FDA approved, commercially available animal or human drug that, when used as labeled or

in an extra-label fashion in its available dosage form and concentration, will appropriately treat the patient.

(2) A veterinarian shall only compound or order compounded products with FDA-approved commercially available animal or human drugs as the active ingredients.

(3) A veterinarian shall not promote and/or distribute compounded drugs that are essentially similar to FDA-approved products.

(4) A veterinarian must ensure the safety and efficacy of a compounded drug, including but not limited to avoiding known drug incompatibilities and inappropriate combinations, and must use a pharmacist to perform drug compounding when the complexity of the compounding exceeds the veterinarian's knowledge, skill, facilities, or available equipment.

(e) Compounding for Food-Producing Animals.

(1) For animals intended for human consumption, a veterinarian must establish an extended withdrawal interval for the compounded product sufficient to ensure food safety and may not compound from any drugs prohibited for use in food-producing animals. The withdrawal period must be supported by scientific information, and the veterinarian shall note the method used to determine the withdrawal interval in the patient records.

(2) A veterinarian shall not compound or order a drug compounded if the compounded drug results in violative food residue, or any residue that may present a risk to public health.

(3) Compounding from a human drug for use in food-producing animals is not permitted if an approved animal drug can be used for compounding.

(4) Veterinarians shall ensure that procedures are in place to maintain the identity of treated animals, and shall note those procedures in the patient records.

(f) Limitations on Promotion and Sale of Compounded Drugs.

(1) A veterinarian shall not prepare for sale any compounded drugs which employ fanciful names or trade names, colorings or other additives, or that in any way imply that the compounds have some unique effectiveness or composition.

(2) A veterinarian shall not advertise, promote, display, resell, or in any other way market prepared compounded drugs.

(3) A veterinarian shall not offer compounded drugs to other state licensed veterinarians, pharmacists or other commercial entities for resale.

AGENDA ITEM 9

TAB 9

**DISCUSSION REGARDING INSPECTION POLICIES
AND PROCEDURES**

(Mr. Mike Tacker)

AGENDA ITEM 10

TAB 10

**CONTESTED CASES--CONSIDERATION AND POSSIBLE ACTION
(HEARD BEFORE STATE OFFICE OF ADMINISTRATIVE
HEARINGS)**

CP21-217/578-24-24729, Lauren Ellender, D.V.M.

CP23-231/578-25-00015, Timothy Wallis, D.V.M.

(Ms. Kristin Stavrou)



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

EXHIBIT

P-1

October 31, 2024

Via First Class Mail & Certified Mail

Lauren Ellender, D.V.M.
1706 Bayram Dr.
Houston, Texas 77055
leellenderdvm@hotmail.com

Re: *Texas Board of Veterinary Medical Examiners v. Lauren Ellender, D.V.M.*,
SOAH Docket No. 578-24-24729

NOTICE OF HEARING

Dear Dr. Ellender:

The hearing in the above-referenced matter is scheduled to be held before an Administrative Law Judge (ALJ) on **December 3, 2024, at 9:30 a.m.**, at the State Office of Administrative Hearings (SOAH), W.P. Clements Building, 300 West 15th Street, 4th Floor, Austin, Texas 78701. As noted in the attached Order, the hearing will be conducted by Zoom videoconference.

The legal authority and jurisdiction under which the hearing is to be held includes:

Administrative Procedures Act, Texas Government Code, Chapter 2001;
SOAH's Rules of Procedure, 1 Texas Administrative Code, Chapter 155;
Texas Veterinary Licensing Act, Texas Occupations Code, Chapter 801; and
TBVME Rules, 22 Texas Administrative Code, Chapter 575.

The attached Complaint includes a statement of the matters asserted and the particular sections of the statutes and rules involved and is hereby incorporated by reference as part of this notice. All statutes and rules cited in this Notice of Hearing and the attached Complaint can be found on the Board's website: www.veterinary.texas.gov and on SOAH's website: www.soah.texas.gov.

PARTIES THAT ARE NOT REPRESENTED BY AN ATTORNEY MAY OBTAIN INFORMATION REGARDING CONTESTED CASE HEARINGS ON THE PUBLIC WEBSITE OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AT WWW.SOAH.TEXAS.GOV, OR IN PRINTED FORMAT UPON REQUEST TO SOAH.

You have the right to participate in this hearing and to be assisted by counsel. You have the right to respond and to present evidence and argument on each issue involved in this case.

IF YOU FAIL TO APPEAR AT THIS HEARING, THE FACTUAL ALLEGATIONS INCLUDED IN THE ATTACHED FORMAL COMPLAINT MAY BE DEEMED ADMITTED, AND THE RELIEF SOUGHT MAY BE GRANTED BY DEFAULT.

Sincerely,

Mark R. Lee

Mark Lee, Staff Attorney
Texas Board of Veterinary Medical Examiners
1801 N. Congress Ave, Suite 8.800
Austin, TX 78701
T: (512) 305-7562

Enclosure: Complaint; SOAH Order Scheduling Hearing

CC: SOAH, via electronic upload

State Office of Administrative Hearings

FILED
578-24-24729
8/27/2024 8:20 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

Kristofer S. Monson
Chief Administrative Law Judge

ACCEPTED
578-24-24729
8/27/2024 8:22:38 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Amy Robles, CLERK

August 27, 2024

TBVME

VIA EFILE TEXAS

Lauren E. Ellender
1706 Bayram Drive
Houston, TX 77055

VIA EFILE TEXAS
AND REGULAR MAIL

**RE: RE: Docket Number 578-24-24729; Texas Board of Veterinary
Medical Examiners;
Lauren E. Ellender vs. TBVME**

Dear Lauren E. Ellender;

Please find enclosed Initial Order in this case.

Sincerely,

Sue Kawar

Sue Kawar
Legal Secretary II

Enclosure

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS,
PETITIONER
v.
LAUREN E. ELLENDER,
RESPONDENT**

**ORDER NO. 1
INITIAL ORDER SETTING HEARING AND
ESTABLISHING HEARING REQUIREMENTS**

The Texas Board of Veterinary Medical Examiners has referred this case to the State Office of Administrative Hearings (SOAH) for a hearing on the merits. It is ORDERED that the hearing on the merits for this matter is scheduled to be heard on the SOAH docket on **December 3, 2024, at 9:30 a.m.**, via video conference. An audio-only recording of the hearing will be made. This recording will be the official record of the proceeding.

You may access the hearing by going to <https://soah-texas.zoomgov.com/> and entering the following information when prompted:

Meeting ID: 160 098 8395
Video Passcode: TBVME3

If you are unable to access audio once you have joined the hearing, you can access audio by calling one of the following numbers:

1 669 254 5454 US (San Jose)
1 646 828 7666 US (New York)

Once prompted you will enter the meeting ID and passcode:

Meeting ID: 160 098 8395
Passcode: 527666

The parties are advised that SOAH's rules of procedure, located at 1 Texas Administrative Code chapter 155, control this case. Copies of the rules may be found at www.soah.texas.gov, or a copy may be obtained by contacting SOAH's Docketing Division at (512) 475-4993. The parties are expected to familiarize themselves with these rules and to abide by them.

Except as otherwise permitted by the SOAH procedural rules, attorneys, state agencies, and other governmental entities are required to file all documents (excluding documentary exhibits) electronically through eFileTexas.gov and an electronic filing service provider certified by the Texas Office of Court Administration. See 1 Tex. Admin. Code § 155.101. If you are not represented by an

attorney and do not wish to file documents electronically, you may continue to file documents by fax; by mail addressed to SOAH, P.O. Box 13025, Austin, Texas 78711-3025; or by hand delivery to the appropriate SOAH office. All filings should identify the SOAH Docket Number and the parties to the contested case. With respect to documents filed by mail, fax, or hand-delivery, the time and date of the submission shall be determined by the file stamp affixed by SOAH. Any questions related to filing procedures can be directed to SOAH's Docketing Division at (512) 475-4993.

An individual may represent himself/herself or may appear by authorized representative. For more information on self-representation, please see the information provided later in this order under the heading Self-Representation.

Parties who intend to employ counsel to represent themselves in this case are obliged to do so in sufficient time for counsel to enter a written appearance in the case. Counsel for a participant shall, as soon as retained by the party, enter a written appearance, if no other pleading or filing has been filed that clearly shows counsel as a representative for that party. 1 Tex. Admin. Code § 155.201.

Requests for any procedural relief, including a request to change a setting or obtain a ruling, order, or any other procedural relief from the judge, must be communicated to the ALJ by written motion and served on the other party to the case. Any and all motions must indicate that the moving party has contacted the other party and state the other party's position on the motion. 1 Tex. Admin. Code §§ 155.305, 155.307.

It is **FURTHER ORDERED** that the following prehearing instructions shall be followed:

1. **Notice.** Staff for the Texas Board of Veterinary Medical Examiners must issue a notice of hearing. Tex. Gov't Code §§ 2001.051–.052.
2. **Participation.** The hearing is scheduled for **one day**. If the parties anticipate the hearing will take longer than one day, each party shall file a pre-hearing statement estimating the length of time it will need to present its direct case. The parties are encouraged to visit SOAH's website at www.soah.texas.gov for information about hearings, including a link to SOAH's procedural rules, which govern this case.
3. **Prehearing Submission of Exhibits and Witness List:** The following prehearing instructions shall be followed:¹
 - a. Each party shall prepare an exhibit list of the exhibits intended to be offered in the hearing. Exhibits should be numbered sequentially, and multipage documents shall be paginated or Bates stamped. If multiple exhibits are combined in a single PDF, the document must be bookmarked. Exhibits that are not timely filed may be excluded from evidence.
 - b. Each party shall prepare a list identifying the witnesses to be called at the hearing. The parties shall identify the nature of the witness's testimony and provide an estimated length of each witness's testimony. Failure to identify a witness may result in the witness being excluded from testifying in the hearing.
 - c. **Seven (7) business days before the hearing**, the parties will receive an email from SOAH's Secure File Transfers

¹ SOAH's Chief Administrative Law Judge has issued a General Order Relating to Submission of Exhibits For General Docket Hearings (<https://www.soah.texas.gov/general-order-relating-submission-exhibits>).

(noreply@moveitcloud.com) with a link to access the secure MOVEit platform.²

- d. **At least three (3) business days before the hearing date**, the parties shall submit a witness list and all exhibits and evidence to be offered at the hearing electronically using SOAH's secure file sharing platform.
4. **Witness Preparation:** Prior to the hearing, the parties must provide witnesses with all documents necessary for their effective participation in the hearing along with the necessary instructions for participating in the hearing by videoconference. The parties shall also have contact information for each witness so additional documents can be provided to each witness during the hearing if needed.
5. **Admitted Exhibits. No later than the first business day following conclusion of the hearing**, the parties shall eFile only the exhibits that were admitted as evidence or accompanied by an offer of proof. 1 Tex. Admin. Code § 155.101(b)(1)(G)(iii). At the conclusion of the hearing, the Administrative Law Judge (ALJ) will confirm on the record the admitted exhibits that are required to be filed. The ALJ may answer any procedural questions regarding this requirement.
6. **eFile.** Except as otherwise permitted by the SOAH Rules of Procedure, attorneys, state agencies, and other governmental entities are required to file pleadings electronically through eFileTexas.gov and an electronic filing service provider certified by the Texas Office of Court Administration. *See* 1 Tex. Admin. Code § 155.101.
7. **Self-Representation.**
 - a. **A Guide.** Some contested-case parties choose to represent themselves. If you represent yourself, you are still required to follow SOAH's procedures and the applicable law. SOAH has a web-based guide that will help you understand how to represent yourself, however, it is not a substitute for legal advice. Although SOAH staff may give you general

² SOAH will begin phasing out use of MOVEit on September 1, 2024. Parties should consult SOAH's public website for updates regarding this process. If the parties have not received updated instructions necessary for the pre-filing of documents as the deadline approaches, contact SOAH's Chief Clerk's office at (512) 475-4993.

information about rules and procedures, they cannot give you legal advice, help you interpret or apply rules, or otherwise participate in a hearing. Below is the link to SOAH's Guide for Self Represented Litigants: <https://www.soah.texas.gov/representing-yourself-general-hearings-cases-state-office-administrative-hearings>.

- b. **Filings.** If you are not represented by an attorney and you do not wish to file documents electronically, you may continue to file documents by fax or by mail addressed to SOAH, P.O. Box 13025, Austin, Texas 78711-3025; or by hand delivery to the appropriate SOAH office. All filings must contain the SOAH docket number and the names of the parties. For documents filed by mail, fax, or hand-delivery, the time of filing shall be determined by the SOAH file stamp.
 - c. **Electronic Service of SOAH orders.** SOAH is now offering you the ability to receive service of orders and other documents issued by SOAH through email rather than mail or fax. To elect to receive service of SOAH-issued documents by email, go to the E-Services tab on SOAH's website (www.soah.texas.gov), click on "Request Email Service" and follow the instructions. NOTE: Your request to receive SOAH-issued documents by email does not change the procedures you must follow in order to file documents with SOAH.
8. **Questions about Zoom, MOVEit, or Filings.** Please contact SOAH's Docketing Division at (512) 475-4993.

SIGNED AUGUST 27, 2024.

ALJ Signature:



Michelle Kallas,
Presiding Administrative Law Judge



State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

578-24-24729

MK/sk

Lauren E. Ellender
1706 Bayram Drive
Houston, TX 77055

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 91351369

Filing Code Description: Initial Order

Filing Description: ORDER NO. 1 INITIAL ORDER SETTING HEARING AND ESTABLISHING HEARING REQUIREMENTS

Status as of 8/27/2024 8:24 AM CST

Associated Case Party: Texas Board of Veterinary Medical Examiners

Name	BarNumber	Email	TimestampSubmitted	Status
Legal Department		legal@veterinary.texas.gov	8/27/2024 8:20:34 AM	SENT

Associated Case Party: LaurenE.Ellender

Name	BarNumber	Email	TimestampSubmitted	Status
Lauren E.Ellender		LEEllenderDVM@hotmail.com	8/27/2024 8:20:34 AM	SENT

FILED
578-24-24729
8/23/2024 1:26 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessica Rodriguez, CLERK

SOAH Docket No. 578-24-24729

ACCEPTED
578-24-24729
8/23/2024 3:52:47 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessica Rodriguez, CLERK

SOAH DOCKET NO. _____

TBVME Case# CP21-217

TEXAS BOARD OF VETERINARY	§	BEFORE THE STATE OFFICE
MEDICAL EXAMINERS	§	
	§	OF
v.	§	
	§	
LAUREN ELLENDER, D.V.M.	§	ADMINISTRATIVE HEARINGS

COMPLAINT

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE TO BE ASSIGNED:

COMES NOW, the Texas Board of Veterinary Medical Examiners (the Board or TBVME), by and through its Staff Attorney, Mark R. Lee, and files this Complaint against Lauren Ellender, D.V.M., (Respondent), for alleged violations of the **Texas Veterinary Licensing Act (the Act), Texas Occupations Code Title 4, Chapter 801**, and the rules of the Board, and would show the following:

I. SUMMARY OF FACTUAL ALLEGATIONS

1. The Respondent’s standard of care for a canine did not meet the requirements of the Board Rules of Professional Conduct.

II. LEGAL AUTHORITY AND JURISDICTION

2. Respondent holds Texas Veterinary License No. #16130. Respondent’s license was in effect at all times material and relevant to this Complaint.

3. Respondent received notice of an Informal Conference. The Board complied with all procedural rules of the Act and Board Rules as applicable.

4. No agreement to settle this matter has been reached by the parties.

5. All jurisdictional requirements have been satisfied.

III. APPLICABLE STATUTES AND STATUTORY VIOLATIONS

The following statutes, rules, and agency policy are applicable to the procedures for conduct of the hearing for this matter:

A. General Statutes and Rules:

6. **Section 801.407(a)** of the Act sets forth the procedures governing a hearing before the State Office of Administrative Hearings.

7. **22 TEX. ADMIN. CODE, CHAPTER 575** sets forth the procedures adopted by the Board under the requirement of Section 801.407(a) of the Act.

8. **1 TEX. ADMIN. CODE, CHAPTER 155** sets forth the rules of procedure adopted by SOAH for contested case proceedings.

9. **1 TEX. ADMIN. CODE, CHAPTER 155.507**, requires the issuance of a Proposal for Decision (PFD) containing Findings of Fact and Conclusions of Law.

10. **Section 801.407(a)** of the Act, and **Board Rules § 575.8 and § 575.30**, provide the Board with the authority to determine the charges on the merits and to impose sanctions for violation of the Act or a Board rule.

11. **Section 801.022** of the Act attaches the Board to The Texas Department of Licensing and Regulation (TDLR). TDLR and its Executive Director assume administration of the Board's powers under Section 801.022 (a) and (b) of the Act, including the Board's administrative functions. Accordingly, TDLR has the authority to issue a Final Order.

B. Specific Violations Cited:

Respondent has violated the following provisions of the Act and Board Rules.

12. **Section 801.401** of the Act authorizes the Board to take disciplinary action against

Respondent based on Respondent's conduct under **Section 801.402** of the Act.

13. Respondent has violated **Section 801.402(6)** of the Act: "engages in practices or conduct that violates the board's rules of professional conduct," as outlined in the succeeding paragraphs.

14. Respondent has violated Board Rule § **573.22**, Professional Standard of Care, of the Board's Rules of Professional Conduct.

(a) Licensees shall exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances, including the type of practice, by average members of the veterinary medical profession in good standing in the locality or geographic community in which they practice, or in similar communities.

15. Pursuant to Board Rule § **575.25** (the "Schedule of Sanctions"), Respondent's violations are Class B violations, and Respondent is subject to disciplinary action under that Rule.

IV. ALLEGATIONS

Based on information and belief, The Board alleges:

16. On or about January 27, 2021, the Complainant took his dog "Peanut" to Bingle Veterinary Clinic because it had been sick for a few days. The Complainant brought Peanut's potty pad with him, because it had urine stains that were dark orange. Respondent examined Peanut there, performed a fecal test for parasites, and determined that Peanut was dehydrated and gave him a fluid injection. Respondent did not conduct any other tests or take a blood sample.

17. The next day, January 28, 2021, Peanut appeared to be worse and was also lethargic. The Complainant contacted the Clinic to have Peanut seen again but did not bring him in because he wanted Respondent to be the one to continue any treatment, and Respondent was not in that day.

18. Peanut did not get better, so later that same day Complainant took him to another

facility, Fairbank Animal Clinic, to be examined and treated. The veterinarian at Fairbank took blood and did a urinalysis, which showed that Peanut was severely anemic, and that he would need a blood transfusion. Even with the transfusion, the veterinarian determined that Peanut's chance to recover was less than 50%. After discussing the situation with the veterinarian, the Complainant determined that it would be best to euthanize Peanut, which was done.

19. Respondent failed to meet the Standard of Care because she did not properly diagnose or treat Peanut when she failed to recognize obvious symptoms and failed to do adequate testing (i.e., bloodwork or a urinalysis) to determine Peanuts actual condition.

V. NOTICE TO RESPONDENT

IF YOU DO NOT FILE A WRITTEN ANSWER TO THIS COMPLAINT WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER THE DATE OF RECEIPT, A DEFAULT ORDER MAY BE ENTERED AGAINST YOU, WHICH MAY INCLUDE THE DENIAL OF LICENSURE OR ANY OR ALL OF THE REQUESTED SANCTIONS, INCLUDING THE REVOCATION OF YOUR LICENSE. A COPY OF ANY ANSWER YOU FILE WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ALSO BE PROVIDED TO THE STAFF ATTORNEY OF THE TEXAS BOARD OF VETERINAY MEDICAL EXAMINERS.

VI. PRAYER

20. The Board requests that an administrative law judge employed by the State Office of Administrative Hearings conduct a contested case hearing on the merits of the Complaint and issue a Proposal for Decision containing Findings of Fact and Conclusions of Law necessary to support a determination that Respondent violated the Act and Board Rules as set forth in this Complaint. The Board seeks:

- A. Formal Reprimand;
- B. Respondent shall pay an administrative penalty of one thousand dollars (\$1,000.00). Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 1801 N. Congress Suite 8.800, Austin, Texas 78701. Partial payments will not be accepted;

- C. In addition to the annual continuing education required for license renewal, Respondent shall complete three (3) hours of continuing education in the area of internal medicine and (3) hours of continuing education in the area of critical care within six months of the date of any Final Order. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 1801 N. Congress Suite 8.800, Austin, Texas 78701;
- D. The cost of any transcript.¹

Respectfully submitted,

Mark R. Lee

Mark R. Lee
Staff Attorney
State Bar No24004410
Texas Board of Veterinary Examiners
1801 Congress Suite 8.800
Austin, Texas 78701
Phone: (512) 305-7555
mark.lee@veterinary.texas.gov

¹ See Board Rule § 575.10.

CERTIFICATE OF SERVICE

I hereby certify that on August 23, 2024, a true and correct copy of the above and foregoing has been served, via e-service, to the following:

By EFile:

Docket Clerk
State Office of Administrative Hearings
William P. Clements Bldg.
300 W. 15th Street, Suite 504
Austin, TX 78701-1649
Docketing@soah.texas.gov

By EFile & Certified Mail:

Lauren Ellender, D.V.M
1706 Bayram Dr
Houston, TX 77055
LEEllenderDVM@hotmail.com

Mark R. Lee

STAFF ATTORNEY
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

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Texas Veterinary Board Legal Team on behalf of Mark Lee
Bar No. 24004410
legal@veterinary.texas.gov
Envelope ID: 91264702
Filing Code Description: Request to Docket
Filing Description: Request to Docket
Status as of 8/23/2024 3:54 PM CST

Associated Case Party: Lauren E. Ellender

Name	BarNumber	Email	TimestampSubmitted	Status
Lauren E. Ellender		LEEllenderDVM@hotmail.com	8/23/2024 1:26:32 PM	SENT

Associated Case Party: Texas Board of Veterinary Medical Examiners

Name	BarNumber	Email	TimestampSubmitted	Status
Legal Department		legal@veterinary.texas.gov	8/23/2024 1:26:32 PM	SENT



RDC 99

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Received From: **NOH (Completed) - 12345678901**
Texas Board of Interagency Head
CAPITOL
1001 Congress Ave., Ste 1100
Austin, Texas 78701 **OCT 2024**

One piece of ordinary mail addressed to:
Lauven Ellendeve
1706 Bayview Dr.
Houston, Texas 77055

PS Form 3817, Mar. 1989

Tracking Number:

9214890194038386177817



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Add to Informed Delivery

Latest Update

Your item was delivered to an individual at the address at 10:55 am on November 6, 2024 in HOUSTON, TX 77055.

Get More Out of USPS Tracking:



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Delivered, Left with Individual

HOUSTON, TX 77055

November 6, 2024, 10:55 am

Arrived at USPS Regional Destination Facility

SOUTH HOUSTON PROCESSING CENTER

November 6, 2024, 5:41 am

In Transit to Next Facility

November 5, 2024

Arrived at USPS Regional Destination Facility

NORTH HOUSTON TX DISTRIBUTION CENTER

November 2, 2024, 1:46 pm

Arrived at USPS Regional Origin Facility

AUSTIN TX DISTRIBUTION CENTER

November 1, 2024, 11:04 pm

Accepted at USPS Origin Facility

AUSTIN, TX 78723

November 1, 2024, 9:49 pm

Pre-Shipment, USPS Awaiting Item

October 31, 2024

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State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

ACCEPTED
578-24-24729
12/4/2024 8:35:16 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

FILED
578-24-24729
12/4/2024 8:28 AM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

December 4, 2024

TBVME

VIA EFILE TEXAS

Lauren E. Ellender
1706 Bayram Drive
Houston, TX 77055

VIA EFILE TEXAS
AND REGULAR MAIL

**RE: RE: Docket Number 578-24-24729; Texas Board of Veterinary
Medical Examiners;
Lauren E. Ellender vs. TBVME**

Dear Lauren E. Ellender;

Please find enclosed Default Dismissal Order in this case.

Sincerely,

Sue Kawar

Sue Kawar
Legal Secretary II

Enclosure

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS,
PETITIONER
v.
LAUREN E. ELLENDER,
RESPONDENT**

**ORDER NO. 3
DEFAULT DISMISSAL ORDER**

On December 3, 2024, the Administrative Law Judge (ALJ) convened a hearing on the merits in this matter via Zoom videoconference. Attorney Mark Lee appeared on behalf of the staff (Staff) of the Texas Board of Veterinary Medical Examiners (TBVME). Lauren E. Ellender (Respondent) did not appear and was not represented at the hearing. Staff Exhibits P-1 through P-5¹ were admitted, and the ALJ took official notice of SOAH's file in this case, including specifically the order which set the hearing by Zoom videoconference and provided instructions for

¹ Staff's exhibits include: P-1 (Notice of Hearing with proof of mailing); P-2 (Respondent's address document); P-3 (Board Rule 573.76); P-4 (Board Rule 573.30); and P-5 (Unanswered discovery).

participating in the hearing. Collectively, these exhibits and orders showed proof of adequate notice to Respondent.² Upon establishing adequate notice, Staff moved for a default dismissal. Staff's motion was **GRANTED**, and the factual allegations detailed in the Notice of Hearing and the documents incorporated within that notice are deemed admitted.³

Respondent may file a motion to set aside the default within 15 days of the date of this order.⁴ The motion must show good cause for resetting a hearing or show that the interests of justice require setting aside the default. If Respondent does not file a timely motion, or if the ALJ finds that a filed motion should be denied, the contested case will be remanded to the Board for informal disposition on a default basis in accordance with the Administrative Procedure Act.⁵

Signed December 4, 2024.

ALJ Signature:



Michelle Kallas
Presiding Administrative Law Judge

² 1 Tex. Admin. Code § 155.501(b).

³ 1 Tex. Admin. Code § 155.501(d)(1).

⁴ 1 Tex. Admin. Code § 155.501(e).

⁵ Tex. Gov't Code §§ 2001.056, .058(d-1).



State Office of Administrative Hearings
P.O. Box 13025
Austin, Texas 78711-3025

578-24-24729 MK/sk

Lauren E. Ellender
1706 Bayram Drive
Houston, TX 77055

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Envelope ID: 94911361

Filing Code Description: Default Dismissal Order

Filing Description: ORDER NO. 3 DEFAULT DISMISSAL ORDER

Status as of 12/4/2024 8:40 AM CST

Associated Case Party: Texas Board of Veterinary Medical Examiners

Name	BarNumber	Email	TimestampSubmitted	Status
Legal Department		legal@veterinary.texas.gov	12/4/2024 8:28:33 AM	SENT

Associated Case Party: LaurenE.Ellender

Name	BarNumber	Email	TimestampSubmitted	Status
Lauren E.Ellender		LEEllenderDVM@hotmail.com	12/4/2024 8:28:33 AM	SENT

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

January 3, 2025

Mark Lee
Attorney
Texas Board of Veterinary Medical Examiners

VIA EFILE TEXAS

Lauren E. Ellender
1706 Bayram Dr.
Houston, Texas 77055

VIA EFILE TEXAS and REGULAR MAIL

RE: Docket Number 578-24-24729.TBVME;
Texas Board of Veterinary Medical Examiners v. Lauren E. Ellender

Dear Parties:

Please be advised that the time period to file a motion to set aside the default dismissal order that was issued in the above-referenced hearing has expired and no set aside motion was filed. *See* 1 Tex. Admin. Code § 155.501. Therefore, the State Office of Administrative Hearings has concluded its involvement in the matter, and the case is remanded to the referring agency.

CC: Service List

Automated Certificate of eService

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Envelope ID: 95820086

Filing Code Description: Letter of Remand after Default Dismissal Order

Filing Description: Letter of Remand after Default Dismissal Order

Status as of 1/3/2025 10:10 AM CST

Associated Case Party: Texas Board of Veterinary Medical Examiners

Name	BarNumber	Email	TimestampSubmitted	Status
Legal Department		legal@veterinary.texas.gov	1/3/2025 9:58:56 AM	SENT

Associated Case Party: LaurenE.Ellender

Name	BarNumber	Email	TimestampSubmitted	Status
Lauren E.Ellender		LEEllenderDVM@hotmail.com	1/3/2025 9:58:56 AM	SENT



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

September 5, 2024

Via First Class Mail & Certified Mail

Timothy Wallis, D.V.M.
1415 Elkmont Dr.
Wylie, TX 75098

Re: *Texas Board of Veterinary Medical Examiners v. Timothy Wallis*,
SOAH Docket No. 578-25-00015

NOTICE OF HEARING

Dear Mr. Wallis:

The hearing in the above-referenced matter is scheduled to be held before an Administrative Law Judge (ALJ) on **December 12, 2024, at 9:00 a.m. (CT)**, at the State Office of Administrative Hearings (SOAH), W.P. Clements Building, 300 West 15th Street, 4th Floor, Austin, Texas 78701. As noted in the attached Order, the hearing will be conducted by Zoom videoconference.

The legal authority and jurisdiction under which the hearing is to be held includes:

Administrative Procedures Act, Texas Government Code, Chapter 2001;
SOAH's Rules of Procedure, 1 Texas Administrative Code, Chapter 155;
Texas Veterinary Licensing Act, Texas Occupations Code, Chapter 801; and
TBVME Rules, 22 Texas Administrative Code, Chapter 575.

The attached Complaint includes a statement of the matters asserted and the particular sections of the statutes and rules involved and is hereby incorporated by reference as part of this notice. All statutes and rules cited in this Notice of Hearing and the attached Complaint can be found on the Board's website: www.veterinary.texas.gov and on SOAH's website: www.soah.texas.gov.

PARTIES THAT ARE NOT REPRESENTED BY AN ATTORNEY MAY OBTAIN INFORMATION REGARDING CONTESTED CASE HEARINGS ON THE PUBLIC WEBSITE OF THE STATE OFFICE OF ADMINISTRATIVE HEARINGS AT WWW.SOAH.TEXAS.GOV, OR IN PRINTED FORMAT UPON REQUEST TO SOAH.

You have the right to participate in this hearing and to be assisted by counsel. You have the right to respond and to present evidence and argument on each issue involved in this case.

IF YOU FAIL TO APPEAR AT THIS HEARING, THE FACTUAL ALLEGATIONS INCLUDED IN THE ATTACHED FORMAL COMPLAINT MAY BE DEEMED ADMITTED, AND THE RELIEF SOUGHT MAY BE GRANTED BY DEFAULT.

Sincerely,



—
Kristin N. Stavrou, Staff Attorney
Texas Board of Veterinary Medical Examiners
1801 N. Congress Ave, Suite 8.800
Austin, TX 78701
T: (512) 305-7555
F: (512) 305-7574

Enclosure: Complaint; SOAH Order Scheduling Hearing

CC: SOAH, via electronic upload

SOAH Docket No. 578-25-00015

Suffix: TBVME

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

ACCEPTED
578-25-00015
9/4/2024 1:56:46 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

FILED
578-25-00015
9/4/2024 1:42 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS,
PETITIONER
v.
TIMOTHY WALLIS,
RESPONDENT**

**ORDER NO. 1
INITIAL ORDER**

1. **Case Referred.** This case has been docketed at the State Office of Administrative Hearings (SOAH) and assigned to the undersigned Administrative Law Judge (ALJ). The parties are encouraged to visit SOAH's website at www.soah.texas.gov for information about hearings, including a link to SOAH's procedural rules, which govern this case.
2. **Hearing.** A hearing will be held at **9:00 AM (CT) on December 12, 2024**, remotely via Zoom videoconference. 1 Tex. Admin. Code § 155.405(c). The audio portion of the hearing will be recorded, and it will be the official record of the proceeding. Attend the hearing in one of these ways:

To join by computer or smart device, go to <https://soah-texas.zoomgov.com> and enter:

Meeting ID: 160 885 6067

Video Passcode: BVME5W

To join by telephone (audio only), call +1 669 254 5252, and enter:

Meeting ID: 160 885 6067

Telephone Passcode: 077735

3. **Notice.** Staff for the Texas Board of Veterinary Medical Examiners must issue a notice of hearing. Tex. Gov't Code §§ 2001.051-.052.
4. **Before the Hearing: Exhibit List, Witness List, and Witness Preparation.** SOAH's Chief Administrative Law Judge has issued a General Order Relating to Submission of Exhibits For General Docket Hearings (<https://www.soah.texas.gov/general-order-relating-submission-exhibits>). A failure to comply with the requirements below may result in exclusion of the associated evidence of testimony:
 - a. **Seven (7) days before the hearing**, the parties will receive an email from SOAH's Secure File Transfers (noreply@moveitcloud.com) with a link to access the secure MOVEit platform.
 - b. **At least three (3) days before the hearing date**, submit a witness list and all exhibits and evidence to be offered at the hearing electronically using MOVEit.
 - c. **Exhibits:**
 - Make an exhibit list;
 - Number each exhibit sequentially; and
 - Paginate or bates stamp multipage documents.
 - d. **Witness List:**

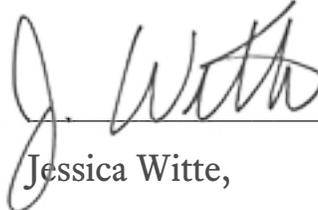
- Identify each witness you will call to testify;
 - Mention what each witness will testify about; and
 - Estimate how long each witness will testify.
- e. **Witness Preparation.** Before the hearing, the parties must:
- Give each witness the information above to access the hearing;
 - Give each witness all documents needed to participate in the hearing;
 - Have each witness's contact information available so additional documents can be provided to each witness during the hearing if needed.
5. **Prior to the hearing,** the parties shall confer to make sure each party received the other party's exhibits and witness lists.
6. **After the Hearing, File Admitted Exhibits.** *No later than the first business day following conclusion of the hearing,* the parties shall eFile only the exhibits that were admitted as evidence or accompanied by an offer of proof. 1 Tex. Admin. Code § 155.101(b)(1)(G)(iii). At the conclusion of the hearing, the ALJ will confirm on the record the admitted exhibits that are required to be filed. The ALJ may answer any procedural questions regarding this requirement.
7. **eFile.** Except as otherwise permitted by the SOAH Rules of Procedure, attorneys, state agencies, and other governmental entities are required to file pleadings electronically through eFileTexas.gov and an electronic filing service provider certified by the Texas Office of Court Administration. *See* 1 Tex. Admin. Code § 155.101.
8. **If you are Self-Represented.**
- a. **A Guide.** Some contested-case parties choose to represent themselves in the contested-case process. Self-represented litigants must follow SOAH's procedures, but SOAH has published material that will help parties understand how to do that. Here is the Guide for Self

Represented Litigants: <https://www.soah.texas.gov/representing-yourself-general-hearings-cases-state-office-administrative-hearings>.

- b. **Filings.** If you are not represented by an attorney and you do not wish to file documents electronically, you may continue to file documents by fax; by mail addressed to SOAH, P.O. Box 13025, Austin, Texas 78711-3025; or by hand delivery to the appropriate SOAH office. All filings must contain the SOAH docket number and the names of the parties. For documents filed by mail, fax, or hand-delivery, the time of filing shall be determined by the SOAH file stamp.
 - c. **Electronic Service of SOAH orders.** SOAH is now offering you the ability to receive service of orders and other documents issued by SOAH through email rather than mail or fax. To elect to receive service of SOAH-issued documents by email, go to the E-Services tab on SOAH’s website (www.soah.texas.gov), click on “Request Email Service” and follow the instructions. NOTE: Your request to receive SOAH-issued documents by email does not change the procedures you must follow in order to file documents with SOAH.
9. **Questions about Zoom, MOVEit, or Filings.** Call SOAH’s Chief Clerk’s Office at (512) 475-4993.

Signed SEPTEMBER 4, 2024.

ALJ Signature(s):



Jessica Witte,

Presiding Administrative Law Judge

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Envelope ID: 91634200

Filing Code Description: Initial Order

Filing Description: ORDER NO. 1 INITIAL ORDER

Status as of 9/4/2024 1:57 PM CST

Associated Case Party: Texas Board of Veterinary Medical Examiners

Name	BarNumber	Email	TimestampSubmitted	Status
Kristin Stavrou		Legal@Veterinary.Texas.Gov	9/4/2024 1:42:34 PM	SENT

Associated Case Party: TimothyWallis

Name	BarNumber	Email	TimestampSubmitted	Status
Timothy Wallis		twallisdvm@gmail.com	9/4/2024 1:42:34 PM	SENT

FILED
578-25-00015
9/3/2024 2:38 PM
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

HEARING CONDUCTED BY THE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

SOAH DOCKET NO. 578-25-00015

ACCEPTED
578-25-00015
9/3/2024 4:16:47 pm
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Carol Hale, CLERK

TBVME Case# CP23-231

TEXAS BOARD OF VETERINARY § BEFORE THE STATE OFFICE
MEDICAL EXAMINERS §
v. § OF
TIMOTHY WALLIS, D.V.M. § ADMINISTRATIVE HEARINGS

COMPLAINT

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE TO BE ASSIGNED:

COMES NOW, the Texas Board of Veterinary Medical Examiners (“the Board”), by and through its Staff Attorney, Kristin N. Stavrou, and files this Complaint against Timothy Wallis, D.V.M., (“Respondent”), for alleged violations of the **Texas Veterinary Licensing Act (“the Act”), Texas Occupations Code Title 4, Chapter 801, and the Board’s Rules of Professional Conduct, Title 22, Texas Administrative Code, Chapter 573,** and would show the following:

I. SUMMARY OF FACTUAL ALLEGATIONS

1. Respondent’s (a) honesty, integrity, and fair dealing, (b) standard of care, and (c) medical records for care did not meet the standards required by the Board Rules of Professional Conduct. Additionally, Respondent failed to uphold his duty to cooperate with the Board.

II. LEGAL AUTHORITY AND JURISDICTION

2. Respondent holds Texas Veterinary License No. #10967. Respondent's license was in effect at all times material and relevant to this Complaint.
3. Respondent received notice of an Informal Conference. The Board complied with all procedural rules of the Act and Board Rules as applicable.
4. No agreement to settle this matter has been reached by the parties.
5. All jurisdictional requirements have been satisfied.

III. APPLICABLE STATUTES AND STATUTORY VIOLATIONS

The following statutes, rules, and agency policy are applicable to the procedures for conduct of the hearing for this matter:

A. General Statutes and Rules:

6. **Section 801.407(a)** of the Act sets forth the procedures governing a hearing before the State Office of Administrative Hearings.
7. **22 TEX. ADMIN. CODE, CHAPTER 575** sets forth the procedures adopted by the Board under the requirement of Section 801.407(a) of the Act.
8. **1 TEX. ADMIN. CODE, CHAPTER 155** sets forth the rules of procedure adopted by SOAH for contested case proceedings.
9. **1 TEX. ADMIN. CODE, CHAPTER 155.507**, requires the issuance of a Proposal for Decision (PFD) containing Findings of Fact and Conclusions of Law.
10. **Section 801.407(a)** of the Act, and **Board Rules 575.8 and 575.30**, provide the Board with the authority to determine the charges on the merits and to impose sanctions for violation of the Act or a Board rule.
11. **Section 801.022** of the Act attaches the Board to The Texas Department of

Licensing and Regulation (TDLR). TDLR and its Executive Director assume administration of the Board's powers under Section 801.022 (a) and (b) of the Act, including the Board's administrative functions. Accordingly, TDLR has the authority to issue a Final Order.

B. Specific Violations Cited:

Respondent has violated the following provisions of the Act and Board Rules.

12. **Section 801.401** of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's conduct under **Section 801.402** of the Act.

13. Respondent has violated **Section 801.402(6)** of the Act: "engages in practices or conduct that violates the board's rules of professional conduct," as outlined in the succeeding paragraphs.

14. Respondent has violated **Board Rule 573.22**, Professional Standard of Care, of the Board's Rules of Professional Conduct.

(a) Licensees shall exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances, including the type of practice, by average members of the veterinary medical profession in good standing in the locality or geographic community in which they practice, or in similar communities.

15. Respondent has violated **Board Rule 573.27**, Honesty, Integrity, and Fair Dealing, of the Board's Rules of Professional Conduct.

(a) Licensees shall conduct their practice with honesty, integrity, and fair dealing.

16. Respondent has violated **Board Rule 573.52**, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.

(a) A veterinarian performing a physical examination, diagnosis, treatment or surgery on an animal or group of animals shall prepare a legible written record or computer record concerning the animals containing, at a minimum, the following information:

- (1) name, address, and telephone number of the owner;
- (2) identity of the species, animal, herd, or flock;

- (3) except for herds or flocks, the age, sex, color, and breed;
- (4) dates of examination, treatment and surgery;
- (5) brief history of the condition of each animal, litter, herd, or flock;
- (6) examination findings, if required for diagnosis or treatment and is not difficult to obtain:
 - (A) weight - actual or estimated;
 - (B) temperature;
 - (C) pulse;
 - (D) respiration; and
 - (E) any additional findings needed for diagnosis;
- (7) laboratory and radiographic tests performed and reports;
- (8) differential diagnosis; referrals/consultations; to/with specialists and the client's response;
- (9) procedures performed/treatment given and results;
- (10) drugs (and their dosages) administered, dispensed, or prescribed;
- (11) surgical procedures shall include a description of the procedure, the name of the surgeon, the type of sedative/anesthetic agent used, the route of administration and the dosage; and
- (12) anesthesia monitoring performed during surgical procedures.
- (b) Individual records must be maintained on each patient, except that records on livestock or litters of animals may be maintained on a per-client basis. Records pertaining to these animals may be kept in a daily log or billing records, provided that the treatment information is substantial enough to identify these animals and the medical care provided.
- (c) Medical records and radiographs are the physical property of the hospital or the proprietor of the practice that prepared them. Records, including radiographs, must be maintained for a minimum of three years after the last visit.
- (d) Medical records shall be released upon request from a treating veterinarian with a legitimate interest, and shall be returned to the originating practice within a reasonable time if requested. Copies of records must be made available upon request from the owner of an animal at a reasonable cost to the owner and within a reasonable time. A veterinarian may not withhold the release of veterinary medical records for nonpayment of a professional fee.
- (e) All regulated substances shall be recorded as required by federal and/or state regulations.
- (f) Any signed acknowledgement required by §§573.14 and 573.16 - 573.18 (relating to all complementary therapies).

17. Respondent has violated **Board Rule 573.75**, Duty to Cooperate with Board, of the Board's Rules of Professional Conduct.

- (a) A licensee shall:
 - (1) Cooperate fully with any Board inspection or investigation; and
 - (2) Respond within twenty-one (21) days of receipt to requests for information regarding complaints and other requests for information from

the Board, except where:

- (A) The Board in contacting a licensee imposes a different response date;
or
- (B) The licensee is unable for good cause to meet the response date and requests a different response date.

18. Pursuant to **Board Rule 575.25**, Respondent's violations are Class A, B, and C violations, and Respondent is subject to disciplinary action under that Rule.

IV. ALLEGATIONS

Based on information and belief, The Board alleges:

19. Respondent, Timothy Wallis, D.V.M., of Wylie, Texas, holds veterinary license #10967.

20. On or about September 30, 2022, Phoenix, an approximately eighteen-year-old Bobcat, presented to Respondent at Parker Road Veterinary Hospital ("PRVH") for concerns of lethargy and inappetence. Respondent performed bloodwork on Phoenix and determined that he was suffering from severe anemia.

21. Respondent told Phoenix's owner that he was going to give him Prednisone and a B12 injection for the anemia. Respondent did not discuss a blood transfusion or other treatments to address Phoenix's severe anemia. Respondent gave an injection of a cloudy, colorless liquid. This injection was not recorded in Phoenix's medical record. Respondent also prescribed Cerenia, Prednisone, and Enrofloxacin to be given to Phoenix orally. Months later, Respondent told Phoenix's owner that the injection was actually Baytril.

22. On or about October 1, 2022, Phoenix passed away at home.

23. On or about March 20, 2023, a complaint was filed with the Board by Complainant. Complainant alleged that Respondent neglected to treat Phoenix for anemia.

24. On or about March 28, 2023, a TBVME investigator emailed Respondent a notice

of the complaint and requested a written response, a completed records verification form, and a complete copy of the patient records. The investigator did not receive a response from Respondent.

25. On or about April 24, 2023, the investigator sent a follow-up email to Respondent regarding the notice of complaint and did not receive a response from Respondent.

26. On or about May 10, 2023, the investigator sent an email to PRVH for Respondent regarding a notice of complaint.

27. On or about June 2, 2023, a certified letter of notice was sent to Respondent at the listed address for PRVH.

28. On or about June 5, 2023, a confirmation of service for the certified letter was received.

29. On or about July 12, 2023, TBVME's Chief Investigator interviewed the Practice Manager at PRVH. The Practice Manager confirmed that Respondent was employed at PRVH. The Practice Manager provided an email address to send the request for records. The Practice Manager stated that the certified letter was not opened by PRVH's staff but was placed on Respondent's desk.

30. On or about July 12, 2023, patient records were received from PRVH's Practice Manager along with an email regarding the record verification form. Respondent never personally responded to the investigator's requests and never provided a written statement or completed records verification form.

31. On or about July 12, 2023, following the investigation, the investigator recommended that Respondent's case be presented to medical review for review and evaluation.

32. On or about April 16, 2024, the Board's staff veterinarian completed a medical review of Respondent's case. Through the medical review, the staff veterinarian found that there

was a potential Standard of Care violation, Record Keeping violation, and a Duty to Cooperate with the Board violation and recommended that Respondent's case be reviewed during an Informal Conference.

33. On June 6, 2024, the Board's Enforcement Committee met during an Informal Conference to consider Respondent's case under the authority of Section 801.408 of the Act. After reviewing the facts, the Enforcement Committee determined that disciplinary action was justified.

34. First, Respondent has violated the Board's Honesty, Integrity, and Fair Dealing Rule. Respondent told Phoenix's owner that he was going to give him a Prednisone and B12 injection. It wasn't until months later that Respondent told Phoenix's owner that the injection was actually Baytril.

SEE 22 TEXAS ADMINISTRATIVE CODE § 573.27

35. Second, Respondent has violated the Board's Record Keeping Rule. Specifically, Respondent's medical records are deficient in that they do not include the following:

- i. Examination findings, if required for diagnosis or treatment and is not difficult to obtain: (A) weight - actual or estimated; (B) temperature; (C) pulse; (D) respiration; and (E) any additional findings needed for diagnosis.
- ii. Differential diagnosis
- iii. Drugs (and their dosages) administered, dispensed, or prescribed

SEE 22 TEXAS ADMINISTRATIVE CODE § 573.52(A)(5), (8), (10).

36. Third, Respondent has violated the Board's Duty to Cooperate with Board Rule.

Respondent failed to answer the Board's investigator within twenty-one (21) days of receipt of the investigator's request for information from Respondent.

SEE 22 TEXAS ADMINISTRATIVE CODE § 573.75(A)(1), (2).

37. On June 13, 2024, a proposed order was emailed to Respondent. TBVME did not receive a response from Respondent.

38. On July 3, 2024, a proposed order was again emailed to Respondent and successfully sent via Certified Mail. TBVME did not receive a response from Respondent.

39. The Respondent and Board have not entered into an agreement to resolve this complaint.

V. NOTICE TO RESPONDENT

IF YOU DO NOT FILE A WRITTEN ANSWER TO THIS COMPLAINT WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 20 DAYS AFTER THE DATE OF RECEIPT, A DEFAULT ORDER MAY BE ENTERED AGAINST YOU, WHICH MAY INCLUDE THE DENIAL OF LICENSURE OR ANY OR ALL OF THE REQUESTED SANCTIONS, INCLUDING THE REVOCATION OF YOUR LICENSE. A COPY OF ANY ANSWER YOU FILE WITH THE STATE OFFICE OF ADMINISTRATIVE HEARINGS SHALL ALSO BE PROVIDED TO THE STAFF ATTORNEY OF THE TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS.

VI. PRAYER

40. The Board requests that an administrative law judge employed by the State Office of Administrative Hearings conduct a contested case hearing on the merits of the Complaint and issue a Proposal for Decision containing Findings of Fact and Conclusions of Law necessary to support a determination that Respondent violated the Act and Board Rules as set forth in this Complaint. The Board seeks:

- A. Formal Reprimand;
- B. Respondent shall pay an administrative penalty of three thousand and five hundred dollars (\$3,500.00). Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 1801 N. Congress Suite 8.800, Austin, Texas 78701. Partial payments will not be accepted;
- C. In addition to the annual continuing education required for license renewal, Respondent shall complete two (2) hours of continuing education in the area of feline diabetes, two (2) hours of continuing education in the area of feline anemia, and two (2) hours of

continuing education in the area of exotic felines within six months of the date of any Final Order. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 1801 N. Congress Suite 8.800, Austin, Texas 78701;

D. The cost of any transcript.¹

Respectfully submitted,



Kristin N. Stavrou
Staff Attorney
State Bar No. 24134511
Texas Board of Veterinary Examiners
1801 Congress Suite 8.800
Austin, Texas 78701
Phone: (512) 305-7555
kristin.stavrou@veterinary.texas.gov

¹ See Board Rule § 575.10.

CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2024, a true and correct copy of the above and foregoing has been served, via e-service, to the following:

By EFile:

Docket Clerk
State Office of Administrative Hearings
William P. Clements Bldg.
300 W. 15th Street, Suite 504
Austin, TX 78701-1649
Docketing@soah.texas.gov

By EFile & Certified Mail:

Timothy Wallis, D.V.M
1415 Elkmont Dr.,
Wylie, Texas 75098
twallisdvm@gmail.com

/s/ Kristin N. Stavrou

STAFF ATTORNEY

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Texas Veterinary Board Legal Team on behalf of Kristin Stavrou
Bar No. 24134511
legal@veterinary.texas.gov
Envelope ID: 91588666
Filing Code Description: Request to Docket
Filing Description: Request to Docket
Status as of 9/3/2024 4:18 PM CST

Associated Case Party: TimothyWallis

Name	BarNumber	Email	TimestampSubmitted	Status
Timothy Wallis		twallisdvm@gmail.com	9/3/2024 2:38:50 PM	SENT

Associated Case Party: Texas Board of Veterinary Medical Examiners

Name	BarNumber	Email	TimestampSubmitted	Status
Kristin Stavrou		Legal@Veterinary.Texas.Gov	9/3/2024 2:38:50 PM	SENT

AGENDA ITEM 12

TAB 12

**CONSIDERATION AND APPROVAL OF CASES
RECOMMENDED FOR DISMISSAL FROM INFORMAL
CONFERENCE**

(Ms. Phelps)

AGENDA ITEM 13

TAB 13

**CONSIDERATION AND APPROVAL OF CASES RECOMMENDED
FOR DISMISSAL FROM STAFF CONFERENCE**

(Ms. Phelps)

AGENDA ITEM 14

TAB 14

**CONSIDERATION AND APPROVAL OF CASES
RECOMMENDED FOR DISMISSAL FROM MEDICAL REVIEW**

(Ms. Phelps)

AGENDA ITEM 15

DISCUSSION OF POSSIBLE AGENDA ITEMS FOR FUTURE BOARD MEETINGS

(Dr. Golla)

AGENDA ITEM 16

MEETING ADJOURN