

From: [Sunset Advisory Commission](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Wednesday, November 16, 2016 2:44:33 PM

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From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Wednesday, November 16, 2016 1:37 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BOARD VETERINARY MEDICAL EXAMINERS

First Name: Julie

Last Name: Catalano

Title:

Organization you are affiliated with: Veterinary Abuse Network, vetabusenetwork.com

Email: info@vetabusenetwork.com

City: San Antonio

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

On Issue #4, I am concerned about the veterinarians that will be utilized to review a complaint. Although the use of board vets has always been a highly imperfect process, the use of one non-board staff veterinarian could involve even more unwanted secrecy. I fought hard during the 2004 Sunset to have a minimum of two reviewing board vets, which ultimately was incorporated into HB1131 and passed. I have heard from several people that the presence of two and sometimes three board vets at their informal conferences—along with the required public member—was somewhat reassuring that their complaints were being taken seriously and not subject to the whims and personal bias of a single reviewing vet, as what happened in my case.

If the public can be reassured that a single staff reviewing vet, or a panel of impartial outside reviewing vets, can be immune from the reach of the TVMA (which I believe to be the root cause of most of the problems of the vet board and not the staff itself, who must balance their own jobs against the egos and aggressive tactics of TVMA officers, members and lawyers whose interests are at cross-purposes with protecting the public), then I would be in favor of this recommendation—provided that the names of the complainant and the licensee are redacted from the complaint prior to review to avoid any potential friendships, business dealings or other relationships influencing the review process.

Further, if the licensee is able to communicate with the reviewing vets during the complaint review process, then so should the complainant—this process is imbalanced enough without the vet having access to reviewing vets while the complainant is expressly forbidden to contact them.

Any Alternative or New Recommendations on This Agency:

1) The category of Informal Reprimand must either be done away with entirely due to its inconsistent application, or

be made fully reportable in all venues: a) online on the TBVME web site, b) when people call or write to find out a vet's disciplinary record, and c) by reporting all Informal Reprimands to the AAVSB national database.

I may be one of the few people who was around at the beginning of this misbegotten “new” category that emerged in the early 2000s (Ms. Oria was correct in that it pre-dates her). I remember being very concerned when learning of this category, and talking to then-board attorney Lee Mathews about this. He personally told me that the IR would be used only in cases when the health and well-being of an animal were not affected, and told me not to worry. That's exactly when I started worrying because of the potential for misuse of this category and sure enough, it eventually came to pass when the IR began to be used in numerous cases of animal deaths and as a way out of showing up on the disciplinary radar.

I am not sure exactly when the IR was classified as “nonreportable,” but I do know that at a board meeting around 2006-07 one of the board members asked if there was any way to expunge the public disciplinary record after a number of years. When told no, I suspect that someone got the idea to recategorize the IR as “nonreportable” in order to get around the whole public record “problem.” This is a deceptive practice that misleads the public into thinking that a vet may not have a record at all when in fact they might have a serious record of disciplinary action in conjunction with an animal's death.

2) I would also like to recommend that in cases of an animal's death, often with widely divergent versions from the complainant and the licensee—usually accompanied by obviously deficient recordkeeping issues--that the case automatically go to Informal Conference. So many people write to me asking why their complaint was summarily dismissed without a chance to tell the investigators and/or the reviewing vets what happened in the presence of the licensee, especially when they (complainants) were never interviewed by a board investigator as is supposed to occur, or when numerous falsehoods were present in the vet's written response that can often be proven by their own records.

In my experience, nobody knows their cases better than the animal's owner/guardian—the board should make full use of the work that complainants have put into their complaints, especially when death has occurred. It is agonizing for them to be left with nothing but a letter of dismissal stating that the vet did nothing wrong, when so much evidence exists to the contrary and was ignored, or the vet's version was accepted as fact because the complainant never got a chance to rebut any lies in person.

Thank you.

My Comment Will Be Made Public: I agree

Julie Catalano
Written testimony to Sunset Commission, November 10, 2016

So you want to see if a certain vet has a disciplinary record?
Follow me to the TBVME web site...it'll be FUN!
Start on a page called Verifying a License.

RED FLAG!  HERE COMES the TBVME FINE PRINT

<https://www.veterinary.texas.gov/verify.php>

*** Disciplinary Action**

A "Yes" in the Disciplinary Action column denotes that the licensee received formal disciplinary action sometime in the past (disciplinary records are not purged). A licensee with past disciplinary action may currently be able to practice without restrictions. This will not include disciplinary actions that are informal or administrative penalties. Those actions are available by submitting an open records request.

To submit a request for information from this governmental body, please contact:

By Mail: Open Records
 Texas Board of Veterinary Medical Examiners
 333 Guadalupe St., Suite 3-810
 Austin, Texas 78701

By e-mail to: openrecords@veterinary.texas.gov

By fax to: 512-305-7574

In person at: 333 Guadalupe St., Suite 3-810
 Austin, Texas 78701

Requests made by fax or e-mail must be made to the fax number or e-mail address above.

To search for a copy of a disciplinary order on a licensee who has a "Yes" in the Disciplinary Action column please click here

Whew. Looks like an awful lot of WORDS and INSTRUCTIONS up there. For what, who knows. It says that a "Yes" in the Disciplinary Action column means that a vet received formal disciplinary action. But what column are they talking about? There's no column here. Oh well. We'll read it later, if we can remember where this is.

Let's move on to the License Lookup Page link. That's what we're really interested in.

So let's fill out this form with the vet's name, Dr. X....

<https://www.veterinary.texas.gov/Search/>

Texas Veterinary Board Search

[Return to all search options](#) > [New Search](#)

License Number

License Status

License Type

Profession

First Name

Last Name

City

State

Zip Code

Disciplinary Action

...and we end up HERE.

https://www.veterinary.texas.gov/Search/tbvme-grid.php?_searchform=true&lic_nbr=&license_type=-1&license_type2=-1&profession=-1&first_nme=&last_nme=copeland&city=-1&st=-1&zip=&disc_action=-1

There's our guy, below. Click on the live link that is his license number...

Texas Veterinary Board Search Results

License Number License Status Full Name (Last, First Middle) City, State

 Active DR. X.

...and we FINALLY arrive at the Licensee's page. But scroll down to the end, and you will see that under Disciplinary Action, there is the word "No."

RED FLAG! Remember that fine print three pages back, talking about a mysterious column called "Disciplinary Action" with the word "Yes"? Here it is! It says "NO," so that must mean the vet has no disciplinary record, right?

Wrong.

<https://www.veterinary.texas.gov/Search/tbvme-zoom.php?id=1304>

Texas Veterinary Board Licensee:

[Return to all search options](#) > [New Search](#)

License Number 
License Status Active
License Type Regular
Profession Veterinarian
License Expiration Date 05/31/2017

Last Name X
First Name Dr.
Middle Name

Address
Address (2nd line)
City
State
Zip Code

Graduation Date
Graduation School TEXAS A&M UNIV CVM
Orginal Date of License Issue

Disciplinary Action NO

