

From: Elizabeth Jones
To: Tasha Lindegarde
Subject: FW: Commentary from Joey's Legacy, Inc.
Date: Tuesday, December 8, 2020 1:58:59 PM

From: Scott Fine
Sent: Tuesday, December 8, 2020 1:37:43 PM (UTC-06:00) Central Time (US & Canada)
To: Sunset Advisory Commission
Subject: Commentary from Joey's Legacy, Inc.

My name is Scott Fine. I am the founder of Joey's Legacy, a nonprofit organization which advocates for companion animals and the people who love them. I have formed a nationwide network of veterinarians and attorneys who assist those who come to us with claims of veterinary negligence. Our 10 veterinary experts review allegations of negligence and, if warranted, write opinion letters for our members which are presented to our attorneys in the states where the alleged negligence occurred. We have 30 attorneys on our team that are able to represent members in all 50 states as a result of admissions pro hac vice and co-counsel relationships.

Joey's Legacy was founded in 2017 after our beloved dachshund, Joey, became a victim of an arrogant practitioner who committed a mindless act of negligence. Since inception, we have assisted many dozens of bereaved caregivers.

Time and again, I am disturbed by what I hear from our Texas members regarding their experiences with the TBVME. While most states have one attorney from our team representing the state, we have three attorneys in Texas to handle veterinary malpractice cases because of the sheer numbers.

As in Florida, and so many other states, it appears that TBVME board members allow serial offenders to continue to offend, presenting a clear and present danger to pet companions throughout Texas. Drs. A through D referenced on Page 41 of the TBVME 2019 Self-Evaluation Report (SER) are tragic examples. It is obvious to animal advocates throughout the country that vet boards, including TBVME, simply sanction offenders with the most lenient punitive action possible in keeping with their desires to maintain a clean reputation in the veterinary community. This "slap on the wrist" nonsense provides a solid sense of security for these persistent offenders who believe that, regardless of their "crimes", no harm will come to them from the TBVME. This cannot be a message the Sunset Commission condones.

Our vet team at Joey's Legacy finds bona fide acts of negligence in about 75% of the cases they review, yet the TBVME in its 2019 SER reported a target for percentage of licensees with no recent violations of 97% and FY2018 performance 100% I have been searching for a lucid, intelligent explanation for this enigma. I have yet to find it. Surely, you must agree this is a tremendous conflict for an agency that is in place to protect the public from violative veterinarians. Boards of Veterinary Medicine astonishingly tend to dismiss 70-80% of the complaints filed by pet caregivers nationwide.

The veterinary "injustice" system is corrupt, broken and in need of major reform. I suspect you must be aware of this horrific condition given your scathing TBVME review in 2016 and short renewal period. I urge you not to turn your heads when there is wrongdoing, especially involving the deaths of our loved ones. The lives of thousands of families are changed forever as a result of veterinary negligence.

Proposed Solution: I encourage you to consider replacing all board members and staff with individuals who place high moral and ethical standards above self-indulgence, who are true animal advocates and will fairly represent the people of the State of Texas and their loved ones. Wouldn't it be fantastic if Texas, the US state with the third highest number of veterinarians (second only to California and Florida), became the first state to appropriately discipline its veterinarians according to state sentencing guidelines? Texas could then become a model that the other 49 boards could emulate.

I would suggest reviewing the progress of any newly installed TBVME members again in 2 years, or sooner. Also, consider modifying the ratio of veterinary professionals on the board with more fair representation of non-veterinary professionals. Allowing a preponderance of veterinarians on the board, as is the case in all states, serves to "stack the deck" and effectively precludes any outcome except what the clearly biased veterinarians desire, which usually favors the respondent practitioner. If you do nothing, nothing will change. Thank you for considering!

Scott Fine
Founder
Joey's Legacy, Inc.
www.joeylegacy.org