

From: [Sunset Advisory Commission](#)
To: [Sunset Advisory Commission](#); [Trisha Linebarger](#)
Subject: FW: Public comments on TSBVME
Date: Monday, November 21, 2016 11:30:02 AM

Dear Sunset Review Commission,

Thank for allowing us the opportunity to participate in the Sunset Review process. As a former member of the Board, I have some comments regarding the issues with confidentiality, evaluation of mental and physical health, review of medical cases and the Prescription Monitoring Program.

Confidentiality-

The board requested help with clarification on confidentiality of cases. Many issues with client complaints of transparency and veterinarian complaints of unfairness could be solved by addressing these issues now! The financial cost and time and energy dealing with complaints and litigation is significant. These issues have already been addressed by the Medical and Nursing Boards and a simple adoption of their current statutes would solve these problems. Please do not miss the opportunity to correct this problem.

Mental and Physical Health -

In most cases, Board members are not qualified to determine if the mental or physical status of a veterinarian is adequate to continue to practice. We reviewed a case involving mental health and we could only rely on the testimony from a physician that was presented by the veterinarian's attorney. The information was outdated and incomplete, but it was the only information we received. It is a very uncomfortable decision when Board members are asked to decide if a colleague is fit to practice due to declining physical or mental health. Watching our elderly veterinarians cling on to the profession that they love while they exhibit questionable mental competency is heartbreaking. Again, the Medical Board has statute to address this concern that would be applicable to veterinarians. Please do not miss the opportunity to address this problem.

Medical review of records-

We were presented at least four to twelve cases every two weeks that required an immense amount of time to review. We poured over the records to determine if there was a reason to send the case to an informal conference in Austin to hear testimony from the complainant and the veterinarian. Having an outside evaluation of these cases will require the cooperation of veterinary specialist and "general practice" veterinarians that are willing to donate an incredible amount of time. I do not believe this will be feasible. You should be prepared to provide a significant amount of money to the agency to compensate individuals willing to evaluate. Board members have agreed to donate their time and expertise to serve the State of Texas, others may not be so compelled.

The Prescription Monitoring Program (PMP) -

Veterinarians are very concerned about the current problem with prescription drug abuse and I

believe we have accepted the responsibility to prevent the diversion of these substances. My primary concern involves the fact that this program fails to address any loss of controlled substance while in the possession of a veterinarian. The Board cases we reviewed most often involved the abuse of narcotics by the veterinarian and not illegal diversion to the public. The cases were often an alert by the DPS when a veterinarian was purchasing massive quantities of a controlled substance (one individual purchased 40,000 hydrocodone tablets in one year). I believe the best way to address the possible diversion of controlled substances is not the PMP. Instead, the unusual purchase of large quantities of drugs by a veterinary clinic should be monitored and reported to Board investigators. There are very excellent reasons by other respondents (Dr. Lori Teller, TVMA, etc) that address the inefficacy, inadequateness, burden to small business and other objections to the PMP and I agree with them. Should you decide to include veterinarians in the PMP, I would ask that you would delay its implementation and please design the program to ensure seamless integration of data and eliminate liability from existing HIPPA laws.

Thank you for your dedication to serving the State of Texas.

David Heflin DVM
Former Board Member