

Texas Board of Veterinary Medical Examiners

Self-Evaluation Report



September 2015

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Texas State Board of Veterinary Medical Examiners



Self-Evaluation Report

I. Agency Contact Information

Texas State Board of Veterinary Medical Examiners Exhibit 1: Agency Contacts

	Name	Address	Telephone & Fax Numbers	Email Address
Agency Head	Nicole Oria	333 Guadalupe Ste. 3-810 Austin, TX 78701	512-305-7555 512-305-7574	nicole@veterinary.texas.gov
Agency's Sunset Liaison	Kate Fite	333 Guadalupe Ste. 3-810 Austin, TX 78701	512-305-7555 512-305-7574	kate@veterinary.texas.gov

Exhibit 1: Agency Contacts

II. Key Functions and Performance

A. Provide an overview of your agency's mission, objectives, and key functions.

Mission

The mission of the Texas Board of Veterinary Medical Examiners is to establish and enforce policies to ensure the best possible quality of veterinary and equine dental provider services for the people of Texas.

The Board's principal purpose is to ensure that the citizens of Texas have the services of veterinarians, equine dental providers, and licensed veterinary technicians who have demonstrated the ability to meet or exceed established minimum qualifications to enter practice in this state and to hold those licensees accountable to abide by the laws of the state and the rules of the Board. The Board currently regulates approximately 8,049 veterinarians; 48 equine dental providers; and 497 licensed veterinary technicians. These figures are as of August 31, 2014. An additional 966 technicians were licensed after September 1, 2014, with a total of 1,463 veterinary technicians licensed since the licensing program began in 2013. Although the Board provides direct services to these licensees, the Board's primary responsibility is to protect the public by assuring professional standards and accountability of those who provide veterinary and equine dental services to Texas citizens. The agency is organized by function, rather than by license type, to increase the efficiency of operations.

Key functions:

Licensing:

The Licensing and Examination Division (referred to as Licensure System in the General Appropriations Act "GAA") is charged with ensuring that only those persons who have demonstrated the ability to meet or exceed the minimum qualifications required to be a licensed veterinarian, veterinary technician, or equine dental provider in the state of Texas, enter the practice and provide

III. History and Major Events

- 1911 The 32nd Legislature passed House Bill 62, creating the Veterinary Licensing Act (the “Act”) and the Texas State Board of Veterinary Medical Examiners. The newly created Board was charged with regulating the practice of veterinary medicine, surgery and dentistry according to the new Veterinary Licensing Act.
- 1920 The 36th Legislature repealed the 1911 law and passed Senate Bill 83 as the new Veterinary Licensing Act. The new law continued the Board, required licensees to have their certificate of license recorded in the office of the District Clerk of the county where they resided and to display the license. The law provided the Board with the ability to refuse to admit for examination persons who obtained a license, certificate or diploma illegally or fraudulently.
- 1953 The 53rd Legislature amended the Act, giving the Board the authority to hire an Executive Secretary and other staff as it deemed advisable to carry out the purposes of the Act. The amendment also gave the Board the ability to adopt rules of professional conduct and outlined the qualifications of a person seeking licensure. The Board was also given the ability to impose civil penalties and other sanctions to enforce the rules set by the Board.
- 1957 The 55th Legislature amended the Act, fixing a venue for appeals from orders of the Board. The Act established the Veterinary Fund where all fees collected by the Board were deposited. The Veterinary Fund was to be utilized to pay compensation and expenses of Board members, salaries and expenses of employees and all other costs of the Board in the administration of the Act. No funds were to be paid out of the General Fund of the State for the administration of the Act.
- 1959 The 56th Legislature amended the Act, removing limitations to the Board’s ability to adopt, alter or amend rules of professional conduct and gave the Board the ability to adopt rules that were “appropriate to establish and maintain a high standard of integrity, skills and practice in the profession” as well as adding the violation of the rules of professional conduct and allowing another individual to use their license or certificate to practice veterinary medicine to the list of grounds for the suspension or revocation of a license as well as grounds to refuse to examine an applicant, issue or renew a license. The Act was also amended to allow licensees who were full time members of colleges and provided services for the sole benefit of the school or college and who did not engage in private practice to pay only half of the annual renewal fee.

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

**Texas State Board of Veterinary Medical Examiners
Exhibit 3: Policymaking Body**

Member Name	Term / Appointment Dates / Appointed by (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	City
Bud E. Alldredge, Jr., DVM	2 nd Term/ 10-07-05 to 8-26-15 /Governor	Industry Representative	Sweetwater
Janie Allen Carpenter, DVM	2 nd Term/3-13-06 to 8-26-17 /Governor	Industry Representative	Garland
Dan Lee Craven, DVM	1 st Term/10-10-13 to 8-26-19 /Governor	Industry Representative	Crockett
J. Todd Henry, DVM	1 st Term/08-09-10 to 8-26-15 /Governor	Industry Representative	Wimberley
Joe Mac King, DVM	1 st Term/09-06-11 to 8-26-17 /Governor	Industry Representative	Dallas
Roland Lenarduzzi, DVM	1 st Term/10-10-13 to 8-26-19 /Governor	Industry Representative	Alvin
James McAdams	1 st Term/10-10-13 to 8-26-19 /Governor	Public Member	Seguin
Keith Pardue	1 st Term/09-16-14 to 8-26-15 /Governor	Public Member	Austin
Chad Upham	1 st Term/09-06-11 to 8-26-17 /Governor	Public Member	Boerne

Exhibit 3: Policymaking Body

B. Describe the primary role and responsibilities of your policymaking body.

The primary role and responsibilities of the policy-making body include the following:

- Employs the Executive Director and ensures that the Executive Director carries out the management and administration of Board functions;
- Sets policy for the Board;
- Passes rules to implement the Veterinary Licensing Act, establishes standards of veterinary and equine dental practice and regulates the practice of veterinary medicine and equine dental practice.
- Exercises decision making authority on disciplinary actions;
- Reviews key documents such as performance reports, customer service surveys and various audits of Board operations;
- Approves various Board reports including Annual Financial Report and Legislative Appropriations Request;
- Sets licensing fees annually;

V. Funding

A. Provide a brief description of your agency's funding.

Method of finance is General Revenue and Appropriated Receipts.

B. List all riders that significantly impact your agency's budget.

HB 1, 84th Leg. R.S.

- I. Article VIII Section 8.C State Office of Administrative Hearing
- II. Article IV Section 8.2 Contingency for Behavioral Health Funds
- III. Article VIII Section 3 Funding for Health Professions Council.
- IV. Article VIII Section 4 Texas.gov Appropriation
- V. Article VIII Section 5 Peer Assistance Program Funding Requirements
- VI. Article IX Section 18.55 Prescription Drug Monitoring Program, Fees shall be collected by agencies that license individuals or entities authorized to access the prescription drug order monitoring program, and transferred to the Board of Pharmacy.

C. Expenditures by Strategy

**Texas State Board of Veterinary Medical Examiners
Exhibit 5: Expenditures by Strategy — 2014 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Operate Licensure System	\$169,654.24	15%	\$236.37
Complaints and Action	\$720,949.42	62%	\$8,525.75
83 rd Art. IX, Sec. 18.48	\$109,505.00	9%	\$43,082.50
Peer Assistance	\$30,000.00	3%	\$30,000.00
Texas.gov	\$38,130.00	3%	\$38,130.00
Licensing – Indirect Admin	\$23,871.00	2%	\$1,849.11
Complaints and Action Indirect Admin	\$73,241.00	6%	\$3,642.69
GRAND TOTAL:	\$1,165,350.66	100%	\$125,466.42

Exhibit 5: Expenditures by Strategy

VII. Guide to Agency Programs

- A. Provide the following information at the beginning of each program description.

Name of Program or Function: Licensing and Enforcement

Location/Division: Austin

Contact Name: Marilyn Hartman, Director of Licensing and Karen Phillips, Director of Enforcement

Actual Expenditures, FY 2014: See Exhibit 10 List of Program FTEs and Expenditures above.

Number of Actual FTEs as of June 1, 2015: 18

Statutory Citation for Program: Licensing – Subchapter F Sections 801.251 – 801.266 of the Texas Occupations Code; Enforcement – Sections 801.401 and 801.402 and Subchapters I through K of Chapter 801 of the Texas Occupations Code

- B. What is the objective of this program or function? Describe the major activities performed under this program.

Licensing and Examination Division

The Licensing and Examination Division is charged with ensuring that only those persons who have demonstrated the ability to meet or exceed the minimum qualifications required to be licensed in the state of Texas and provide veterinary services to Texas's citizens.

In order to receive a license as a veterinarian (DVM) to practice veterinary medicine in this state, a person must demonstrate that they are at least 18 years of age; have obtained at least a passing score on the North American Veterinary Licensing Examination (NAVLE), or its predecessors (the National Board Exam and the Clinical Competency Test), and the State Board Exam (SBE); and have graduated from a school or college of veterinary medicine that is approved by the Board and accredited by the Council on Education of the American Veterinary Medical Association (AVMA). Applicants who did not graduate from an AVMA-accredited veterinary college must possess a certificate of completion from the Educational Commission for Foreign Veterinary Graduates (ECFVG) or the Program for Assessment of Veterinary Education Equivalence (PAVE). The Licensing and Examination Division is responsible for reviewing and verifying that these requirements are met, for assisting prospective licensees with the application process to take the NAVLE, and for administering exams necessary for the various types of veterinary licenses.

To be eligible for licensure as a licensed veterinary technician (LVT) in this state, an applicant must present satisfactory proof to the Board that the applicant is at least 18 years old, has obtained at least a passing score on the Veterinary Technician National Exam (VTNE) and the Licensed Veterinary Technician Exam (LVTE), and is a graduate of an AVMA-accredited veterinary technician program. A person must first take and pass the VTNE in order to apply for the LVTE. The Licensing and Examination Division is responsible for reviewing and verifying that these requirements are met.

Phase 3 (1 – 5 months):

7. Informal Conference - The informal conference is the final step in the investigation of a case. It is held with the Board's Enforcement Committee which is usually comprised of two veterinarian Board members, a public member of the Board, Executive Director, Director of Enforcement, the investigator assigned to the case, and the Board's General Counsel. The Executive Director normally chairs the conference. In most instances the respondent is present and may be represented by legal counsel. The complainant may be present. No other parties are allowed in the conference unless their presence will substantially benefit the development of the facts. This will be determined by the Executive Director.

The purpose of the informal conference is to review the allegations in detail and develop the facts of the case after receiving input from the complainant and respondent. An informal conference is not a formal hearing, and the Enforcement Committee is not the final decision maker or finder of fact. The makeup of the Committee is intended to ensure a fair disposition of complaints.

Following a thorough discussion of the case, the Committee excuses the parties and meets in private to determine whether the alleged violations are accurate and to formulate a recommendation. The Committee may:

- a. Find that there is no violation or insufficient evidence on which to find a violation;
- b. Continue the investigation because additional information may be available which the Committee needs to make a decision, or information was obtained during the conference that substantially changes the allegations discussed; or
- c. Find that a violation has occurred and discuss sanctions that it will recommend to the Board.

8. Committee Determination - The respondent returns to the conference and is informed of the results of the deliberation. If the Committee has found that a violation occurred, the complainant will be informed and the recommended sanction is presented to the respondent.

The respondent is not required to accept or reject the proposed sanction at this time.

9. No Violation Found - The parties to the complaint are notified verbally, and later in writing of the decision and the case is closed.

10. Violation Found – The parties to the complaint are verbally notified that a violation was found. The General Counsel drafts the alleged violations and proposed sanctions into an Agreed Order which is mailed to the respondent. The respondent, within the specified time, is to accept or reject the Agreed Order.

11. Respondent Accepts the Agreed Order - By signing the Agreed Order, the respondent agrees not to contest the allegations and accepts the proposed sanctions. The signed Order is then returned to the Board for formal consideration at its next regularly scheduled meeting.

Phase 4 (1 – 5 months):

12. Board Action (Agreed Order) - The signed Agreed Order is considered by the Board. Final action on the Order is taken during public deliberations of the Board, but the Board may go into executive session to discuss the Order. In most cases the Board approves the Order without change, but the Board may also amend the Order or reject it.

If the Board amends the Order, the General Counsel will mail the amended Order to the respondent who then has fourteen (14) days from receipt to accept it by signing and returning it to the Board, or reject it. If the respondent rejects the amended Order, the case will be presented to an administrative law judge for a formal hearing.

Phase 5 (1 – 18 months):

13. Respondent Rejects the Allegations and/or Sanctions in the Agreed Order - If the respondent declines to sign the Agreed Order, the Legal Department then refers the case to the State Office of Administrative Hearings for setting of a “contested case” administrative hearing and prepares a Notice of Hearing containing the complaint allegations which is then mailed to the respondent. .

14. Administrative Hearings - Impartial Administrative Law Judges (ALJs) are employed by the State Office of Administrative Hearings to conduct hearings on contested cases. The hearing is conducted much like a trial in district court, and rules of evidence apply to the proceedings. The respondent is entitled to the assistance of legal counsel. The Board is represented at the hearing by the Legal Department and/or an Assistant Attorney General. The parties are allowed to present relevant evidence (including witnesses) on the issues. The ALJ may question any witnesses. After the hearing, the ALJ will prepare a Proposal for Decision (PFD).

15. The Proposal for Decision - The ALJ’s PFD will contain findings of fact (based on the testimony and evidence received) and conclusions of law (which include the relevant sections of the law involved in the case on which a violation may or may not be found). The PFD is presented to the Board and the respondent and any other named parties. Each party is allowed to file exceptions to the findings and conclusions contained in the PFD. The PFD and any exceptions are then sent to the Board for consideration and action.

16. Board's Actions on Proposal for Decision - The Board usually accepts the findings of fact and conclusions of law contained in the PFD. The Board may modify a findings of fact or conclusion of law only under strict legal guidelines. The Board will issue a final order containing the findings and conclusions and assessing sanctions, if indicated.

Appeal of Board Decisions - If the respondent objects to the findings of fact and/or conclusions of law contained in the PFD, or to the Board’s action, the respondent may file a motion for rehearing with the Board. If the motion is declined, the respondent may appeal the case to the district courts of Travis County, Texas. From this point, the case is handled like any other civil matter.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

The General Revenue Fund is the source of funding for the Licensing and Enforcement Divisions. The Board is self-supporting. The Texas State Board of Veterinary Medical Examiners generates sufficient revenues from licensing and examination fees to support its operations. Fees are collected through the renewal process to pay for the Texas.gov and the Peer Assistance programs. Excess fees collected for the Peer Assistance program are transferred to the States’ General Revenue. The licensing program is appropriated \$4,300 in the agency’s bill pattern from fees collected for reimbursement of copies.

**Texas Board of Veterinary Medical Examiners
Exhibit 11 List of Program Funding**

General Revenue Funding By Board Program		
Program	FY2016	FY2017
Operate Licensing System	\$229,159	\$229,159
Appropriated Receipts	\$4,300	\$4,300
Texas.gov	\$40,000	\$40,000
Total Licensing Program	\$273,459	\$273,459
Complaints and Action	\$866,351	\$866,353
Peer Assistance	\$30,000	\$30,000
Total Complaints and Action Program	\$896,351	\$896,353
Licensing Indirect Admin	\$35,000	\$35,000
Complaints and Action Indirect	\$85,000	\$85,000
Grand Total	\$1,289,810	\$1,289,812

Exhibit 11: List of Program Funding

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Licensing

There are no similar services or functions with regards to licensing of veterinarians, veterinary technicians, and equine dental providers.

Enforcement

The primary similarity of services is related to the oversight of Controlled Substances(CS) and CS records, and is between the Board, Texas Department of Public Safety (DPS) and the U.S. Drug Enforcement Agency (DEA). The Texas criminal statues related to CS offenses fall to DPS for potential criminal charges and federal criminal statutes to DEA. However, both entities rely heavily on the Board to monitor and discover such problems since we have more contact with our licensees in their clinic environments than DPS and DEA. Local law enforcement agencies also work controlled substance cases, jointly or independently, involving veterinary licensees.

Any Texas local law enforcement agency (city police departments, sheriff's departments, and even constables) has jurisdiction in criminal offenses within their particular locale regarding violations of the Veterinary Licensing Act. However, we do not find that they often work criminal cases involving the Veterinary Licensing Act.

The Board often contacts local law enforcement to encourage them to work Practicing Veterinary Medicine/Equine Dentistry Without a License cases that have come to our attention via a written complaint. The offense is a class A criminal offense. If the case is worked as a criminal offense, there can be significant consequences for the actor(s). The offenses can pose significant risks to the public. If the Board has to work a Practicing Without a License case administratively without a criminal case, the result is typically that the offender signs a cease and desist order agreeing to discontinue in the

criminal activity. If there is a subsequent offense, the OAG's office gets involved at our request, and a significant fine could be imposed.

Texas Department of State Health Services (TDSHS), particularly Zoonosis Control Division, has jurisdiction regarding rabies vaccination and prevention protocols and regulations. However, the Board receives a large number of calls from veterinarians requesting advice when a critical rabies incident occurs. We have board rules regarding rabies, but they follow protocols set forth by TDSHS.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

Licensing

As answered in Question H, there are no similar services or functions with regards to licensing of veterinarians, veterinary technicians, and equine dental providers, so there is no need to coordinate activities with other programs.

Enforcement

Circumstances with individual investigations can cause the Board to contact DPS or DEA for assistance; however, we do not have any MOUs or other interagency agreements with those agencies. If the Board has information about a licensee that indicates criminal charges might be expected, we are likely to contact DPS or another law enforcement agency to work the case jointly or independently. The Board attempts to avoid investigative actions that could potentially interfere with criminal prosecutions. Criminal investigations conducted by any law enforcement agencies in Texas, (whether state, local, or federal) take precedence over the Board's administrative cases.

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

Licensing

The licensing of veterinarians, veterinary technicians, and equine dental providers does not involve other local, regional, or federal units of government. However, our licensees have the option to utilize the Texas.gov online renewal system for annual renewals.

Also, a coordinated effort between this program, the Office of the Attorney General, and Texas Guaranteed Student Loans ensures that licensees currently in default of a student loan or child support are not able to renew a license issued by this Board.

The Texas Guaranteed Student Loan Corporation (TG) was established under Texas Education Code Chapter 57 to administer a guaranteed student loan program and to provide necessary and desirable services related to the loan program. This Board is required to submit to TG a list of all active licensees on a quarterly basis. From this list, TG identifies the persons who are in default on loans guaranteed by the corporation and reports those persons to the department. Section 57.491, Loan Default Ground for Non-renewal of Professional or Occupational License, of the Texas Education Code, states that we shall not renew the license of a licensee whose name is on the list provided by the corporation unless the licensee presents to us a certificate issued by TG certifying that the licensee has

entered a repayment agreement on the defaulted loan or the licensee is no longer in default on a loan guaranteed by the corporation.

Texas Family Code §232.0135 “Denial of License Renewal” provides that “(a) a child support agency, as defined by Section 101.004, may provide notice to a licensing authority concerning an obligor who has failed to pay child support for six months or more that requests the authority to refuse to accept an application for renewal of the license of the obligor. (b) A licensing authority that receives the information described by Subsection (a) shall refuse to accept an application for renewal of the license of the obligor until the authority is notified by the child support agency that the obligor has: (1) paid all child support arrearages; (2) established with the agency a satisfactory repayment schedule or is in compliance with a court order for payment of the arrearages; (3) been granted an exemption from this subsection as part of a court-supervised plan to improve the obligor's earnings and child support payments; or (4) successfully contested the denial of renewal of license...”.

Upon notification of a default on student loan payments or child support payments, the Director of Licensing will initiate a referral to the Enforcement Division. Pursuant to Rule 573.78, a licensee who has defaulted on a student loan or failed to pay child-support may be subject to disciplinary action by this Board.

Enforcement

DEA, DPS, and TDSHS relationships with the Board are described above in Sections H and I. The Office of the Attorney General (OAG) is called upon by the Board for assistance in enforcement matters when a cease and desist order has been violated by a non-licensee that previously was found in violation of the Veterinary Licensing Act by practicing veterinary medicine without a license. OAG also represents the Board in district court cases.

The Board has been called upon to share information with USDA particularly on cases involving the interstate transport of animals or interstate distribution of controlled substances. This is a rare occurrence. However, the new ‘green hunting’ interest may increase our contact with federal agencies and other state veterinary boards. The Board has worked with the Oklahoma State Veterinary Board on a variety of cases. The Board has also communicated with Louisiana state agencies regarding intelligence information on individuals reported to be Practicing Without a License in Texas that have Mexican cartel connections and that are active in the Louisiana horse racing business. The Board has met with Texas Animal Health Commission investigators regarding shared safety concerns and other common interests.

The Texas Racing Commission requests our assistance a few times a year to accompany them to racetracks on race days. We can be used as a resource if questions arise regarding the appropriateness of actions taken by veterinarians that are working on horses at the venue.

The American Association of Veterinary State Boards (“AAVSB”) maintains a national database that most state veterinary boards, including Texas, report disciplinary actions to. We are notified by AAVSB when one of our licensees has had disciplinary action taken against them by another state board and based on that information we evaluate the disciplinary action and may open a case against that licensee.

K. If contracted expenditures are made through this program please provide:

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2014;
- the number of contracts accounting for those expenditures;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

There are two contract expenditures made through the Board's programs. The licensing program has contracted services with Texas.gov and the enforcement program has contracted services with the Peer Assistance Program.

Texas.gov – Licensing Strategy

The Texas.gov contract is the agent that allows the Board to accept credit card payments for license renewals. The Board's bill pattern allocated for FY2014 and FY2015 \$35,000 each fiscal year, for FYs 2016 and 2017 the allocated amount increased to \$40,000 each fiscal year.

A \$5.00 fee is collected for on-line renewals for the Texas.gov contract are deposited into a designated appropriation account, (Appropriation # 00007). These funds are transferred to Texas.gov monthly, all funds deposited into this appropriation are passed to Texas.gov due to appropriated authority in HB 1 GAA Article VIII, Section 4 Texas.gov appropriation.

There are currently no contracting problems with this vendor.

Peer Assistance Program – Complaints and Action Strategy

The peer assistance program contract provides various programs for veterinarians impaired by chemical dependency or mental illness. The Board's bill pattern allocated for FY2014 and FY2015 \$30,000 each fiscal year, for FYs 2016 and 2017 the allocated amount remains at \$30,000 each fiscal year.

A \$4.00 fee is collected from on-line renewals for the peer assistance program contract and are deposited into a designated appropriation account, (Appropriation # 00006). The Board has a firm fixed price contract with the vendor and the monthly invoice for this service is \$2,500 a month or \$30,000 per fiscal year. If excess funds are collected for the contract the excess is transferred to the State's general revenue.

There are currently no contracting problems with this vendor. Currently this contract is out for re-bid.

L. Provide information on any grants awarded by the program.

This is not applicable as no grants are awarded by the program.

M. What statutory changes could be made to assist this program in performing its functions? Explain.

Licensing

The Licensing Program does not anticipate any statutory changes at this time.

Enforcement

The Board has had some serious, sometimes long term, problems with licensees that seem unfit to practice due to age or health-related physical and/or mental impairments, and impairments due to mental illness. A brief description of the following 4 licensees (identified as A, B, C, and D) are presented as examples of the Board's serious 'fit to practice' issues and its inability to handle the situations well, due to a lack of statutory authority. A better solution is to have clear statutory authority to send licensees with potential fitness to practice problems to third party medical reviewers to more quickly deal with these issues.

Dr. A was a diabetic stroke victim with obvious mental and physical limitations. There were numerous standard of care complaints against him. Dr. A had an office that was in his house. It was separated from his kitchen by short swinging doors. His normal routine was to sit in the kitchen/great room area and verbally communicate with his two veterinary technicians, one being his wife. Dr. A had 18 complaints with the Board and 17 of those were in the last 3 years of his career. Cases were also opened on the two veterinary technicians for practicing without a license. He refused to surrender his license, which was ultimately revoked. There was a significant risk to the public during the three years it took to revoke his license.

Dr. B had a continuing education violation in 2012 and a violation of board order in 2013. The Board's staff received numerous calls from Dr. B when he tried to renew his license the last two times. He was clearly confused, thinking that they were telephone operators, and was extremely forgetful. Two board investigators went to inspect him and he threatened to cut an investigator's hand. His family intervened and tried to get Dr. B to surrender his license, but he refused. The family was unwilling to have him declared mentally incompetent by a judge. Ultimately he was unable to renew his license when he was unable to provide proof of continuing education.

Dr. C had two standard of care complaints against him in 1990 and 1997. He had a complaint in 2011 about him abusing animals. He agreed to a mental health evaluation that revealed some significant problems. The Board did not have authority to order a mental health evaluation if Dr. C had refused. This case was resolved due to the efforts of a veterinarian friend, and Dr. C became convinced that it was time for him to sell his practice, which he did. He then surrendered his license.

Dr. D was contacted during an inspection. The investigator was shocked to find a severe sanitation problem in the clinic and later a hoarding of materials and animals situation in her 3 neighboring houses. Local law enforcement had been dealing with her prior to the 2013 inspection. Ultimately, Dr. D surrendered her veterinary license. She was later arrested on animal cruelty charges.

The Board has also recently been dealing with two other veterinarians whose hoarding of animals and animal cruelty problems have resulted in criminal charges.

Section 801.004(1) (the "owner exemption") of the Texas Occupations Code has generated litigation in regard to its interpretation and application to licensees. Specifically, in cases where a shelter or

rescue group owns an animal, some have argued that the employed or volunteer veterinarian is not regulated by the Veterinary Licensing Act because the veterinarian is either the owner, the employee, or the designated caretaker and is, thus, exempt from the Veterinary Licensing Act. This interpretation has been successful in at least one case before an Administrative Law Judge. Further, such interpretation means that a licensee is permitted, in certain circumstances, to practice veterinary medicine without any oversight or regulation by the entity that licensed him or her. To our knowledge, no other profession provides its licensees with such an exemption. The Board believes that such interpretation is simply an attempt to circumvent the Veterinary Licensing Act and is not permitted. The interpretation would also lead to an absurd result as the Veterinary Licensing Act does not define a “designated caretaker;” therefore, any individual (licensed or not) who is asked by an owner to provide veterinary care to an animal would be exempt from the Act. As that would include all veterinarians and individuals practicing veterinary medicine without a license, the Veterinary Licensing Act essentially would be rendered moot. Statutory changes to the owner exemption would allow the Board to know definitively when veterinarians are within its regulatory jurisdiction rather than continue in litigation.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

We have no additional information.

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe:

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

Licensing

Licensing of veterinarians, veterinary technicians, and equine dental providers is necessary to assure a uniform and stringent standard of veterinary medical practice in the state. A person practicing veterinary medicine in Texas is required to be licensed by sections 801.251 - .258, Texas Occupations Code. Licensing rules are contained in Rules 571.3-65 of the Board.

Enforcement

The Enforcement Division investigates all jurisdictional complaints. This is an essential function that is necessary for the Board to fulfill our mission to serve the public in matters related to veterinary medicine.

Enforcement also conducts inspections in order to ensure, as much as resources allow, that the veterinary community is compliant with the Veterinary Licensing Act and Board Rules. With some problems that are discovered during an inspection, the licensee can forward proof of compliance to the investigator, such as proof of continuing education if it was unavailable during the inspection. Other problems, such as deficiencies with controlled substances records or shortages, typically cause an investigation (case) to be opened on the licensee.

Violations found during an inspection, just as with a violation discovered based on a complaint from the public, can prompt actions against the licensee ranging from a ‘voluntary compliance’ closure, to an informal board order with or without a fine, and even to a license revocation. The disciplinary action recommendation depends on the severity of the infraction, and mitigating or aggravating circumstances. Repetition of the same infraction would be an example of an aggravating circumstance.

P. For each regulatory program, if applicable, provide the following complaint information. The chart headings may be changed if needed to better reflect your agency’s practices.

The Board does not regulate entities, only persons. For the statistic involving complaints resulting in disciplinary action, please note that many complaints may have more than one of the disciplinary actions, not just one (e.g. a reprimand and an administrative penalty).

Texas State Board of Veterinary Medical Examiners
Exhibit 12: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2013 and 2014

	Fiscal Year 2013	Fiscal Year 2014
Total number of regulated persons	8,136	9,269
Total number of regulated entities	n/a	n/a
Total number of licensees inspected – onsite	605	605
Total number of licensees inspected – by mail	286	281
Total number of complaints received from the public	282	268
Total number of complaints initiated by agency	181	232
Number of complaints pending from prior years	3	182
Number of complaints found to be non-jurisdictional	27	19
Number of complaints resolved	498	438
Average number of days for complaint resolution	283	204
Complaints resulting in disciplinary action:		
administrative penalty	108	102
formal reprimand	51	71
informal reprimand	37	27
probation	7	17
suspension	8	17
revocation	1	13
voluntary surrender	9	3
cease & desist	33	30
agreed permanent injunction	0	1
continuing education	47	40

Exhibit 12: Information on Complaints Against Persons or Entities

VIII. Statutory Authority and Recent Legislation

A. Statutory Authority

*Texas State Board of Veterinary Medical Examiners
Exhibits 13a – 13b: Statutes / Attorney General Opinions*

Statutes

Citation / Title	Authority / Impact on Agency
Chapter 801, Texas Occupations Code	<p>Board’s enabling legislation that creates the Board; outlines its general and specific authority; outlines public interest information and complaint procedures; license and renewal of license requirements; outlines general disciplinary authority and procedure, including penalties and sanctions.</p> <p>Authorized in 2011 by HB 414 to license and regulate equine dental providers.</p> <p>Authorized in 2013 by SB1312 to license and regulate licensed veterinary technicians.</p>
Chapter 101, Texas Occupations Code	Creates the Health Professions Council to provide a means for the regulatory agencies represented on the council to coordinate administrative and regulatory efforts. Creates a toll-free telephone complaint system to provide assistance and referral services for persons making a complaint relating to a health profession regulated by the state and establishes a training program for the governing bodies of state agencies that regulate health professions.
Sec. 411.122, Texas Government Code	Authorizes the Board to obtain criminal history record information for an applicant for a license from the board.
TEX CR. CODE ANN. § 60.061	Requires this Board to provide the Texas Department of Public Safety a list of each person licensed on a quarterly basis so that criminal history checks can be performed.
10 CFR section 1300 <i>et seq.</i>	These regulations of the Federal Drug Enforcement Administration are based on the federal law 21 United States Code, Section 801 <i>et seq.</i> Veterinarians must comply with these regulations.
37 TAC 13.1 - .278	These regulations are Texas Department of Public Safety rules requiring persons who distribute or prescribe controlled substances to register with the DPS and meet other regulatory requirements.

Citation / Title	Authority / Impact on Agency
21 United States Code, Section 801 <i>et seq.</i>	This section of the Code contains the federal law on controlled substances, including schedules of controlled substances, and provides the basis for the Texas controlled substance statutes. Veterinarians must adhere to this statute in handling controlled substances.
Chapters 481, 483 and 485, Health and Safety Code	Chapters 481 and 483 relate to the classification, control and dispensing of controlled substances and dangerous drugs. Since veterinarians often control and dispense controlled substances in their practices, these statutes impact the Board's rules concerning controlled substances. Chapter 485 relates to the use of abusable volatile chemicals that may be possessed by veterinarians. A criminal conviction of a veterinarian under these chapters requires the Board to revoke the veterinarian's license.

*Exhibit 13a: Statutes****Attorney General Opinions***

Attorney General Opinion No.	Impact on Agency
<u>JM-46 (July 25, 1983)</u>	TBVME is not required to exempt applicants who are licensed in another state from TBVME's examination requirements. TBVME is authorized to implement a reciprocal licensing system, and may consider any reasonable factors it deems relevant in making licensing determinations.
<u>JM-339 (August 13, 1985)</u>	This opinion helped clarify that veterinarians employed by governmental entities are not exempt from the licensing requirements in the Veterinary Practice Act.
DM-498 (December 22, 1998)	This opinion helped clarify the relationship of veterinarians and non-veterinarian business entities regarding the practice of veterinary medicine. The opinion led to changes in the Veterinary Licensing Act to allow legal sanctions against corporations or business entities that illegally practice veterinary medicine.

Attorney General Opinion No.	Impact on Agency
JC-0421 (October 3, 2001)	This opinion found that a veterinarian who has complied with the statutory notice requirements in section 801.357 of the Texas Occupations Code must release an animal to the owner upon the owner’s demand within the first 12 days after mailing the notice. The animal is considered “abandoned” on the 13 th day, and the veterinarian may dispose of the animal. A veterinarian who has not complied with the statutory notice requirements may not refuse to return the animal to its owner at any time. A veterinarian is required to provide necessary treatment to an animal in his or her custody, and is entitled to reimbursement of reasonable expenses for necessary treatment and boarding.
GA-0547 (May 10, 2007)	This opinion held that TBVME may adopt a rule prohibiting licensees from dispensing controlled substances without a Texas Department of Public Safety registration. TBVME did adopt such a rule and has enforced it.
ORD No. 683 (November 24, 2009)	This opinion clarified section 801.207 of the Act, regarding the Board’s confidentiality provisions. The opinion found that complaints filed with TBVME and a licensee’s response to the complaint are confidential and excepted from public disclosure under the Public Information Act. TBVME may send the licensee a copy of the complaint against them, and may send the complainant a copy of the licensee’s response. TBVME may also send a copy of the licensee’s response to a consulting veterinarian.

Exhibit 13b: Attorney General Opinions

B. Legislation Enacted 84th Legislature

**Texas State Board of Veterinary Medical Examiners
Exhibits 14a – 14b: 84th Legislative Session**

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
HB7	Darby Otto Howard Turner, Sylvester Murr	This bill abolished the additional professional fee for certain licensees, including veterinarians.
HB1740*	Senfronia Thompson	This bill provides that a veterinarian who is employed by a county or municipality or is working as part of a local rabies control program is not required to establish a veterinarian-client-patient relationship prior to administering or supervising the administering of a rabies vaccine.

Bill Number	Author	Summary of Key Provisions
SB195*	Charles Schwertner	This bill transfers the regulation of the official prescription program for certain controlled substances from the Department of Public Safety to the Texas State Board of Pharmacy (TSBP). The bill further permits the TSBP to collect fees to cover the costs of the program and requires the relevant licensing agencies to increase fees to cover the cost.

*Exhibit 14a: Legislation Enacted 84th Leg***Legislation Not Passed**

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB503	Ryan Guillen	This bill would have provided the Board with the authority to commission peace officers. Such authority would have allowed the Board to better investigate cases concerning people practicing veterinary medicine without a license. It would also facilitate improved communications with law enforcement concerning shared cases.
HB859	Eddie Rodriguez	This bill would have exempted anyone working for an animal shelter from the entire Veterinary licensing Act. Several shelter bills were filed this session. None of the bills passed as the stakeholders could not reach a consensus as to the language.
HB1274	Lyle Larson	This bill would have made changes throughout the Veterinary Licensing Act to allow for certain protocols to occur within animal shelters. Several shelter bills were filed this session. None of the bills passed as the stakeholders could not reach a consensus as to the language.
SB1911	Charles Perry	This bill would have made changes throughout the Veterinary Licensing Act to allow for certain protocols to occur within animal shelters. Several shelter bills were filed this session. None of the bills passed as the stakeholders could not reach a consensus as to the language.
SB1920	Kirk Watson	This bill would have exempted anyone working for an animal shelter from the entire Veterinary Licensing Act. Several shelter bills were filed this session. None of the bills passed as the stakeholders could not reach a consensus as to the language.
SB1959	Juan Hinojosa	This bill would have provided the Board with the authority to commission peace officers. Such authority would have allowed the Board to better investigate cases concerning people practicing veterinary medicine without a license. It would also facilitate improved communications with law enforcement concerning shared cases.

Exhibit 14b: Legislation Not Passed 84th Legislature

IX. Major Issues

1. Confidentiality Statutory Provisions

- A. The Veterinary Licensing Act has very simple language regarding confidentiality of board records that is insufficient to cover all of the intricacies of standard actions by the Board in the process of implementing the laws and rules of the Board.
- B. Section 801.207 of the Texas Occupations Code states:
- (i) Except as provided by Subsection (b), a board record is a public record and is available for public inspection during normal business hours.
 - (ii) An investigation record of the board, including a record relating to a complaint that is found to be groundless, is confidential.
- This statutory language does not address many questions that have come up in the daily functions of the Board. Specifically, questions concerning when a licensee may access what information regarding cases against him/her and how information should be handled through the administrative legal process and litigation. Importantly, the Board has questions regarding when information can be shared with law enforcement and how to handle public health information.

These issues affect the public in what information they are allowed to see in an open records request, the licensees in what information they are also allowed to see in an open records request, the applicants for licensure before the board, and the Board staff who need to have a clear and definitive answer to the everyday issues they encounter.

The Board attempted to have legislative action on this issue in 81st Legislative session (HB1562) and in the 82nd Legislative session. HB1802/SB1032 these bills did not pass.

The Medical Board and the Nursing Board seem to have addressed these issues in their enabling statute, and provide much more clarity than the 2 sentences the Veterinary Licensing Act has currently. See Section 164.007 of the Texas Occupations Code and Sections 301.206, .207, .414, .417, .418, .4521, .460, and .466 of the Texas Occupations Code. Their statutory language has been thoroughly discussed and litigated and works for their professions, which are very similar to the veterinary profession. These suggested changes reflect that language and will provide clarity to licensees, complainants, members of the public requesting open records and Board staff answering open records requests as well as Board attorneys filing contested cases. These changes are in furtherance of the policy previously set out by the Legislature that complaints where no violation was found remain confidential so as not to harm the reputation of the licensee. However, this clarity would allow the Board to share investigative records with other state and federal agencies to further protect the public. These changes would also reduce litigation resources, at our Board and the Office of the Attorney General, spent in determining what records are available to the public, complainants, and licensees. The Board staff will be more efficient without ambiguity in the statutory language. The drawbacks are that some interest groups are interested in hamstringing the Board's ability to regulate and relish the ambiguity in the statute. There is no fiscal impact to the proposed change, except less litigation (and ensuing litigation costs)

2. Fitness to Practice Statutory Provisions

- A.** The Veterinary Licensing Act has very simple language regarding mental incompetence jurisdiction that is insufficient to cover all of the intricacies of applying this principle in day to day Board actions.

B. Discussion

Currently, under the Veterinary Practice Act, there is a conflict between Section 801.157(b) which allows the Board to order a veterinary licensee, who is subject to disciplinary action under the Act based on a finding that the veterinarian is impaired by chemical dependency or mental illness, to submit to care, counseling, or treatment through the peer assistance program and Section 801.405 which states that the Board may suspend or revoke a license if a court finds that the license holder is mentally incompetent. It also states that if a court determines that a person whose license is suspended or revoked under this section is mentally competent, the Board may reinstate the person's license. The Board has seen an increase in the number of licensees that have problems with dementia and are no longer fit to practice. These licensees present a risk to the public in that they are unable to practice veterinary medicine to an acceptable standard of care.

A potential solution is to add additional statutory language that would allow the Board on probable cause, to request the affected veterinarian or applicant to submit to a mental or physical examination by physicians designated by the Board (through the peer assistance program). The Board would be required to adopt guidelines, in conjunction with persons interested in or affected by this section, to enable the Board to evaluate circumstances in which a veterinarian or applicant may be required to submit to an examination for mental or physical health conditions, alcohol and substance abuse, or professional behavior problems. If the affected veterinarian refuses to submit to the examination, the Board would issue an order requiring the veterinarian to show cause why the veterinarian should not be required to submit to the examination, and schedule a hearing on the order not later than the 30th day after the date on which notice is served on the veterinarian. The veterinarian shall be notified by either personal service or certified mail with return receipt requested. At the hearing, the veterinarian and the veterinarian's attorney would be entitled to present testimony and other evidence showing that the veterinarian should not be required to submit to the examination. After a hearing, the Board would issue an order either requiring the veterinarian to submit to the examination or withdrawing the request for examination. The Board would refer a veterinarian or applicant with a physical or mental health condition to the most appropriate medical specialist for evaluation (as determined by the peer assistance program). The Board would not require a veterinarian or applicant to submit to an examination by a physician having a specialty specified by the Board unless medically indicated. The Board would not require a veterinarian or applicant to submit to an examination to be conducted an unreasonable distance from the person's home or place of business unless the veterinarian or applicant resides and works in an area in which there are a limited number of physicians able to perform an appropriate examination. The guidelines adopted under this section would not impair or remove the Board's power to make an independent licensing decision.

This potential solution would allow a qualified third party medical professional to evaluate licensees with potential mental health issues in a timely manner and in a non-public forum (unlike a court hearing on mental competency). This will provide protection to the public with regards to licensees that are unable to practice at a minimum standard of care as determined by mental health professionals. A similar solution is set out in Chapter 167 of the Texas Occupations Code for the Medical Board and Sec. 301.452, Physical and Psychological Evaluation, of the Texas Occupations Code for the Nursing Board. There is not a fiscal impact to the state for this proposed change.

3. Veterinarians practicing in shelters and Owner Exemption Language in the Veterinary Licensing Act

- A.** Recent litigation has concerned the interpretation of the Veterinary Licensing Act's owner exemption. Specifically, an administrative law judge has found that a licensee veterinarian is exempt as to the Veterinary Licensing Act because she was a designated caretaker and an owner of the animals because she worked (but was not directly paid) at a shelter that legally owned the animals at issue

- B.** When the Veterinary Licensing Act was enacted, the statutory language of the Act was not contemplating the model of a non-profit organization owning potentially thousands of animals and providing veterinary services with a licensee of the Board acting as an owner or designated caretaker for those animals. This model has developed in recent years and recent litigation has interpreted the Act as exempting the licensee from the Act where they are an owner, an employee of the owner or designated caretaker. The effect of this ruling, if upheld, will be to allow licensees in such scenarios to operate without a standard of care. Such ruling would impact the Board's treatment of veterinarians affiliated with shelters and rescue groups. The impact could be that an entire group of licensees are unregulated.

Further, the district court invalidated the Board's rule providing a definition of the term "designated caretaker" which defined one to not include a person who cares for an animal after an animal has already developed a condition. If this definition continues to be invalidated, the Board may have great difficulty enforcing any of its laws or rules. "Designated caretaker" would only be given a reasonable or common definition – one who is designated to provide care. Therefore, any person practicing veterinary medicine without a license would likely claim (and has in the past) that he/she is simply a designated caretaker as the animal's owner provided the animal to that individual for the individual to provide it with care. This argument is commonly used by individuals practicing veterinary medicine without a license. The same argument would also apply to any veterinarian or other licensee as all such individuals are generally designated to provide care to an animal by its owner, in the regular course of their business. This would be an absurd result, rendering the Act moot; however, it is certainly a possibility.

The Board simply wishes clarity in this issue. One suggestion has been made to simply clarify that every licensee is under the Veterinary Licensing Act and is not exempt. One non-profit has claimed that they would not be able to operate financially if they were required to operate under the rules of the Veterinary Licensing Act, specifically by having a veterinary-client-patient relationship established at the onset. This would require the employment of several licensed veterinarians. Many other similar nonprofits want to comply with the Veterinary Licensing Act and think that their veterinarians should not be exempt and should be held to a minimum standard of care. An attempt was made to resolve this issue in the last legislative session but the

interest groups were unable to come to an agreement on a solution. The only fiscal impact to the state with regards to this issue is a reduction in litigation costs and resources spent in litigation.

There is also an issue with intake vaccinations at shelters. The Veterinary Licensing Act sets out the requirement for the establishment of a veterinarian-client-patient relationship prior to any veterinary services being provided. It did not contemplate the unique situation in shelters where intake vaccinations (e.g. distemper, parvo, bordetella, but not rabies) need to be provided to animals upon intake/pickup so as to minimize the spread of disease among animals in the shelter environment. The Veterinary Licensing Act needs to be updated to address this situation in shelters.

4. Statutory Clarifications

A. The Veterinary Licensing Act has several issues that additional clarification and resolution would be helpful in the administration of the Act by the Board staff.

B. (i.) In a previous sunset review, across-the-board language was added to the Veterinary Licensing Act in Section 801.153 of the Texas Occupations Code, regarding the Board may not include in a rule regarding prohibiting a false, misleading, or deceptive practice a rule that restricts the person's advertisement under a trade name. This language has allowed, in at least one example the Board is aware of, a licensee to make their trade name a misleading name. The Board staff has spoken with Sunset staff and have been informed this across-the-board language is no longer a recommendation. This language allows licensees to name their businesses in a misleading manner which is not beneficial to the citizens of Texas.

(ii.) In Section 801.401 of the Texas Occupations Code, the statutory language sets out the disciplinary powers of the Board. In listing the powers, the powers are delimited by a comma and has "or" at the end of the list. It is clearly the intention of the legislature to allow the Board to use multiple of these powers in disciplining licensees. The suggested change is to add "and/or" at the end of subsection (4) to clarify the intended meaning of the legislature.

(iii.) Also, in Section 801.401 of the Texas Occupations Code, the Board believes it would be beneficial to have the ability under the disciplinary powers of the Board, to be able to order a licensee to take the jurisprudence exam. The Board's common practice is to offer this as a portion of an agreed disciplinary order. However, if the licensee does not agree to it and goes through a contested case hearing at SOAH, neither the Board nor the SOAH judge has the authority to order a jurisprudence exam as part of a disciplinary order. It is sometimes quite apparent that the licensee was highly uninformed of the requirements in the Veterinary Licensing Act and/or Board rules which directly lead to the violation of the Act and/or rules. In those scenarios, it would be helpful to have the licensee study the Act and rules and be tested on their knowledge. This is helpful to prevent further violations of the Act and rules by the licensee.

(iv.) The Board is receiving more complaints in the past few years where licensed veterinarians are stating that they will euthanize a client's animal and accept payment to do so and instead, treat the underlying medical issue for free and rehome the animal, often to an employee. In these scenarios, there is no paperwork from the client understanding that euthanasia is not going to occur and the animal may be rehomed. This is just one example of ethical issues that are now presenting themselves in the veterinary profession. The Board believes that a requirement of a

minimal amount of ethics continuing education [such as 3 hours] would help veterinary licensees identify and avoid some of the ethical dilemmas that present themselves in the veterinary profession. Many other professions have a similar requirement of ethics continuing education (e.g. nurses, physical and occupational therapists, attorneys, and physicians).

(v.) In Section 801.253(b) of the Texas Occupations Code, there is an antiquated requirement that the Board publish information in newspapers or periodicals regarding licensing examinations. This requirement was set out prior to the internet and the Board’s website. The Board sets out dates for licensing examinations on the Board website and in the periodical Board Notes sent out to all licensees who have provided an email address. (73% of licensee population) This requirement no longer serves its intended purpose as there are other more cost effective and useful ways to inform potential licensees of the dates for licensing examinations.

(vii.) In Section 801.004(6) of the Texas Occupations Code, there is an incorrect reference to Chapter 829 of the Health and Safety Code. The statute should reference Chapter 821 of the Health and Safety Code. This change would provide greater clarity to the public and any animal shelter employee that performs euthanasia who wishes to understand how to be exempt from the Veterinary Licensing Act.

X. Other Contacts

- A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

**Texas State Board of Veterinary Medical Examiners
Exhibits 15a – 15c: Contacts**

Interest Groups

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Texas Veterinary Medical Association/Chris Copeland	8104 Exchange Dr. Austin, TX 78754	512-452-4224	ccopeland@tvma.org
Texas Association of Registered Veterinary Technicians /Sue Allen, LVT	2317 N. 44 th St. Waco, TX 76710	254-399-0389	sarvt1981@yahoo.com sueallen@tarvt.org
IAED/Josh Wallace	P.O. Box 498 Whitesboro, TX 76273	(405) 313-8570	wallacejosh@hotmail.com
Equine Dental Providers of America/Carl Mitz	4836 Gaskamp Rd Washington, TX 77880	979-836-1015	mitzequine@aol.com
Texas Vet Board Watch/Greg Munson	2202 Norma Dr. Mesquite, TX 75149	972-284-9654	munson@stempy.net
Vet Abuse Network/ Julie Catalano	PO Box 6136 San Antonio, TX 78209	210-216-4102	info@vetabusenetwork.com

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Texas Farm Bureau /Vernie Glasson, Executive Director	P.O. Box 2689 Waco, Texas 76702	254-772-3030	vglasson@txfb.org
Texas and Southwestern Cattle Raisers Association /Matt Brockman	1301 W. Seventh St. Fort Worth, Texas 76102	817/332-7064 Ext. 101	mbrockman@texascattleraisers.org
Tiger's Justice Team / Zandra Anderson	7941 Katy Freeway #412 Houston, Texas 77024	713/222-7600	TexasDogLawyer@yahoo.com

*Exhibit 15a: Contacts – Interest Groups****Interagency, State, or National Associations***

Group or Association Name/ Contact Person	Address	Telephone	Email Address
American Association of Veterinary State Boards/ Dr. John Lawrence	380 West 22nd Street, Ste. 101 Kansas City, MO 64108	(816) 931-1504	president@aavsb.org
Texas Veterinary Medical Association/Chris Copeland	8104 Exchange Dr. Austin, TX 78754	512-452-4224	ccopeland@tvma.org
National Board of Veterinary Medical Examiners/ Heather Case, D.V.M.	P.O. Box 1356 Bismarck, ND 58502	701-224-0332	case@nbvme.org
SPCA of Texas/ James Bias, CAWA	2400 Lone Star Dr. Dallas, TX 75212	214-742-7722	sPCA@spca.org

*Exhibit 15b: Contacts – Interagency, State, and National Association****Liaisons at Other State Agencies***

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Legislative Budget Board, Assigned Analyst/Trevor Whitney	Robert E. Johnson Bldg., 5th Floor 1501 N. Congress Austin, TX 78701	(512) 463-8203	Trevor.Whitney@lbb.state.tx.us

Self-Evaluation Report

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Office of the Attorney General/Agency Assigned Attorney/Andrew Lutostanski	Administrative Law Division P.O. Box 12548 Austin, TX 78711-2548	(512) 475-4200	andrew.lutostanski@texasattorneygeneral.gov
Office of the Attorney General/Agency Assigned Attorney/Ted Ross	Administrative Law Division P.O. Box 12548 Austin, TX 78711-2548	(512) 475-4191	ted.ross@texasattorneygeneral.gov
Office of the Governor/Governor Liaison/Ryan Vise	1100 San Jacinto Austin, TX 78701	(512) 475-3547	ryan.vise@gov.texas.gov
Texas Animal Health Commission/Gene Snelson	2105 Kramer Austin TX 78758	(512) 719-0722	gsnelson@tahc.state.tx.us
Texas Department of State Health Services/Karen Tannert	PO Box 149347 Austin, TX 78714-9347	(512) 834-6755 x2350	karen.tannert@dshs.state.tx.us
Texas Department of State Health Services/Dr. Tom Sidwa	Infectious Disease Control Unit Mail Code: 1960 PO BOX 149347 Austin, TX 78714-9347	(512) 458-7111 x6628	Tom.Sidwa@dshs.state.tx.us
Texas Racing Commission/Mark Fenner	8505 Cross Park, #110 Austin, TX 78754	(512) 490-4009	mark.fenner@txrc.state.tx.us
Texas Department of Public Safety/Sherry Wright	PO Box 4087 Austin TX 78773-0542	(512) 424-7568	Sherry.Wright@dps.texas.gov
Drug Enforcement Administration (DEA)/Mark Schilli			mark.e.schilli@usdoj.gov
Texas Board of Chiropractic Examiners/Bryan Snoddy	333 Guadalupe, Ste. 3-825 Austin, TX 78701	(512) 305-6715	bryan.snoddy@tbce.texas.gov

Exhibit 15c: Contacts – Liaisons at Other State Agencies

XI. Additional Information

A. Agency-Specific Reports

This is not applicable as our Board is not required to complete any agency-specific reports that are not part of general reporting requirements applicable to all agencies.

B. **Has the agency implemented statutory requirements to ensure the use of "first person respectful language"? Please explain and include any statutory provisions that prohibits these changes.**

The Board's statutes and rules comply with the statutory requirements for the use of "first person respectful language."

C. **Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate. The chart headings may be changed if needed to better reflect your agency's practices.**

The Board does not have a formal process for receiving and acting upon complaints against the Board. Such complaints usually arise after the resolution of a complaint against a veterinarian where one of the parties is not happy with the result. The complaint may then be: "The Board favors the veterinarians," "The complaint took too much time," "The Board over-regulates veterinarians," etc. Several persons complain regularly about the Board. Their e-mails and other communications are responded to when appropriate.

As required by SB1563 (76th Legislature), the Board conducts a customer service survey related to each of the Board's strategies listed in the appropriations act. The results of the survey are reviewed by Board staff and utilized to improve Board services. The results are then filed with the Governor's office of Budget and Planning and the Legislative Budget Board.

The last customer satisfaction survey was completed in May 2014. Surveys were distributed to all licensees and complainants for whom the Board has an email address [73 % of the licensee population], and a link was also provided on the Board website and Facebook page. The survey included questions related to licensure, enforcement, the Board website, and communication with the Board; 306 individuals responded. This survey report is included as Attachment 12.

D. Fill in the following charts detailing your agency’s Historically Underutilized Business (HUB) purchases.

**Texas State Board of Veterinary Medical Examiners
Exhibits 16a – 16c: Purchases from HUBs**

Fiscal Year 2013

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	\$0	\$0	n/a	11.2%
Building Construction	\$0	\$0	n/a	21.1%
Special Trade	\$198	\$0	0%	32.7%
Professional Services	\$3,964	\$3,964	100%	23.6%
Other Services	\$60,777	\$25,699	42.28%	24.6%
Commodities	\$11,047	\$8,272	74.88%	21.0%
TOTAL	\$75,987	\$37,936	49.92%	

Exhibit 16a: HUB Purchases for FY 2013

Fiscal Year 2014

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	\$0	\$0	n/a	11.2%
Building Construction	\$0	\$0	n/a	21.1%
Special Trade	\$0	\$0	n/a	32.7%
Professional Services	\$0	\$0	n/a	23.6%
Other Services	\$46,983	\$6,666	14.19%	24.6%
Commodities	\$32,149	\$23,032	71.64%	21.0%
TOTAL	\$79,133	\$29,698	37.53%	

Exhibit 16b: HUB Purchases for FY 2014

Fiscal Year 2015

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Statewide Goal
Heavy Construction	\$0	\$0	n/a	11.2%
Building Construction	\$0	\$0	n/a	21.1%
Special Trade	\$0	\$0	n/a	32.7%
Professional Services	\$0	\$0	n/a	23.6%
Other Services	\$17,139	\$1,178	6.87%	24.6%
Commodities	\$9,295	\$834	8.97%	21.0%
TOTAL	\$26,434	\$2,012	7.61%	

Exhibit 16c: HUB Purchases for FY 2015

E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Sec. 2161.003; TAC Title 34, Part 1, rule 20.15b)

Yes, our Board has a HUB policy. When a shortfall in HUB purchases is evident the data is examined to find out why there is a shortfall. The purchasing department is held to strict procedures that are formulated from the foundation of the State of Texas procurement rules and statutes.

The majority of our purchases are small dollar amounts, for example the mid-year report for FY 2015 shows 33 purchases under \$1,000 and 7 purchases over \$1,000. In the group of 7 purchases that are over \$1,000 there are 3 purchases that are over \$2,000 and the sum of these 3 purchases (\$21,840.93) are 4 times greater than the sum of the 4 purchases from \$1,000 to \$1,999 (\$4,962.30). The 3 larger purchases were obtained through DIR contracting services, the Council on Competitive Government and one was an open market bid. These costs have been consistent from FY2013-FY2015, however the quantity of smaller purchases is declining due to the implementation of more streamlined processes throughout the Board.

HUB purchases, DIR contracts, TXSmartbuy and Council on Competitive Government are the majority of the Board's purchases and a vendor being a HUB is always checked, if an item is available to buy from a HUB vendor then that is the priority for the purchase.

F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Sec. 2161.252; TAC Title 34, Part 1, rule 20.14)

This is not applicable to our Board as we do not have contracts that are valued at \$100,000 or more.

G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

This is not applicable to our Board as we do not have biennial appropriations exceeding \$10 million.

H. Fill in the charts below detailing your agency’s Equal Employment Opportunity (EEO) statistics.

**Texas State Board of Veterinary Medical Examiners
Exhibits 17a – 17d: Equal Employment Opportunity Statistics FY2013-2015**

1. Officials / Administration

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	1	0%	8.99%	0%	19.51%	100%	39.34%
2014	1	0%	8.99%	0%	19.51%	100%	39.34%
2015	1	0%	8.99%	0%	19.51%	100%	39.34%

Exhibit 17a: EEO Statistics for Officials/Administration

2. Professional

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	6	0%	11.33%	0%	17.4%	83%	59.14%
2014	6	0%	11.33%	0%	17.4%	83%	59.14%
2015	6	0%	11.33%	0%	17.4%	100%	59.14%

Exhibit 17b: EEO Statistics for Professionals

3. Para-Professional

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	5	0%	14.16%	20%	21.36%	40%	41.47%
2014	5	0%	14.16%	0%	21.36%	40%	41.47%
2015	5	20%	14.16%	0%	21.36%	80%	41.47%

Exhibit 17c: EEO Statistics for Para-Professional

4. Administrative Support

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2013	4	0%	13.57%	25%	30.53%	100%	65.62%
2014	6	16.67%	13.57%	33.33%	30.53%	100%	65.62%
2015	6	16.67%	13.57%	33.33%	30.53%	100%	65.62%

Exhibit 17d: EEO Statistics for Administrative Support

I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

Our Board does have an equal employment opportunity policy which establishes a framework to ensure that all facets of employment, including recruitment, selection, assignment, training, promotion, and compensation are based on job-related factors such as an individual's education, qualifications, experience, demonstrated abilities and job performance.

Issues related to the equal employment opportunity policy are addressed in the Board's affirmative action plan as set forth by the Civil Rights Division of the Texas Workforce Commission.

XII. Agency Comments

We look forward to the Sunset Advisor Commission team's visit to provide the information needed to make a thorough assessment of our Board's operations.

Attachments

1. Veterinary Licensing Act
2. Board Notes – FY2014 – 2015
 - a. Fall-Winter 2013
 - b. Spring-Summer 2014
 - c. Fall-Winter 2014
3. Publications and Brochures
4. Board Member Biographical Information
 - a. Bud E. Alldredge, Jr., DVM
 - b. Janie Carpenter, DVM
 - c. Dan Craven, DVM
 - d. J. Todd Henry, DVM
 - e. Joe Mac King, DVM
 - f. Roland Lenarduzzi, DVM
 - g. James “Jim” McAdams
 - h. Keith Pardue
 - i. Chad Upham
5. Board Rules
6. Legislative Appropriations Request FY2016 – 2017
7. Annual Financial Reports – FY2012 – 2014
 - a. FY2012
 - b. FY2013
 - c. FY2014
8. Operating Budget – FY2103 – 2015
9. Quarterly Performance Reports – FY2012 – 2015
 - a. FY2012
 - b. FY2013
 - c. FY2014
 - d. FY2015 (*this will be a supplemental report*)
10. Strategic Plan
11. July 2011 Audit Report on Performance Measures
12. 2014 Customer Service Survey
13. Policy on Division of Responsibilities Between Board and Staff
14. Policy on Use of Technological Solutions to Improve Board Functions
15. Regular License Flowchart
16. Provisional License Flowchart
17. Special License Flowchart