



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Board Meeting Agenda
1106 Clayton Lane, Suite 125E
Austin, Texas
April 16, 2024
9:00 a.m.

The Texas Board of Veterinary Medical Examiners will consider and act, if necessary, on matters within the jurisdiction of the Board which are listed on this agenda. The Board may meet from time to time in closed executive session with respect to pending or contemplated litigation as authorized by the Texas Open Meetings Act. This meeting will take place at 1106 Clayton Lane, Suite 125E, Austin, Texas, via videoconference and will be broadcast on the Texas Department of Licensing and Regulation's (TDLR) YouTube channel: <https://www.youtube.com/user/TexasLicensing/streams>. The Board's presiding officer will be present at the meeting location. The meeting agenda and materials are available on TDLR's webpage at <https://www.tdlr.texas.gov/> and on the Board's webpage at <https://www.veterinary.texas.gov/meetingminutes.php>.

1. Full Board call to order, roll call, and vote on absences, if necessary
2. Consideration and Approval of March 6, 2024, Meeting Minutes
3. Public comments
Any person wishing to address the Board in person should complete a Public Comment Form and submit it to the Board Liaison at the meeting. Public Comments may also be made via email or videoconference. Any person wishing to address the Board via videoconference must submit an email by following the Public Comment Instructions found on the last page of this agenda or located at www.tdlr.texas.gov. Emails must be submitted to the Board liaison at board.comments@tdlr.texas.gov by 12 p.m., Monday, April 15, 2024. Comments will be limited to no more than three minutes. The Board will not hear public comment or testimony regarding a pending contested case.
4. Executive session [held in the 1st Floor Commission Executive Session Meeting Room]
 - a) *Consultation with the Board's and Commission's attorneys pursuant to Section 551.071(1), Government Code, concerning pending or contemplated litigation and/or settlement offers.*
 - b) *Advice from the Board's and Commission's attorneys on legal matters authorized by Section 551.071(2), Government Code.*

NOTE: The Board may adjourn into executive session to consider any item listed on this agenda if a matter is appropriate for executive session discussion.
5. Possible action or recommendations on items discussed in executive session

6. Director reports
 - a) Brittany Sharkey – Executive Director
 - b) Wendy Womack – Licensing
 - c) Mike Tacker – Enforcement
 - d) Kelly Phelps – Legal
 - e) Jerod Honrath – Compliance
 - f) Kandace Van Vlerah – Finance
7. Board committee reports
8. Discussion and possible recommendation to the Texas Commission of Licensing and Regulation regarding Default Dismissal Order SOAH Docket No. 578-23-23279, TBVME Complaint No. CP22-102, regarding Tiffany Marie Johnson
9. Discussion, recommendation, and possible action regarding appointment of members to the LVT and EDP Advisory Committees
10. Consideration and possible recommendation to the Texas Commission of Licensing and Regulation regarding approval of agreed orders

Case #	Name	License #	Practice City
CP21-274	Miguel Hernandez	-	
CP22-071 & CP20-322	Brittany Pugliese	-	
CP22-139	Jane Irene Cardona Mosley	-	
CP22-227	Jennifer Moon, DVM	13780	Leander
CP22-316	Christine Santos, DVM	13841	Salado
CP22-342	Katherine Richardson, DVM	7103	Houston
CP23-124	Joi King	-	
CP23-172	Carl Hicks	-	
CP23-377	Christopher Chiglo	-	
CP24-058	Danielle Moody	-	
CP24-180	Tracy Holland	-	
CP24-179	Caleb Witcher, DVM	16888	Livingston

11. Consideration and possible recommendation to the Texas Commission of Licensing and Regulation regarding dismissal of cases from informal conference

Case #
CP22-339
CP23-001

12. Consideration and possible recommendation to the Texas Commission of Licensing and Regulation regarding dismissal of cases from staff conference

Case #
CP19-239
CP19-279
CP20-123
CP21-191
CP21-258
CP21-284
CP21-320
CP22-163
CP22-331
CP23-058
CP23-060

Case #
CP23-093
CP23-112
CP23-212
CP23-234
CP23-245
CP23-274
CP23-293
CP23-325
CP23-364
CP24-087

13. Consideration and possible recommendation to the Texas Commission of Licensing and Regulation regarding dismissal of cases from medical review

Case #
CP21-049
CP22-125
CP22-126
CP22-129
CP22-324
CP22-338
CP22-351
CP22-364
CP23-005
CP23-025
CP23-038
CP23-056
CP23-062

Case #
CP23-069
CP23-080
CP23-089
CP23-117
CP23-118
CP23-119
CP23-130
CP23-132
CP23-138
CP23-141
CP23-143
CP23-146
CP23-149

14. Discussion of possible agenda items for future Board meetings

15. Adjourn

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

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

The Texas Board of Veterinary Medical Examiners will accept public comment for the April 16, 2024, meeting.

Online Public Comment Instructions

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

Written comments must be submitted to board.comments@tdlr.texas.gov by no later than 12:00 p.m. on Monday, April 15, 2024. Comments will be provided to the Board members for their review prior to the meeting but will not be read aloud during the public meeting.

If you wish to address the Board virtually during the public meeting, please provide your contact information to board.comments@tdlr.texas.gov by 12:00 p.m. on Monday, April 15, 2024. The day prior to the meeting, you will receive an email with a link to join the meeting. You will be given no more than three (3) minutes to speak. The Board President may reduce the time provided for public comments based on the number of requests received. Ensure that you have a reliable connection and clear audio. Sharing of pre-recorded audio or video is not allowed during the public comment period.

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

**DEADLINE FOR PUBLIC COMMENT REQUEST IS
12:00 PM, MONDAY, APRIL 15, 2024**

Board Members:

Dr. Steven C. Golla, DVM President
Sandra “Lynn” Criner, DVM, Vice President
Victoria Whitehead, JD, Secretary
Randall Skaggs, DVM
Sue Allen., LVT
Keith Pardue, JD
Raquel Olivier, CPA

AGENDA ITEM 1

CALL TO ORDER, ROLL CALL AND VOTE ON ABSENCES

(Dr. Golla & Ms. Whitehead)

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

May I have a roll call please...

Member Name

ATTENDANCE NOTATION*

Steven Golla, DVM, President

Sandra "Lynn" Criner, DVM, Vice President

Victoria Whitehead, JD, Secretary

Randall Skaggs, DVM, Member

Sue Allen, LVT, Member

Keith Pardue, JD, Member

Raquel Olivier, CPA, MBA, Member

If there are any absences...

- Do I have a motion to approve or deny the absences?

o I move that we approve the absence(s) of _____.

o I move that we deny the absence(s) of _____.

- Is there a second?

- Is there any discussion?

*

✓ = In Attendance

X = Absent (Please indicate if Not Excused)

AGENDA ITEM 2

CONSIDERATION AND APPROVAL OF THE March 6, 2024, MINUTES. The

minutes of the March 6, 2024, board meeting were sent to you for
review.

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



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

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

Summary of Board Meeting

Wednesday, March 6, 2024, at 9:00 a.m.

Board President, Dr. Steven Golla, called the meeting to order at 9:04 a.m.

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

President, Dr. Steven Golla, moved to agenda item 2., Consideration and Approval of January 23, 2024, Minutes. Board Member, Ms. Raquel Olivier, seconded by Mr. Keith Pardue, made a motion to approve the minutes. The motion passed.

President, Dr. Steven Golla, moved to agenda item 3., Public Comments. Heather Kutymba gave public comment. The Board also received one emailed public comment.

President, Dr. Steven Golla, moved to agenda item 4., Executive Session. The Board adjourned at 9:09 a.m. The Board returned at 10:12 a.m.

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

President, Dr. Steven Golla, moved to agenda item 6., Contested Cases-consideration and possible action (heard before State Office of Administrative Hearings).

Docket Number CP20-371 & CP21-435/578-23-02297; Staff Attorney, Mark Lee, spoke on this item. Dr. Steven Golla recused himself from this item. Dr. Kody Kothmann's attorney, David Brown, spoke for Dr. Kothmann. Board Member, Dr. Randall Skaggs, seconded by Mr. Keith Pardue made a motion to approve Proposal for Final Decision with the following alterations: amending the conclusion of law 15 to include a one year of probated suspension, six hours of continuing education for record keeping, anesthesia, and pain management; no surgical procedures requiring anesthesia for three months; quarterly reports certifying compliance with probation terms including sample records of ten cases for review. The motion passed.

Docket Number CP20-121 & CP22-059/578-22-2050, Staff Attorney, Mark Lee, spoke on item number two. Dr. Ashlee Watts's attorney, Donald Ferrill, spoke for Dr. Watts. Mr. Ferrill provided the Board with a motion he filed with the State Office of Administrative Hearings to recuse the Board. General Counsel for the Texas Department of Licensing and Regulation, Doug Jennings, asked that the Board go into Executive Session to review the motion. President, Dr. Steven Golla approved the request.



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

President, Dr. Steven Golla, moved to Item 4., Executive Session. The Board adjourned at 10:45 a.m. The Board returned at 11:07 a.m. No action was taken. Board member, Raquel Olivier, left the meeting during Executive Session.

President, Dr. Steven Golla, proceeded with agenda item 6., Contested Cases-consideration and possible action (heard before State Office of Administrative Hearings).

Docket Number CP20-121 & CP22-059/578-22-2050, Dr. Ashlee Watts's attorney, Donald Ferrill, spoke for Dr. Watts. Board Member, Mrs. Victoria Whitehead, seconded by Dr. Randall Skaggs made a motion to approve Proposal for Final Decision with the following alterations: to amend the conclusion of law 16 to change the sanction to full revocation of licensure and a \$15,000 administrative penalty. The motion passed.

President, Dr. Steven Golla, moved to agenda item 5., Adjourn. The meeting was adjourned at 11:34 a.m.

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

AGENDA ITEM 3

TAB 3

CITIZEN COMMENTS

(Dr. Golla)

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

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

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

AGENDA ITEM 4

EXECUTIVE SESSION TO DISCUSS PENDING AND CONTEMPLATED LITIGATION

(Dr. Golla)

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

AGENDA ITEM 5

RETURN FROM EXECUTIVE SESSION

RETURN TO OPEN SESSION STATEMENT:

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

Motion to approve all orders:

I move that we approve all Agreed Orders as presented.

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

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

AGENDA ITEM 6
EXECUTIVE DIRECTOR'S REPORT

(Ms. Sharkey)

Additional Reports will be verbally provided by the following:

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

This item is informational only, no vote needed.



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Executive Director's Report

April 16, 2024

Dear Members of the Board and Public,

Spring has sprung around the agency and with the new season, there are new developments as well. We are beginning work in on our strategic planning process and work is underway on our new database all the while the normal work of the agency continues. Licensing is seeing their customary annual uptick in applications as graduation approaches, enforcement continues to conduct investigations and inspections and legal is processing complaints and providing legal counsel.

Strategic Planning:

The agency's biennial strategic plan is due on June 1st of each even-numbered year. This plan helps the agency with long-range planning and decision making for what to ask for in the legislative appropriations request. We will be seeking input in a variety of ways from both internal and external stakeholders. Surveys will be going out to our mailing list as well as being posted on our website. We will close responses to this survey May 1. We will be having two virtual external group sessions to allow members of the public to weigh in on the direction of the agency. The first will be this Thursday, April 18th and the second one will be Thursday, May 2nd. More information about these focus groups can be found on our website. We will also be conducting internal focus groups with agency staff to ensure that their perspective is captured in the strategic planning process as well.

Database Procurement Updates

We have selected a vendor and begun work on the build out of the database. After weighing the two options brought in during the procurement process conducted in a joint effort with the Department of Information Resources (DIR) and the Texas Department of Licensing and Regulation (TDLR), the agency is moving forward with Deloitte. Deloitte is the vendor for DIR's Idea Ticket system. We have been quoted with a go-live in mid July and a fully operational system in mid to late August. I have been in daily meetings with the development team and they have additionally engaged the licensing team for their expertise. We are excited for this development and look forward to launching the new database in just a few short months.

Attachments:

Please find attached each department's update and a list of complaints dismissed by staff in the second quarter of FY 24 pursuant to Tex. Occ. Code 801.205.

Sincerely,

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

Brittany Sharkey, JD
Executive Director

Case #	DATE RECEIVED	DATE CLOSED	ALLEGATION	REASON CLOSED	TIME FROM OPEN TO CLOSE (DAYS)
CP24-064	10/30/2023	12/4/2023	SOC	DUPLICATE COMPLAINT	36
CP24-020	9/12/2023	12/5/2023	PVMWL	NON-JURISDICTIONAL	84
CP24-112	12/8/2023	12/11/2023	REFUSED PATIENT MED RECORDS	NON-JURISDICTIONAL	4
CP24-102	11/28/2023	12/11/2023	CONFIDENTIALITY	NON-JURISDICTIONAL	14
CP24-081	11/10/2023	12/12/2023	REFUSED TO WRITE PATIENT MED PRESCRIPTION	NON-JURISDICTIONAL	33
CP24-115	12/12/2023	12/18/2023	BILLING	NON-JURISDICTIONAL	7
CP23-006	9/1/2022	12/18/2023	PVMWL	NON-JURISDICTIONAL	474
CP24-121	12/15/2023	12/19/2023	SOC	NO VCPR	5
CP23-465	8/23/2023	12/19/2023	BILLING	NON-JURISDICTIONAL	119
CP24-103	11/28/2023	12/21/2023	SOC	NO VCPR	24
 					
CP22-169	2/10/2022	1/25/2024	SOC	COMPLAINT WITHDRAWN	715
CP22-170	2/10/2022	1/25/2024	SOC	COMPLAINT WITHDRAWN	715
CP22-171	2/10/2022	1/25/2024	SOC	COMPLAINT WITHDRAWN	715
CP22-172	2/10/2022	1/25/2024	SOC	COMPLAINT WITHDRAWN	715
CP22-175	2/11/2022	1/25/2024	SOC	COMPLAINT WITHDRAWN	716
CP24-136	1/10/2024	1/26/2024	BILLING/CUST SVC/SOC	NO VIOLATIONS	17
CP23-189	2/22/2023	1/26/2024	SOC	NO VIOLATIONS	339
CP23-363	7/7/2023	1/26/2024	SOC	VOLUNTARY COMPLIANCE	204
CP23-215	3/22/2023	1/26/2024	SOC	NON-JURISDICTIONAL	311
CP23-337	6/21/2023	1/26/2024	SOC	NO VCPR	220
CP23-467	8/31/2023	1/26/2024	SOC	INSUFFICIENT EVIDENCE	149
CP24-133	1/8/2024	1/26/2024	SOC	NO VIOLATIONS	19
CP24-099	11/27/2023	1/26/2024	BOARDING	NON-JURISDICTIONAL	65
CP24-139	1/12/2024	1/30/2024	SOC	2 YEAR STATUE OF LIMITATION	19
CP24-134	1/3/2024	1/30/2024	SOC	NON-JURISDICTIONAL	28
 					
CP24-157	1/24/2024	2/7/2024	SOC	NO VCPR	15
CP24-117	12/15/2023	2/13/2024	PVMWL	INSUFFICIENT EVIDENCE	61
CP24-118	12/15/2023	2/13/2024	PVMWL	INSUFFICIENT EVIDENCE	61
CP24-126	12/27/2023	2/14/2024	H,I, AND FAIR DEALING	DUPLICATE COMPLAINT	50
CP24-161	1/26/2024	2/15/2024	PATIENT RECORD AND RELEASE	NO VIOLATION	21
CP24-162	1/26/2024	2/15/2024	PATIENT RECORD AND RELEASE	NO VIOLATION	21
CP24-163	1/26/2024	2/15/2024	PATIENT RECORD AND RELEASE	NO VIOLATION	21
CP24-196	2/13/2024	2/15/2024	PVMWL	NO VIOLATION	3
CP24-212	2/22/2024	2/28/2024	H,I, AND FAIR DEALING	NO VIOLATION	7
CP23-298	5/22/2023	2/28/2024	SOC	DUPLICATE COMPLAINT	372
CP23-340	6/22/2023	2/28/2024	PVMWL	INSUFFICIENT EVIDENCE	252

CP23-341	6/22/2023	2/28/2024	PVMWL	INSUFFICIENT EVIDENCE	252
CP23-346	6/22/2023	2/28/2024	PVMWL	INSUFFICIENT EVIDENCE	252

April 16, 2024

The licensing team is reporting for the second quarter FY24 (December-February):

NEW LICENSES ISSUED

85 DVM licenses

3 Special licenses

8 Temporary licenses

0 EDP licenses

59 LVT licenses

FOR A TOTAL OF **155** NEW LICENSES ISSUED IN THE SECOND QUARTER

THE TOTAL AGENCY LICENSE COUNTS AS OF February 29, 2024, WERE:

10,221 DVM Regular licenses

57 DVM Special licenses

19 DVM Temporary licenses

2537 LVT Licenses

63 EDP Licenses

FOR A First Quarter End TOTAL OF **12,897** LICENSES

THIS CONCLUDES THE LICENSING REPORT. ARE THERE ANY QUESTIONS?

Enforcement Report

Enforcement – through end of March:

- Complaints received: 265
- Investigations completed: 277
- Open Investigations: 165
- Inspections completed: 984

Medical Review Cases Completed	27
Cases Pending	230
Case Closure by Enforcement	1
Cases Transferred to Legal	42
Remaining FY 22 Cases	1
Remaining FY 23 Cases	37
FY 24 Cases	127

Legal Update Report April 16, 2024

- **195 complaints** – below numbers are projections
 - Pending Board ICs – 26
 - Pending Board action – 68
 - Board orders pending signature – 20
 - Orders pending TCLR approval – 4
 - ON HOLD – pending civil/criminal proceedings – 10
 - Pending staff conference – 14
 - Filed at SOAH – 17
 - Pending SOAH filing – 18
 - Pending cease and desist – 2
 - Pending agreed order – 16

- **After Board Meeting/TCLR Meeting** – projected complaints remaining – approximately 116

COMPLIANCE DEPARTMENT UPDATE FOR APRIL 16TH BOARD MEETING

The Compliance Department currently has 33 licensee's that are being monitored regarding Board Orders. Compliance has seen requests for CE Hardship Extensions during this fiscal year decline. This can be attributed to CE's being able to be obtained online and more avenues for learning that way. The task of DPS Fingerprint validations is continuing to take quite a bit of time to accomplish daily. It will continue for the next year or so given the number of licensees that were initially fingerprinted when the requirement came into place. Every licensee will have their fingerprints validated after 5 years to make sure they are still an active licensee per state and federal guidelines. Staying on the fingerprint topic, 497 new fingerprints have been reviewed for applicants so far, this fiscal year. I have also seen a bit of an uptick in licensees getting arrested and failing to report that to our agency over the past few months.

The Compliance Department (Director Honrath) as of this update has fielded 410 phone calls for compliance, licensing, fingerprints, CE, and general agency related questions from licensees and applicants this fiscal year. The number of calls is trending in a slight decline as more information is now on our website and numerous employees are getting well versed in our agency's rules and regulations. The Compliance Department has also assisted with 124 agency-related requests within various departments of our agency as well this fiscal year.

CE Audits continue to be performed by Enforcement investigators during their inspections. The Compliance Dept. will follow-up with licensees that are found to be in violation or aid in course related CE questions. A new database will allow the process of CE auditing to become very streamlined as that mechanism currently does not exist with our current system.

**** Overall Compliance Statistics are attached ****

**** It should be noted that these statistics are as of 04/01/24 ****

COMPLIANCE STATISTICS FY 2024

- Criminal History Evaluations/Reviews/Calls--- 8
- CE and General Compliance Related Phone Calls Answered/Returned-- 410
- Hardships Granted for CE's--- 23
- Opioid Presentations and Course Material Reviews--- 3
- Outside Agency Requests/Assistance--- 7
- Background Investigations--- 8
- Current Open Compliance Cases--- 33
- Fingerprints Reviewed--- 497
- CE Audits Performed--- (Enforcement has stats on the majority performed)
- CE Audit Follow-Up--- 11
- Legal/Enforcement/Finance/Licensing Division Requests Performed--- 124
- Failure to Report Warning Letters--- 3
- TDLR Meetings--- 4
- Audit Meetings--- 8

Texas Board of Veterinary Medical Examiners
Budget Analysis for Fiscal Year 2024 as of April 2, 2024

	Licensure	Complaints	Indirect-Licensure	Indirect-Compliance	
Appropriation Number	13001	13002	13800	13801	
Appropriations - GR	\$ 987,755.00	\$ 2,341,563.00	\$ 83,024.00	\$ 83,123.00	\$ 3,495,465.00
Excess Collected Revenue					
Appropriation Transfers Out	\$ 15,277.00	\$ 15,277.00			\$ 30,554.00
Cash Revenue	\$ 11,432.00				\$ 11,432.00
Est Col Rev Posted	\$ 5,527.00				\$ 5,527.00
Appropriation Transfers In	\$ 31,125.00	\$ 40,000.00			\$ 71,125.00
Lapsed Appropriations					
Cash Rsrvd - Payroll	\$ 5,211.54	\$ 16,152.98			
Total Receipts	\$ 1,015,350.46	\$ 2,350,133.02	\$ 83,024.00	\$ 83,123.00	\$ 3,531,630.48
Total Expenditures	\$ 254,610.29	\$ 692,806.96	\$ 33,840.28	\$ 32,134.98	\$ 1,013,392.51
Cash Budget Balance	\$ 743,781.17	\$ 1,657,326.06	\$ 49,183.72	\$ 50,988.02	\$ 2,501,278.97
Budget Balance Minus Capital Budget Item					\$ 1,372,208.97
APPN Cash Available	\$ 749,686.17	\$ 1,657,326.06	\$ 62,842.96	\$ 50,988.02	\$ 2,520,843.21
APPN Cash Available Minus Capital Budget Item					1,391,773.21

The current budget for the agency is holding steady in the third quarter of the fiscal year. We are currently 66% of our way through the fiscal year and have spent an estimated 42% of our current budget.

As of April 2, 2024, the agency has generated an estimated \$1,420,450 in revenue.

Texas Board of Veterinary Medical Examiners
Budget Analysis for Fiscal Year 2024 as of April 2, 2024

TBVME
Other Appropriations

	Licensure	Complaints	Indirect-Licensure	Indirect-Compliance	
	13001	13002	13800	13801	
Appropriation Number					
Appropriations - GR	\$ 987,755.00	\$ 2,341,563.00	\$ 83,024.00	\$ 83,123.00	\$ 3,495,465.00
Excess Collected Revenue					
Appropriation Transfers Out	\$ 15,277.00	\$ 15,277.00			\$ 30,554.00
Cash Revenue	\$ 11,432.00				\$ 11,432.00
Est Col Rev Posted	\$ 5,527.00				\$ 5,527.00
Appropriation Transfers In	\$ 31,125.00	\$ 40,000.00			\$ 71,125.00
Lapsed Appropriations					
Cash Rsvrd - Payroll	\$ 5,211.54	\$ 16,152.98			
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Cash Budget Balance	\$ 743,781.17	\$ 1,657,326.06	\$ 49,183.72	\$ 50,988.02	\$ 2,501,278.97
Budget Balance Minus Capital Budget Item					\$ 1,372,208.97
APPN Cash Available	\$ 749,686.17	\$ 1,657,326.06	\$ 62,842.96	\$ 50,988.02	\$ 2,520,843.21
APPN Cash Available Minus Capital Budget Item					1,391,773.21

Peer Assistance	Texas Online
13006	13007
85,500.00	40,000.00
85,500.00	40,000.00
33,750.00	32,902.00
-	-
33,750.00	32,902.00
28,812.38	21,271.00
56,687.62	18,729.00
4,937.62	11,631.00

Expenditures	Licensure	Complaints	Indirect-Lic	Indirect-Comp	LAR Budget	Percentage Spent	Peer Assistance	Texas Online
	13001	13002	13800	13801		66.67%	13006	13007
1001 - Salaries and wages								
7001 Exempt Salaries	31,912.44	31,912.44	-	-				
7002 Sal-Full Time Class	185,632.43	573,320.00	-	-				
7003 Sal/Wages-Class&N/C-Perm fult	-	-	-	-				
7007 Sal/Wages-Class&N/C-Perm fult	-	-	-	-				
Subtotal - Salaries and Wages	217,544.87	605,232.44	-	-	1,858,462.00	44%	-	-
1002 - Other Personnel Costs								
7017 One-time Merits	-	5,000.00	-	-				
7022 Longevity	1,455.92	4,849.44	-	-				
7023 Lump Sum Termination Payment	9,537.02	-	-	-				
7025 Compensatory of Salary Per Diem	-	-	630.00	-				
7033 Employee Rtrmmt-Oth Emplmmt Exp	2,244.41	563.53	-	-				
Subtotal - Other Personnel Costs	13,237.35	10,412.97	630.00	-	24,060.00	101%	-	-
2001 - Professional Fees and Services								
7243 Educational/Training Services	387.50	2,242.50	3,000.00	3,900.00				
7245 Financial and accounting svc	1,829.00	-	1,180.00	1,180.00				
7253 Other Professional Services	89.25	1,625.00	2,250.00	2,250.00			28,500.00	
7275 Information Tech Svc	337.81	337.81	-	-				
Subtotal - Professional Fees and Services	2,643.56	4,205.31	6,430.00	7,330.00	57,405.00	36%	28,500.00	-
2002 - Fuels and Lubricants								
7304 Fuels and Lubricants-Other	-	-	-	-				
Subtotal - Fuels and Lubricants	-	-	-	-	150.00	0%	-	-
2003 - Consumable Supplies								
7300 Consumables	2,192.22	2,918.32	2,008.16	43.50				
Subtotal - Consumable Supplies	2,192.22	2,918.32	2,008.16	43.50	1,200.00	597%	-	-

Expenditures	Licensure	Complaints	Indirect-Lic	Indirect-Comp	LAR Budget	Percentage Spent	Peer Assistance	Texas Online
	13001	13002	13800	13801		66.67%	13006	13007
2004 - Utilities								
7516 Cell Phone Charges	-	10,207.84	-	-	10,207.84		-	-
7526 Waste Disposal	135.00	90.00	-	-	225.00		-	-
Subtotal - Utilities	135.00	10,297.84	-	-	10,432.84	9,760.00	107%	-
2005 - Travel								
7101 Travel-In St-Pub Trans	-	3,258.88	-	-	3,258.88			
7102 Travel-In-State Mileage	-	8,959.67	-	-	8,959.67			
7105 Travel-InState Incident	-	839.34	-	-	839.34			
7106 Travel-In State Meals	-	14,697.42	612.84	-	15,310.26			
7107 Travel-In State Non-Overnight (Meals)	-	-	-	-	-			
7110 Travel In-State - Brd Mem Meals & Lodging	-	397.92	-	-	397.92			
7116 Travel Out-of-State - Meals & Lodging	-	-	-	-	-			
7135 Travel In-State - State Hotel Occ Tax	-	10.95	-	-	10.95			
Subtotal - Travel	-	28,164.18	612.84	-	28,777.02	264,080.00	11%	-
2007 - Rent - Machine and Other								
7406 Rental - Equipment	-	-	962.29	962.30	1,924.59		-	-
Subtotal - Rent - Machine and Other	-	-	962.29	962.30	1,924.59	6,120.00	31%	-
2009 - Other Operating Expense								
7040 Additional Payroll Ret. Cont.	1,113.66	3,106.25	-	-	4,219.91			
7042 Payroll Health Insurance 1%	1,575.39	4,221.90	-	-	5,797.29			
7201 Membership Dues	-	-	525.00	510.00	1,035.00			
7203 Registration Fees	-	-	325.00	325.00	650.00			
7210 Fees and Other Charges	40.00	195.00	-	-	235.00			
7211 Awards	-	-	-	-	-			
7219 Fees for Rec. Electronic	-	-	-	-	-		-	21,271.00
7262 Maint & Repair-Comp Sftware-Expensed	-	-	22,044.93	22,044.93	44,089.86			
7273 Preproduction/Printing	250.00	-	-	-	250.00			
7276 Communication Svcs	-	143.00	-	-	143.00			
7286 Freight Delivery	649.65	445.80	-	-	1,095.45			
7291 Postal Services	7,699.17	7,500.00	225.00	225.00	15,649.17			
7299 Purchased Contracted Services	-	-	-	-	-			
7334 Furn & Equip-expensed	245.07	1,311.03	-	-	1,556.10			
7335 Parts-Computer Equipment Expsd	-	-	-	-	-			
7377 Personal Prop-Comp Equip-Expnsd	-	7,389.00	-	-	7,389.00			
7380 Comp SW-5000 or less	3,967.20	3,967.20	-	623.54	8,557.94			
7470 Rental of Space	372.72	372.72	-	-	745.44			
7806 Interest on Late Pmts	31.77	11.35	71.14	70.71	184.97		312.38	
7947 SORM Pmt	619.03	619.03	-	-	1,238.06			
7961 Telecomm-Cap Compl	962.50	962.50	-	-	1,925.00			
7962 Cap. Cplx. Transfers	1,016.31	1,016.30	-	-	2,032.61			
7984 Unemployment Compensation Benefit Trsfr	314.82	314.82	5.92	-	635.56			
Subtotal - Other Operating Expense	18,857.29	31,575.90	23,196.99	23,799.18	97,429.36 **	216,283.00	45%	312.38
Grand Total	254,610.29	692,806.96	33,840.28	32,134.98	1,013,392.51	2,437,520.00	42%	28,812.38

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

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

AGENDA ITEM 7
BOARD COMMITTEE REPORTS

(Dr. Golla)

Additional Reports will be verbally provided by the following:

- Executive Committee- *Dr. Golla*
- Enforcement Committee- *Dr. Criner*
- Licensing Committee- *Dr. White*
- Finance Committee- *Dr. Skaggs*
- Rules Committee- *Dr. Golla*

This item is informational only, no vote needed.

AGENDA ITEM 8

**DISCUSSION AND POSSIBLE RECOMMENDATION TO THE TEXAS
COMMISSION OF LICENSING AND REGULATION REGARDING DEFAULT
DISMISSAL ORDER SOAH DOCKET NO. 578-23-23279, TBVME
COMPLAINT NO. CP22-102, REGARDING TIFFANY MARIE JOHNSON**

(Ms. Phelps)

SOAH Docket No. 578-23-23279

Suffix: TBVME

**BEFORE THE
STATE OFFICE OF ADMINISTRATIVE
HEARINGS**

**TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS,
PETITIONER
v.
TIFFANY MARIE JOHNSON,
RESPONDENT**

DEFAULT DISMISSAL ORDER

On February 13, 2024, the Administrative Law Judge (ALJ) convened a hearing on the merits in this matter via Zoom videoconference. Attorney Mark Lee appeared on behalf of the staff (Staff) of the Texas Board of Veterinary Medical Examiners (TBVME. Tiffany Marie Johnson (Respondent) did not appear and was not represented at the hearing. Staff Exhibits P-1 through P-5¹ were admitted, and the ALJ took official notice of SOAH's file in this case, including specifically the order which set the hearing by Zoom videoconference and provided instructions for participating in the hearing. Collectively, these exhibits and orders showed proof of

¹ Staff's exhibits include: P-1 (Notice of Hearing mail documents); P-2 (Respondent Address documents); P-3 (Complaint with Flyer); P-4 (BVME Report of Investigation); and P-5 (TBVME Cover Text).

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

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

Signed FEBRUARY 26, 2024



AMY DAVIS
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

² 1 Tex. Admin. Code § 155.501(b).

³ 1 Tex. Admin. Code § 155.501(d)(1).

⁴ 1 Tex. Admin. Code § 155.501(e).

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

Automated Certificate of eService

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

Envelope ID: 84878899

Filing Code Description: Default Dismissal Order

Filing Description: DEFAULT DISMISSAL ORDER

Status as of 2/26/2024 9:01 AM CST

Associated Case Party: Texas Board of Veterinary Medical Examiners

Name	BarNumber	Email	TimestampSubmitted	Status
Texas Veterinary Board Legal Team		Legal@veterinary.texas.gov	2/26/2024 8:50:29 AM	SENT

ACCEPTED
578-23-23279
3/22/2024 9:19:45 am
STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Kevin Garza, CLERK

State Office of Administrative Hearings

Kristofer S. Monson
Chief Administrative Law Judge

March 22, 2024

Mark Lee

VIA EFILE TEXAS

Tiffany Marie Johnson
11343 Creek Eagle
San Antonio, TX 78245

VIA REGULAR MAIL

**RE: Docket Number 578-23-23279.TBVME; Texas Board of
Veterinary Medical Examiners No. CP22-102; Texas Board of
Veterinary Medical Examiners v. Tiffany Marie Johnson**

Dear Parties:

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

CC: Service List

Automated Certificate of eService

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

Envelope ID: 85842905

Filing Code Description: Letter of Remand after Default Dismissal Order

Filing Description: Letter of Remand after Default Dismissal Order

Status as of 3/22/2024 9:20 AM CST

Associated Case Party: Texas Board of Veterinary Medical Examiners

Name	BarNumber	Email	TimestampSubmitted	Status
Texas Veterinary Board Legal Team		Legal@veterinary.texas.gov	3/22/2024 9:18:17 AM	SENT

SOAH DOCKET NO. 578-23-23279

TBVME COMPLAINT NO. CP22-102

IN THE MATTER	§	TEXAS BOARD
OF	§	OF VETERINARY
TIFFANY MARIE JOHNSON	§	MEDICAL EXAMINERS

FINAL DEFAULT CEASE AND DESIST ORDER

On this day the Texas Board of Veterinary Medical Examiners ("Board") considered the matter of Tiffany Marie Johnson ("Respondent").

FINDINGS OF FACT

1. The Respondent was served with the Complaint and a Notice of Hearing by certified mail and first class mail (pursuant to an Order of the Administrative Law Judge) on December 21, 2023.
2. The Notice of Hearing informed the Respondent that a hearing for this case would be conducted by ZOOM teleconference on February 13, 2023, at the State Office of Administrative Hearings ("SOAH").
3. The Respondent did not file any answer or other documentation with SOAH or make an appearance at the hearing that was conducted on February 13, 2023, and all factual allegations in the Complaint are deemed to be true.
4. Respondent, Tiffany Marie Johnson of San Antonio, Texas, does not hold a Texas veterinary license.
5. Respondent solicited for and practiced veterinary medicine on at least 4 occasions from at least April 23, 2019.
6. Respondent represented that she was a licensed veterinarian on at least 2 occasions from at least November 18, 2021.
7. On February 26, 2023, SOAH issued its DEFAULT DISMISSAL ORDER, informing the Respondent that the case would be finally dismissed from SOAH and remanded to the Board unless she filed a Motion to Set Aside the default within 15 days from the date of the Order.
8. As of March 22, 2024, the Respondent did not file any motion with SOAH.

CONCLUSIONS OF LAW

1. Pursuant to Chapter 801, Texas Occupations Code, the Board has jurisdiction over this matter.

Respondent received notice as required by law.

2. Pursuant to Section 801.022 of the Texas Occupations Code, the Board is attached to The Texas Department of Licensing and Regulation (TDLR). TDLR and its Executive Director assume administration of the Board's powers under Texas Occupations Code, §801.022 (a) and (b), including the Board's administrative functions. Accordingly, the TDLR Executive Director may adopt this Cease and Desist Order and chooses to do so upon recommendation by the Board.
3. Section 801.002(5) of the Texas Occupations Code states that "Practice of veterinary medicine" means: any diagnosis, treatment, correction, change, manipulation, relief, or prevention of animal disease, deformity, defect, injury, or other physical condition, including the prescription or administration of a drug, biologic, anesthetic, apparatus, or other therapeutic or diagnostic substance or technique; any representation of an ability and willingness to perform an act listed previously listed; any use of a title, a word, or letters to induce the belief that a person is legally authorized and qualified to perform an act previously listed; or the receipt of compensation for performing an act previously listed.
4. Section 801.402(19) of the Texas Occupations Code states that a person may not represent to the public that the person is a veterinarian unless licensed as a veterinarian by the Board.
5. Section 801.402(20) of the Texas Occupations Code states that a person may not practice veterinary medicine or assist in the practice of veterinary medicine without a license issued by the Board.
6. It appears to the Board that Respondent has violated Section 801.402(19) of the Occupations Code.
7. It appears to the Board that Respondent has violated Section 801.402(20) of the Occupations Code.
8. Respondent is subject to a cease-and-desist order pursuant to Section 801.508 of the Occupations Code.

TERMS OF ORDER

Now, therefore, the Board ORDERS the following:

1. Respondent shall refrain from representing that she is a veterinarian, for so long as Respondent is not a licensed veterinarian.
2. Respondent shall refrain from practicing veterinary medicine, as defined above, or offering or attempting to practice veterinary medicine for so long as Respondent is not a licensed veterinarian.
3. A violation of this Order constitutes grounds for imposition of an administrative penalty not to exceed \$5,000 for each violation per day. If an administrative penalty assessed pursuant to

Chapter 801, Occupations Code, is not timely paid, the matter may be referred to the Office of the Attorney General for collection.

The effective date of the terms of this Order shall be the date it is adopted by TDLR, unless stated otherwise.

THEREFORE, the Texas Department of Licensing and Regulation, upon recommendation by the Board of Veterinary Medical Examiners, does hereby adopt this Order. This Order is effective and final on this _____ day of _____, 20____.

Brian Francis, Executive Director
Texas Department of Licensing and Regulation

AGENDA ITEM 9

**DISCUSSION, RECOMMENDATION, AND POSSIBLE ACTION
REGARDING APPOINTMENT OF MEMBERS TO THE LVT AND
EDP ADVISORY COMMITTEES**

(Dr. Golla)

AGENDA ITEM 10

**CONSIDERATION AND POSSIBLE RECOMMENDATION TO THE
TEXAS COMMISSION OF LICENSING AND REGULATION
REGARDING APPROVAL OF AGREED ORDERS**

(Ms. Phelps)

AGENDA ITEM 11

**CONSIDERATION AND POSSIBLE RECOMMENDATION TO
THE COMMISSION OF LICENSING AND REGULATION
REGARDING DISMISSAL OF CASES FROM INFORMAL
CONFERENCE**

(Ms. Phelps)

AGENDA ITEM 12

**CONSIDERATION AND POSSIBLE RECOMMENDATION TO
THE TEXAS COMMISSION OF LICENSING AND REGULATION
REGARDING DISMISSAL OF CASES FROM STAFF
CONFERENCE**

(Ms. Phelps)

AGENDA ITEM 13

**CONSIDERATION AND POSSIBLE RECOMMENDATION TO THE
TEXAS COMMISSION OF LICENSING AND REGULATION
REGARDING DISMISSAL OF CASES FROM MEDICAL REVIEW**

(Ms. Phelps)

AGENDA ITEM 14

DISCUSSION OF POSSIBLE AGENDA ITEMS FOR FUTURE BOARD MEETINGS

(Dr. Golla)

AGENDA ITEM 15

MEETING ADJOURN