

DOCKET NO. 2009-34

IN THE MATTER § TEXAS STATE BOARD OF

OF THE LICENSE OF §

MARCUS ALEXANDER, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this, the 11th day of June, 2009, came on to be considered by the Texas Board of Veterinary Medical Examiners (Board) the matter of the license of MARCUS ALEXANDER, D.V.M. (Respondent). Pursuant to §801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on March 6, 2009. The Respondent waived his right to appear at the settlement conference. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby dispose of the issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a formal hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided him.

Upon recommendation of the Enforcement Committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law as set forth below.

Findings of Fact

1. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.
2. As the result of an investigation by the Board following a complaint received by Gary Pratt of Laurel, Mississippi, the Board determined that Marcus Alexander, D.V.M., of Tyler Animal Emergency Clinic, Tyler, Texas, failed to keep the required patient records for "Buddy." Mr. Pratt presented "Buddy" to Respondent for lack of appetite and inability to stand. Respondent performed a physical examination, blood profile and fecal test. Respondent released "Buddy" to continue with Mr. Pratt on his trip to California, and gave him a syringe to administer subcutaneous fluids to "Buddy." Respondent's patient records for "Buddy" do not include "other details necessary to substantiate the examination, diagnosis, and treatment" provided "Buddy." Specifically, the records contain no reference to Respondent's observations, subsequent treatment plans or discussion of hospitalization and/or observation of "Buddy" with the client. Therefore, Respondent's patient records do not meet the Board's requirements.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's rules.
2. Based on Findings of Fact 1 & 2, Respondent has violated Rule 573.52, PATIENT RECORD KEEPING, of the Board's Rules of Professional Conduct, which states that a licensee shall include in the patient records "other details necessary to substantiate the examination, diagnosis and treatment provided."
3. Based on Conclusions of Law 1 and 2, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(6) engages in practices or conduct that violates the board's rules of professional conduct.

4. Based on Conclusions of Law 1-3, Respondent may be disciplined in the manner set out in §801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules, and in the manner set out in §801.401 DISCIPLINARY POWER OF BOARD.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of five hundred dollars (\$500.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, an enforcement action will be initiated against Respondent, per the Board's Rules and the Act.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act and the laws of the State of Texas and the United States.
2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this order.

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provision of the Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives his right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense in any hearing before the Board.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

Marcus Alexander, D.V.M.
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I, MARCUS ALEXANDER, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

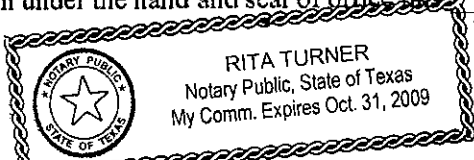
Marcus Alexander DVM
MARCUS ALEXANDER, D.V.M.

4-7-2009
DATE

STATE OF TEXAS
COUNTY OF SMITH

BEFORE ME, on this day, personally appeared Marcus Alexander, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 7 day of April, 2009



Rita Turner
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 11th day of June 2009.

Bud E. Alldredge, Jr.
Bud E. Alldredge, Jr., D.V.M.
President of the Board

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TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS