



“Sam” in the head with a .22 rifle.

4. The patient records for “Toby” and “Sam” do not contain individual records for each dog. The records do not contain the correct dosages and routes of administration of euthanasia solution as observed by Mr. Garza.
5. The controlled substances records produced by Dr. Baker do not contain, for each drug listed, the date of acquisition; quantity purchased; date administered or dispensed; quantity administered or dispensed; name of client and patient receiving the drugs; diagnosis; and balance on hand.
6. Based on Finding of Fact 2, Dr. Baker’s euthanasia procedure of injecting solution into the dogs’ thorax, does not constitute the exercise of the same degree of humane care, skill and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in Edinburg, Texas or similar communities.

#### **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 Finding of Fact 4, Dr. Baker has violated Rule 573.52, PATIENT RECORD KEEPING, of the Board’s Rules of Professional Conduct.
4. Based on Finding of Fact 5, Dr. Baker has violated Rule 573.50, CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND, of the Board’s Rules of Professional Conduct.
5. Based on Finding of Fact 6, Dr. Baker has violated Rule 573. 22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, of the Board’s Rules of Professional Conduct
6. Based on Findings of Fact 2 and 4 through 6 and Conclusions of Law 1 through 5, 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 . . .
7. Based on Conclusions of Law 1 through 6, Respondent is subject to disciplinary action under

Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose a civil penalty.

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

The Board ORDERS that James M. Baker, D.V.M., be officially REPRIMANDED.

The Board further ORDERS that Respondent pay a CIVIL PENALTY of One Thousand Dollars (\$1000.00) within forty-five (45) days of the Board's approval of this Order.

The Board further ORDERS that Respondent take and pass the Board's JURISPRUDENCE EXAMINATION within thirty (30) days of the Board's approval of this Order.

The Board further ORDERS that Respondent's license to practice veterinary medicine in the state of Texas be SUSPENDED for thirty (30) days of the date of the Board's approval of this Order. If Respondent takes and passes the JURISPRUDENCE EXAMINATION within thirty (30) days of the Board's approval of this Order, the SUSPENSION will be lifted at the end of the 30-day period. If Respondent does not take and pass the JURISPRUDENCE EXAMINATION within 30 days of the Board's approval of this Order, the SUSPENSION will continue for successive 30-day periods until Respondent takes and passes the JURISPRUDENCE EXAMINATION. Respondent may take the JURISPRUDENCE EXAMINATION once every 30 days.

Each 30-day suspension remains in effect for the full 30 days regardless of when during the 30-day period the JURISPRUDENCE EXAMINATION is taken and passed. For example, if the Board adopts this Order on February 13, 2003, the first 30-day suspension period will begin on February 13 and remain in effect until March 13, 2003. If Respondent takes and passes the JURISPRUDENCE EXAMINATION on February 28, 2003, the suspension will still remain in effect until March 13, 2003.

The Board further ORDERS that during the period(s) of suspension, Respondent shall not engage in any activities constituting the practice of veterinary medicine. If Respondent does engage in the practice of veterinary medicine during a period of suspension, the Board will prosecute

Respondent to the fullest extent of the law.

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 provisions of the Licensing 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 formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he had the right to be represented by legal counsel in this matter.

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 effective date of this Agreed Order shall be the date it is adopted by the Board.

I, JAMES M. BAKER, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND 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.

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JAN 27 2003

James M. Baker, D.V.M.  
James M. Baker, D.V.M.

1-20-03  
Date

STATE OF TEXAS §  
COUNTY OF Hidalgo §

BEFORE ME, on this day, personally appeared James M. Baker, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 20 day of Jan., 2003



Merlene Bledsoe  
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the \_\_\_\_\_ day of \_\_\_\_\_, 2003.

[Signature]  
J. Lynn Lawhon, D.V.M., President