

DOCKET NO. 2014-156

IN THE MATTER	§	TEXAS STATE BOARD OF
	§	
OF THE LICENSE OF	§	VETERINARY
	§	
JOHN F. BITTER, DVM	§	MEDICAL EXAMINERS

AGREED ORDER

On this the 3 day of June, 2014, came on to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of JOHN F. BITTER, DVM ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on March 20, 2014, to consider alleged violations of the Veterinary Licensing Act and the Board's rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a conference under Section 801.2056 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

Upon the recommendation of the staff committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact

1. Respondent, JOHN F. BITTER, DVM of Argyle, Texas, holds Texas Veterinary License 8106.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (Act). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners (Board Rules) (22 Tex. Admin. Code, Chapter 575).
3. On January 30, 2014, a Board investigator conducted a compliance inspection at the Argyle Veterinary Hospital ("Hospital"), which is owned by Respondent. During the inspection Dr. Brooks Butler, who is employed by the Hospital, could not produce proof of his controlled substance registration with the Texas Department of Public Safety ("DPS"). Dr. Butler never possessed a DPS registration, including during his employment at the Hospital. The Hospital's office manager provided information demonstrating that Dr. Butler administered, dispensed, and prescribed controlled substances since June 2013 while working at the Hospital.

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 Facts 1 through 3, Respondent has violated Rule 573.12, RESPONSIBILITY FOR LICENSURE OF LICENSED PERSONS, of the Board's Rules of Professional Conduct, which requires a veterinarian who employs and/or supervises another veterinarian practicing veterinary medicine to assure that the person meets the requirements of Rule 573.43, concerning controlled substances registration, for registration with the federal Drug Enforcement Administration and the Texas Department of Public Safety.

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 2 and 3, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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, the Board may apply any payment to the Board to renew a license to pay any outstanding administrative fee owed to the Board.

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. 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.

I, JOHN F. BITTER, DVM, 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.



JOHN F. BITTER, DVM

4-22-14

Date

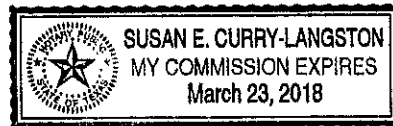
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STATE OF TEXAS
COUNTY OF Denton

BEFORE ME, on this day, personally appeared JOHN F. BITTER, DVM, 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 22 day of April, 2014.

Susmylangston
Notary Public



SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY
MEDICAL EXAMINERS on this the 3rd day of June, 2014.

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