DOCKET NO. 2008-67

IN THE MATTER                     §       TEXAS BOARD OF

OF THE LICENSE OF                 §       VETERINARY

NANCY E. BLAKEMAN, D.V.M.         §       MEDICAL EXAMINERS

REVISED AGREED ORDER

On this, the 16th day of October, 2008, came on to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of NANCY E. BLAKEMAN, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on June 2, 2008 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 their understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to them.

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. 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 a compliance inspection, the Board determined that Dr. Nancy E. Blakeman failed to maintain a current Texas Department of Public Safety (DPS) Controlled Substances Certificate. Dr. Blakeman's controlled substance registration expired on January 31, 2006. On February 11, 2008, the Board opened an investigation and determined that Nancy E. Blakeman, D.V.M., San Antonio, Texas, could not show proof of current registration with DPS. DPS issued a new DPS registration to Dr. Blakeman on February 21, 2008. In 2007, Dr. Blakeman sent in an application and a check to DPS. DPS cashed the check but never processed the application.

3. Dr. Blakeman dispensed controlled substances to animals after January 31, 2006, the expiration date of her controlled substance registration.

4. As the result of the investigation, the Board also determined that Dr. Blakeman could not show proof of continuing education (CE) obtained for the seventeen (17) hours required for calendar year
2005. On April 22, 2008, Dr. Blakeman admitted to failure to have completed the continuing education requirements for that period.

5. Dr. Blakeman did not timely request a hardship extension for the hours missed in 2005.

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 and 3, Respondent has violated Rule 573.43, MISUSE OF DEA NARCOTICS REGISTRATION, of the Board’s Rules of Professional Conduct, which states that a licensee may not prescribe, dispense, deliver or order delivered, any controlled substance, unless he is currently registered with the DEA and the DPS.

3. Based on Findings of Fact 4 and 5, Respondent has violated Rule 573.64, CONTINUING EDUCATION REQUIREMENTS, of the Board’s Rules of Professional Conduct, which requires a veterinarian to annually acquire seventeen hours of acceptable CE.

4. Based on Conclusions of Law 1 through 3, 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 seven hundred and fifty dollars ($750.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent’s license shall be suspended until the penalty is paid.

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 their understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that they 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 their right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that they are entitled to be represented by an attorney of Respondent's choice at their 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.

I, NANCY E. BLAKEMAN, 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.

__________________________  ________________________
Nancy E. Blakeman, D.V.M.    June 19, 2008  DATE
STATE OF TEXAS
COUNTY OF __BEXAR__

BEFORE ME, on this day, personally appeared Nancy E. Blakeman, 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 19th day of __June__, 2008.

Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 16th day of __Oct__, 2008.

President of the Board