

DOCKET NO. 2010-52

IN THE MATTER OF

§

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

THE LICENSE OF

§

VETERINARY

SUSAN C. BOEVING, D.V.M.

§

MEDICAL EXAMINERS

AGREED ORDER

On this date March 22, 2010, came to be considered by the Texas Board of Veterinary Medical Examiners (Board) the matter of the license of Susan C. Boeving, D.V.M. (Respondent) Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on February 17, 2010. The Respondent was represented by counsel, Louis Leichter. 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 informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

Upon the recommendation of the Enforcement 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, Susan C. Boeving, D.V.M. of Keller, Texas holds Texas veterinary license 7315.
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. Based on information received from Kay A. Wigginton, D.V.M. of Parkside Animal Hospital, an investigation was opened involving Susan C. Boeving, D.V.M., regarding diversion of controlled substances for self medication. On October 13, 2009, Dr. Boeving surrendered her Drug Enforcement Administration (DEA) controlled substances registration. Dr. Boeving's Department of Public Safety (DPS) controlled substances registration expired October 20, 2009.
4. According to Dr. Wigginton, Dr. Boeving is addicted to drugs and had been stealing

controlled substances from the veterinary practice for the previous five years. Dr. Wigginton had only recently become aware of the issue. Dr. Boeving admits to improprieties with respect to Dr. Boeving's DEA and DPS controlled substance registrations.

5. On June 5, 2009, Dr. Boeving was voluntarily admitted to Talbot Recovery Center and was discharged on September 6, 2009. On September 8, 2009, Dr. Boeving voluntarily entered into a five year contract with the Texas Veterinary Peer Assistance Program. Dr. Boeving has been in compliance with the requirements of the Peer Assistance Program since she has entered such program.

**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 Facts 1 through 6, Respondent has violated Section 801.402 (3) of the Veterinary Licensing Act, Texas Occupations Code, **GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION**, which states a licensee is subject to disciplinary action for being chronically or habitually intoxicated, chemically dependent, or addicted to drugs.

3. Based on Conclusions of Law 1 and 2, 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 an administrative penalty.

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

Based on the above Findings of Fact and Conclusions of Law, the Board **ORDERS** that Susan C. Boeving, D.V.M., be **FORMALLY REPRIMANDED**.

The Board further **ORDERS** that Respondent's license be **SUSPENDED** for five (5) years, with said **SUSPENSION STAYED** and Respondent placed on **PROBATION** for the entire period of **SUSPENSION**.

Based on the above Findings of Fact and Conclusions of Law, the Board **ORDERS** that Respondent continue her Peer Assistance Contract for the period of the contract and to follow any recommendations of the Peer Assistance Program Coordinator. In addition, if Respondent has more than one missed call in a six month period, one missed drug screening in a six month

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Susan Boeving, D.V.M.

period, or tests positive, without a legitimate prescription for any drug Respondent tests positive for, under the Respondent's Peer Assistance Contract, further and immediate disciplinary action may be taken by the Board and is considered a violation of this Board Order.

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS Respondent not apply for a Drug Enforcement Administration controlled substance registration for Schedule drugs I, II, or III in her name for one year from the date of this order. Prior to her application for Schedule I, II, or III controlled substance registration, Respondent shall appear before the Board to determine the appropriateness of the request, as well as receive the approval of the Peer Assistance Program director to apply for such registration.

The Board further ORDERS that:

- 1 Respondent shall abide by the Board's 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 her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that she 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 her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she 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. 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, SUSAN C. BOEVING, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING THIS ORDER, 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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Susan Boeving, D.V.M.

Susan C. Boeving DVM  
Susan C. Boeving, D.V.M.

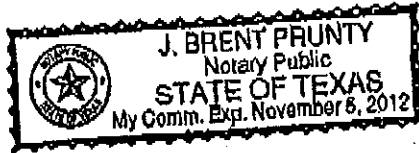
3/18/10  
Date

STATE OF TEXAS §  
COUNTY OF Johnson §

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

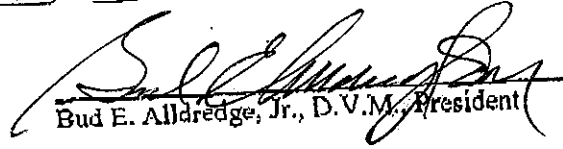
Given under the hand and seal of office this 18 day of March, 2010

J. Brent Prunty  
Notary Public



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Susan Boeving, D.V.M.

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 22 day of March, 2010.

  
Bud E. Alldredge, Jr., D.V.M., President

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Susan Boeving, D.V.M.