

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
333 Guadalupe, Suite 2-330
Austin, Texas 78701

DOCKET NUMBER 1996-08
LARRY BROOKS, D.V.M.
LICENSE NUMBER 3725

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Larry Brooks, and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement, the defendant, Dr. Brooks, will be granted a continuance at his option.

Dr. Brooks does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that (1) the Board may treat the allegations of fact and law as true and (2) the findings shall have the same force and effect as if evidence and argument were presented in support of the allegations. Respondent understands and intends that by so stating, he is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES: Dr. Brooks violated Rules of Professional Conduct: 573.52 Patient Record Keeping by failing to record in the patient record, names, amounts and strengths of medications dispensed; 573.40 Labeling of Medications Dispensed by failing to label medications dispensed; 573.28 Maintenance of Sanitary Premises by failing to remove animal feces from around the kennels and not properly cleaning the kennels; and, 573.41 Use of Prescription Drugs by failing to examine and diagnose the condition of a dog before dispensing prescription drugs.

RECOMMENDED DISCIPLINARY ACTION:

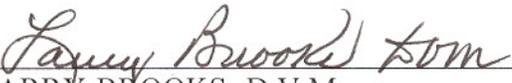
Official Reprimand

CONDITIONS:

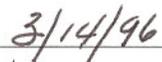
1. Take and pass the State Board Jurisprudence Examination.
2. Bring patient records into compliance.
3. Provide the Board with copies of his revised record keeping system.
4. Clean up and keep clean his clinic and kennel area.

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5. Agree to unlimited unannounced inspection of patient records and facilities.
6. All deficiencies noted must be brought into compliance within forty-five days of the Board's approval of this settlement.



LARRY BROOKS, D.V.M.



Date



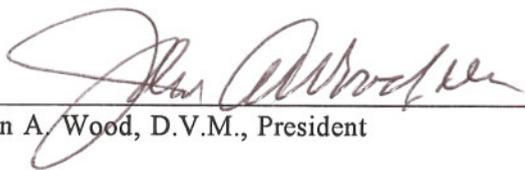
RON ALLEN, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS



Date

The foregoing Agreed Order, entered into between Dr. Larry Brooks, the Board Secretary, and the Board's Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 13th day of June, 1996, ordered that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 13th day of June 1996.



John A. Wood, D.V.M., President

6-13-96

Date



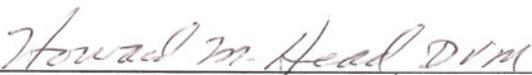
James N. Gomez, D.V.M., Vice-President

Date



Michael J. McCulloch, D.V.M., Secretary

Date



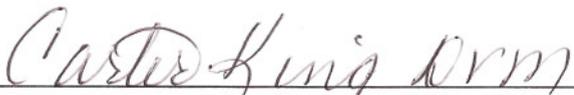
Howard Head, D.V.M., Member

6/13/96

Date

Robert I. Hughes, Jr., D.V.M., Member

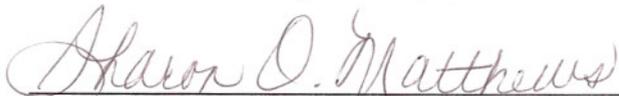
Date



D. Carter King, D.V.M., Member

6-13-96

Date



Sharon O. Matthews, Member

6-13-96

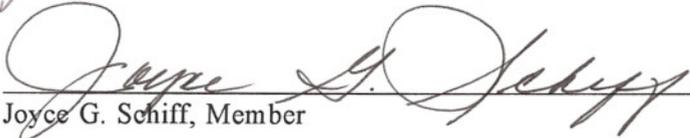
Date



Jean McFaddin, Member

6/13/96

Date



Joyce G. Schiff, Member

6/13/96

Date

DOCKETED COMPLAINT NO. 1996-08

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 3725
vs.	§	1995 RENEWAL CERTIFICATE
LARRY BROOKS, D.V.M.	§	NUMBER 2961

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Mike Carroll, who after being duly sworn, did depose and say:

On or about May 26, 1995, Mike Carroll, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Larry Brooks, D.V.M., Junction Veterinary Clinic, P.O. Box 63, Junction, Texas, 76849, Veterinary License Number 3725, 1995 Renewal Certificate Number 2961, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Mike Carroll, do hereby present the following complaint against Larry Brooks, D. V. M.

I.

On or about May 23, 1995, after the clinic had closed for the day, Sheriff's Deputy Scott Hensley took his Police Drug Dog "Robbie", for routine boarding, to the Junction Veterinary Clinic, Highway 83 North, Junction, Texas, owned by Dr. Larry Brooks.

II.

On or about the evening of May 25, 1995, after the clinic had closed for the day, Deputy Hensley went to Dr. Brooks' clinic to pick up his dog.

III.

Upon picking up his dog, Deputy Hensley, observed blood and dog feces on the inside of the run in which the dog was kenneled and on the outside of the kennel. He examined the dog and discovered cuts on its legs and feet. Upon further examination he discovered the dog had ticks and fleas which were not present when he brought the dog in to board. Deputy Hensley stated that the dog's overall appearance was gaunt, the water pail was turned over, and the dog appeared to be dehydrated. Pictures were taken at this time by Deputy Hensley.

IV.

On or about the evening of May 25, 1995, the dog was taken to Dr. Daniel Fritz, Gillespie Animal Clinic, 402 South Creek, Fredericksburg, Texas, and treated for its injuries.

V.

On or about May 30, 1995, Investigator Carroll, a State Veterinary Board Investigator, drove to the Junction Veterinary Clinic and spoke with Dr. Brooks concerning this complaint. At this time Dr. Brooks informed Mike Carroll that he had fed and watered Mr. Hensley's dog before leaving the clinic at around 5:00pm on May 25, 1995. He also stated that the dog was not injured at that time. This was approximately 1 1/2 to 2 hours before Deputy Hensley took the pictures.

VI.

On or about May 30, 1995, Investigator Carroll took pictures of the same area as those taken by Deputy Hensley. There was little improvement in the cleanliness of the kennel area with the exception of the removal of a dead mouse from the floor. The blood and hair were still in the kennel and the feces was still on the floor outside the kennel. On this same date Investigator Carroll obtained a copy of the patient record for Deputy Hensley's dog "Robbie".

VII.

On two different occasions Dr. Brooks dispensed Heartgard to Deputy Hensley for "Robbie" and on at least one occasion he dispensed a bottle of Penicillin and Delta Albaplex tablets, without examining and diagnosing the dog.

VIII.

The only medication shown on the patient record is the one dispensing of Heartgard. There is no record for the other Heartgard medication or for the Penicillin or Delta Albaplex.

IX.

None of the four prescription medications dispensed to Deputy Hensley for his dog "Robbie" contained Dr. Brooks' dispensing label.

X.

By failing to maintain his clinic in a safe and sanitary condition as described in paragraphs III V and VI, Dr. Brooks has violated 573.28 - Maintenance of Sanitary Premises of the Rules of Professional Conduct.

XI.

By failing to establish a valid client/patient relationship as described in paragraph VII, Dr. Brooks has violated Rule 573.41 - Use of Prescription Drugs of the Rules of Professional Conduct.

XII.

By failing to keep proper patient record as described in paragraph VIII, Dr. Brooks has violated Rule 573.52 - Patient Record Keeping of the Rules of Professional Conduct.

XIII.

By failing to properly label medications as described in paragraph IX, Dr. Brooks has violated Rule 573.40 - Labeling of Medications Dispensed of the Rules of Professional Conduct.

XIV.

By violating the Rules of Professional Conduct as described in paragraphs X through XIII, Dr. Brooks has also violated Section 14 (a) (5) of the Veterinary Licensing Act, Article 8890.

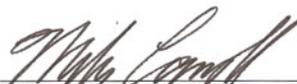
ARTICLE 8890, SECTION 14

(a). . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee . . . if it finds that a licensee:

(5)has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with a law;

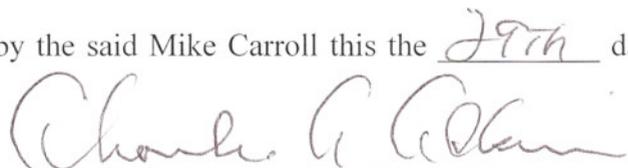
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 29TH day of FEBRUARY, 1996.

Further, Affiant sayeth not.

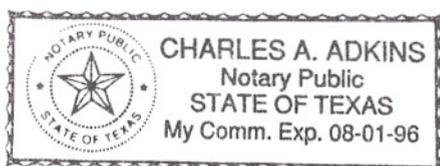


Mike Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 29th day of FEBRUARY, 1996.



Charles A. Adkins, Notary Public in and for Texas



The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Larry Brooks, D.V.M. under Docketed Number 1996-08 this the 29TH day of FEBRUARY, 1996



Michael J. McCulloch, DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners