DOCKET NO. 2010-29

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
JAMES L. BROOKS, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 22 day of March, 2010, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of James L. Brooks, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on November 30, 2009. The Respondent was not represented by counsel. 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 his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

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. From early April 2008 (medical records do not reflect a specific date) through September 2008, Linda Portz of Menard, Texas, presented her seven year-old male Golden Retriever, "Cody" to James L. Brooks, D.V.M., Junction, Texas, of Junction Veterinary Clinic for pain experienced from walking.

2. The medical records for "Cody" completed by Dr. Brooks do not meet the requirements set forth under Rule of Professional Conduct §573.52, specifically the records are for multiple animals on one record, the records do not reflect multiple visits, and do not state the names, dosages, concentration and routes of administration of each drug prescribed, administered and/or dispensed.

Agreed Order 2010-29
James L. Brooks, D.V.M.
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 and 2, Respondent has violated Rule 573.52 PATIENT RECORD KEEPING, which requires veterinarians to maintain individual patient records, to record the dates of visits, and record the names, dosages, concentration and routes of administration of each drug prescribed, administered and/or dispensed.

3. Based on Findings of Fact 1 and 2 and 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 1 through 3, 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:

(a) refuse to examine an applicant or to issue or renew a license;
(b) revoke or suspend a license;
(c) place on probation a license holder or person whose license has been suspended;
(d) reprimand a license holder; or
(e) impose an administrative penalty.

(d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

Agreed Order 2010-29
James L. Brooks, D.V.M.
NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that James L. Brooks, D.V.M., be INFORMALLY REPRIMANDED.

In addition, the Board ORDERS that James L. Brooks, D.V.M. complete an additional THREE (3) hours of continuing education in recordkeeping within one year of the date of this order. Documentation of the completion of the continuing education penalty shall be received by thirty (30) days following the end of the period to receive the continuing education required for this Order. If Respondent fails to provide documentation of completion within forty-five (45) days from the end of the period to receive the continuing education, Respondent’s license shall be suspended until the continuing education penalty is completed and documentation is received by 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 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, and Findings of Fact and Conclusions of Law set forth herein, 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. 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 L. BROOKS, 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.

James L. Brooks, D.V.M.

Date

STATE OF TEXAS  
COUNTY OF Kimber $ §

BEFORE ME, on this day, personally appeared JAMES L. BROOKS, 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 1st day of December, 2009

TOMMIE LYNN MANSFIELD
Notary Public, State of Texas
My Commission Expires
DEC. 11, 2010

Notary Public

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

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

Agreed Order 2010-29
James L. Brooks, D.V.M.