

DOCKET NO. 2008-43

IN THE MATTER	§	TEXAS STATE BOARD OF
	§	
OF THE LICENSE OF	§	VETERINARY
	§	
RICKEY A. BROUSSARD, D.V.M.	§	MEDICAL EXAMINERS

**AGREED ORDER**

On this, the 19<sup>th</sup> day of June, 2008, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of RICKEY A. BROUSSARD, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on February 7, 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 that may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.
2. As the result of an investigation initiated by a complaint, the Board determined that Rickey A. Broussard, D.V.M., Ingleside, Texas, placed an advertisement that contained a material misrepresentation of fact. Dr. Broussard's advertisement for Ingleside Animal Hospital in the Yellow Pages stated "24 Hour Emergency Service." However, based upon Dr. Broussard's statement and the statement made by the complainant, Dr. Broussard only provides 24 Hour Emergency Service to his current clients not to the general public.
3. For Dr. Broussard to advertise his clinic, Ingleside Animal Hospital, provides 24 Hour Emergency Service, without disclosing this is only for his current clients, is a material misrepresentation of fact.

### 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 573.30, ADVERTISING, of the Board's Rules of Professional Conduct, which states a veterinarian may not engage in advertising that is false, deceptive, or misleading.
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 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:

- (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 Rickey A. Broussard, D.V.M., be INFORMALLY REPRIMANDED.

The Board further ORDERS that Respondent modify any advertisement for Ingleside Animal Hospital or Dr. Rickey A. Broussard to remove the statement "24 Hour Emergency Service" or disclose the emergency service "is for existing clients only." These changes shall be made at the first available opportunity for the Respondent.

Respondent shall submit compliance with this Board Order upon the publication of the modified advertisement(s).

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, RICKEY A. BROUSSARD, 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.



Rickey A. Broussard, D.V.M.

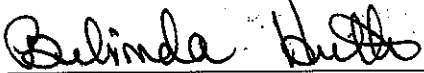
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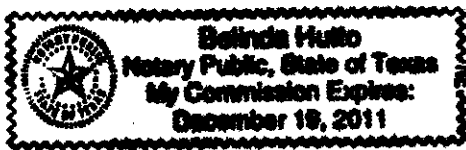
STATE OF TEXAS  
COUNTY OF SAN PATRICIO

BEFORE ME, on this day, personally appeared Rickey A. Broussard, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that they executed the same for the purposes stated therein.

Given under the hand and seal of office this 4<sup>th</sup> day of March, 2008.



Notary Public



SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 19<sup>th</sup> day of June, 2008.



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