DOCKETED COMPLAINT NO. 1988-4 (Concluded)

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
vs.
JOE EDWARD CANNON, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 2724
1987 RENEWAL CERTIFICATE NUMBER 2693

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 4th day of February, 1988, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Westin Hotel, El Paso, El Paso County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint as well as for consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said JOE EDWARD CANNON, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present to-wit:

DR. W. L. "DUB" ANDERSON, President of Addison, TX
MR. JIM F. HUMPHREY, Vice-President of Henrietta, TX
DR. FRED K. SOIFER, Secretary of Houston, TX
DR. LARRY M. DUBUISSON, Member of Weslaco, TX
MRS. OLIVIA R. EUDALY, Member of Crowley, TX
MR. MIKE LEVI, Member of Spicewood, TX
DR. ROBERT D. LEWIS, Member of Elgin, TX
DR. MARY E. MAINSTER, Member of San Antonio, TX
DR. EDWARD S. MURRAY, Member of Spur, TX

At 9:00 a.m., the appointed hour, the President of the Board, DR. W. L. "DUB" ANDERSON ordered the case to proceed at which time it was ascertained that JOE EDWARD CANNON, D.V.M. was not present, nor represented by legal counsel; the Board then proceeded and on the same day, February 4, 1988, all of the above members of said Board being present and participating with the exception of the Secretary of the Board, makes the following findings to-wit:

FINDINGS OF FACT

I.

JOE EDWARD CANNON, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 2724, 1987 Renewal Certificate Number 2693.
II.

Dr. Cannon received notice of this hearing on or about January 19, 1988.

III.

The Respondent administered the following dosages of Ritalin, 20 mg., (Methylphenidate Hydrochloride), a Schedule II drug, on the dates reflected for training purposes and when not necessary or required for care of the animals:

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<th>DATE ADMINISTERED</th>
<th>QUANTITY</th>
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TOTAL ADMINISTERED:

121 Tablets

CONCLUSIONS OF LAW

I.

By administering the 121 tablets of 20 mg. Ritalin, (Methylphenidate Hydrochloride) for training purposes and when not necessary or needed for the care of the animals, JOE EDWARD CANNON, D.V.M. has violated Rule 33 of the Rules of Professional Conduct which states:

RULE 33 -

It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession for a veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person, narcotic drugs, dangerous drugs, or any controlled substances that are not necessary or required for the care of animals, or where the use or possession of such drugs would promote addiction thereto. For purposes of the rule the term Narcotic Drugs, Dangerous Drugs, and Controlled substances shall mean those which are defined and recognized as such by any law of the State of Texas or of the United States.

II.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Cannon's veterinary license under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.C.S., Section 14(e) which states:
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"... the Board may revoke or suspend a license, place a
person whose license has been suspended on probation or repri-
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licensee:
(3) 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 the law."

ORDERS

Dr. Cannon was not present; however, a Negotiated Settlement was reached between
Dr. Cannon, his attorney, Mr. Jonathan Smith, and Board Staff prior to the hearing. A
majority of the Board voted to accept the Negotiated Settlement (attached) and Texas
Veterinary License No. 2724 heretofore issued to JOE EDWARD CANNON, D.V.M. by the
TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS is HEREBY SUSPENDED for one year
with the entire period being PROBATED. Dr. Cannon is to obtain 15 hours of continuing
education during the probationary year and pay a civil penalty of $1,000.00. Further,
Dr. Cannon is to provide quarterly reports to the Board indicating continued
compliance with this Order and abide by the laws and rules of the State of Texas as
they pertain to the practice of veterinary medicine.
TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH-35, Box 113
Austin, TX 78745

DOCKET NUMBER 1988-4
JOE EDWARD CANNON, D.V.M.
LICENSE NUMBER: 2724

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Joe Edward Cannon, his attorney Mr. Jonathan Smith, and the Texas State Board of Veterinary Medical Examiners staff 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. Cannon will be granted a continuance at his option.

Dr. Cannon will not contest the allegations set forth in the Complaint and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he/she 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:
Administering the scheduled drug Ritalin for use in training horses and not for a medical purpose.

RECOMMENDED DISCIPLINARY ACTION:

1. One (1) year suspension, all probated, effective February 4, 1988.

CONDITIONS:

1. Agree to a civil penalty of one thousand ($1,000.00) dollars.

2. Obtain fifteen (15) hours of Continuing Education during the probation year.

3. Provide quarterly reports to the Board indicating continued compliance with this Order.

4. Abide by the laws and rules of Texas as they pertain to the practice of veterinary medicine.

Donald B. Wilson, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Penny Boyer
Witness
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Penny Loyet
DOCKETED COMPLAINT NO. 1988-4

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vs.

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pliance with this Order and abide by the laws and rules of the State of Texas as they
pertain to the practice of veterinary medicine.
The foregoing Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the FINDINGS AND ORDERS of the Board, a quorum and a majority of the members of such Board being present and participating in such hearing, deliberations and decision, and such FINDINGS AND ORDERS are made on the 4th day February, 1988, in El Paso, El Paso County, Texas.

The Secretary of the Board is hereby ordered to prepare the Board's Findings and Orders in appropriate form and submit to the members of the Board for their signatures and to mail a copy of same to the Respondent at his last known address.

Executed this 4th day of February, 1988.

W. L. Anderson, D.V.M.
W. L. "Dub" Anderson, D.V.M., President

Jim F. Humphrey, Vice-President

Fred K. Soffer, D.V.M.
Fred K. Soffer, D.V.M., Secretary

Larry M. Dubuisson, D.V.M., Member

Olivia F. Eudaly, Member

Mike Devi, Member

Robert D. Lewis, D.V.M., Member

Mary E. Mainster, D.V.M.
Mary E. Mainster, D.V.M., Member

Edward S. Murray, D.V.M., Member

February 4, 1988
DOCKETED COMPLAINT NO. 1988-4

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

JOE EDWARD CANNON, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 2724
1987 RENEWAL CERTIFICATE NUMBER 2693

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public and for Texas, on this day personally appeared THOMAS CHESHIRE, who after being duly sworn, did depose and say:

"I, THOMAS CHESHIRE, being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one DR. JOE EDWARD CANNON, Parkway Animal Clinic, 629 North Carrier Parkway, Grand Prairie, Dallas County, Texas, Texas Veterinary License Number 2724, 1987 Renewal Certificate Number 2693, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, THOMAS CHESHIRE do hereby present the following complaint against JOE EDWARD CANNON, D.V.M., who is hereinafter called Respondent.

I.

Respondent dispensed the following dosages of Ritalin, 20 mg., (Methylphenidate Hydrochloride), a Schedule II drug, on the dates reflected for training purposes and when not necessary or required for care of the animals:

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TOTAL DISPENSED: 121 Tablets
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The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 21st day of December, 1987.

Further, Affiant sayeth not.

THOMAS CHESIRE, Affiant
SUBSCRIBED and SWORN TO before me by the said THOMAS CHISHIRE, this the 21st. day of December, 1987.

[Signature]
JUDY C. SMITH
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. JOE EDWARD CANNON, D.V.M. under Docketed Number 1988-4, this the 28th. day of December, 1987.

[Fred K. Soifer]  
FRED K. SOIFER, D.V.M., Secretary  
TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS