This negotiated settlement has been entered by agreement between Dr. Robert Otis Colvin, his attorney Mr. Robert Kuehm, 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. Colvin will be granted a continuance at his option.

Dr. Colvin does 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 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:

1. Dr. Colvin has violated Article 7465a, Section 7(b), of the Veterinary Licensing Act and Rule 30 of the Rules of Professional Conduct by failing to maintain records on Schedule II drugs.

2. Dr. Colvin has violated Rule 33 of the Rules of Professional Conduct by obtaining Schedule II drugs for self administration.

3. Dr. Colvin has violated Article 7465a, Section 14(b) of the Veterinary Licensing Act by addiction to drugs.

RECOMMENDED PENALTY:

1. License suspension for two years, all probated.

CONDITIONS:

1. Surrender Schedule II and IIN Controlled Substances Certificate (this has already been accomplished) to be reinstated at the discretion of the Board.

2. Participate in the after-care program as prescribed by the Hotel Dieu Treatment Program in conjunction with the TVMA Peer Assistance Program.

3. Submit quarterly progress reports to the Executive Secretary during the probation period. The report will include the results of a quarterly no-notice drug screening test conducted through the TVMA Peer Assistance Program.
4. Abide by Article 7465a, Veterinary Licensing Act and the Rules of Professional Conduct for the profession duly promulgated by the Texas Board of Veterinary Medical Examiners.

Robert O. Colvin, D.V.M.
ROBERT OTIS COLVIN, D.V.M.
Date: 1-27-87

Donald B. Wilson, Executive Secretary
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
Date: 1/16/87

Witness
Date: 1/29/87
THE STATE OF TEXAS

BEFORE THE TEXAS STATE

BOARD OF VETERINARY MEDICAL EXAMINERS

ROBERT OTIS COLVIN, D.V.M.

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 29th day of January, 1987, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Hyatt Regency Hotel in Fort Worth, Tarrant 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 ROBERT OTIS COLVIN, 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. ED B. AVERY, President of Pearsall, TX
DR. EDWARD S. MURRAY, Vice-President of Spur, TX
DR. W. L. "DUB" ANDERSON, Secretary of Addison, TX
MR. JIM F. HUMPHREY, Member of Henrietta, TX
MR. MIKE LEVI, Member of Spicewood, TX
DR. MARY E. MAINSTER, Member of San Antonio, TX
DR. FRANK E. MANN, JR., Member of Wharton, TX
DR. FRED K. SOIFER, Member of Houston, TX

At 9:00 a.m., the appointed hour, the President of the Board, DR. ED B. AVERY ordered the case to proceed at which time it was ascertained that ROBERT OTIS COLVIN, D.V.M. and his legal counsel, ROBERT C. KUEHM, were present in person; the Board then proceeded to hear the evidence presented by the State, and by ROBERT KUEHM, Attorney for Dr. Colvin, and on the same day, January 29, 1987, all of the above members of said Board being present and participating, makes the following findings, to-wit:

FINDINGS OF FACT

I.

ROBERT OTIS COLVIN, D.V.M., is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License 3389, 1986 Renewal Certificate Number 3498 with offices at Desert East Animal Hospital, 11635 Pellicano, El Paso, El Paso County, Texas.
II.
ROBERT OTIS COLVIN, D.V.M. received notice of this hearing on or about November 10, 1986.

III.
ROBERT OTIS COLVIN, D.V.M. was present before the Board and was represented by legal counsel.

IV.
Between the May, 1984 through June, 1986 DR. COLVIN, utilizing his DEA Controlled Substances Registration Number AC 2071277, ordered the following Schedule II Substances on DEA 222 Forms and has no records as to the disposition of these drugs:

<table>
<thead>
<tr>
<th>ORDERED</th>
<th>SUBSTANCE &amp; STRENGTH</th>
<th>TOTAL QUANTITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>85 ampules (17 orders)</td>
<td>Demerol (100 mg.)</td>
<td>109 ml.</td>
</tr>
<tr>
<td>2 ampules (1 order)</td>
<td>Morphine (15 mg.)</td>
<td>4 ml.</td>
</tr>
<tr>
<td>30 ampules (3 orders)</td>
<td>Numorphan (1 mg.)</td>
<td>30 ml.</td>
</tr>
</tbody>
</table>

V.
From the period May, 1984 through June, 1986 DR. COLVIN, wrote the following Triplicate Prescriptions (Reg. No. K0031926) and has no records as to the disposition of the drugs:

<table>
<thead>
<tr>
<th>NO. RXS</th>
<th>AMT. PRESCRIBED</th>
<th>SUBSTANCE &amp; STRENGTH</th>
<th>TOTAL QUANTITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>123</td>
<td>615 Ampules</td>
<td>Demerol (100 mg.)</td>
<td>698 ml.</td>
</tr>
<tr>
<td>1</td>
<td>12 Tablets</td>
<td>Percodan (4.8 mg.)</td>
<td>12 tabs</td>
</tr>
</tbody>
</table>

VI.
For the period September 20, 1986 through October 17, 1986, ROBERT OTIS COLVIN, D.V.M. was admitted to the Hotel Dieu Treatment Center for treatment of chronic abuse and addiction to chemical substances.

CONCLUSIONS OF LAW

I.
The Board concludes that DR. COLVIN entered into a Negotiated Settlement and that he does 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 is not admitting 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.

ORDER

It is hereby ORDERED that Texas Veterinary License No. 3389, heretofore issued to ROBERT OTIS COLVIN, D.V.M. by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, be and the same is HEREBY SUSPENDED for a period of two (2) years, from the date this Order is received by the Defendant, PROVIDED HOWEVER, that the execution of this Order of Suspension be and it is HEREBY PROBATED upon the following conditions:

1. That Dr. Colvin surrender his Schedule II and IIN Controlled Substances Certificate to be reinstated at the discretion of the Board.

2. That Dr. Colvin participate in the after-care program as prescribed by the Hotel Dieu Treatment Program in conjunction with the TVMA Peer Assistance Program.

3. That Dr. Colvin submit quarterly progress reports to the Executive Secretary during the probation period. The report will include the results of a quarterly no-notice drug screening test conducted through the TVMA Peer Assistance Program. The first report is due April 1, 1987.

4. That Dr. Colvin abide by Article 7465a, Veterinary Licensing Act and the Rules of Professional Conduct for the profession duly promulgated by the Texas Board of Veterinary Medical Examiners.
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 29th day January, 1987, in Fort Worth, Tarrant 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 29th day of January, 1987.

Ed B. Avery, D.V.M., President

W. L. "DUB" ANDERSON, D.V.M., Secretary

JIM F. HUMPHREY, Member

MARY E. MAINSTER, D.V.M., Member

FRANK E. MANN, JR., D.V.M., Member

FRED K. SCIFER, D.V.M., Member

Edward S. Murray, D.V.M., Member
DOCKETED COMPLAINT NO. 1987-3

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
vs.
ROBERT OTIS COLVIN, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 3389
1986 RENEWAL CERTIFICATE NUMBER 3498

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared ERNIE M. CARROLL, who after being duly sworn, did depose and say:

"I, ERNIE M. CARROLL, 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. ROBERT OTIS COLVIN, D.V.M., Desert East Animal Hospital, 11635 Pellicano, El Paso County, El Paso, Texas, Texas Veterinary License Number 3389, 1986 Renewal Certificate Number 3498, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, ERNIE M. CARROLL, do hereby present the following complaint against ROBERT OTIS COLVIN, D.V.M., who is hereinafter called Respondent.

I.

Between the May, 1984 through June, 1986 DR. COLVIN, utilizing his DEA Controlled Substances Registration Number AC 2071277, ordered the following Schedule II Substances on DEA 222 Forms (See Exhibit A) and
IV.

By acquiring the controlled substances outlined in paragraphs I and II and failing to maintain records on same, DR. ROBERT O. COLVIN has violated Rule 30 of the Rules of Professional Conduct which states in part:

"Texas veterinarians shall maintain at their place of business records of all drugs listed in Schedule II of 21 Code of Federal Regulation, Part 1300 to end, in their possession. These records shall be maintained for a minimum of five (5) years. The Board shall prescribe a form for keeping records of those Schedule II substances which shall contain the following information:
A. Date of Acquisition
B. Quantity Purchased
C. Date Administered, Dispensed, or Prescribed
D. Quantity Administered, Dispensed, or Prescribed
E. Name of Client and Patient receiving the Drug(s)
F. Diagnosis
G. Balance on Hand"

V.

By writing the Triplicate Prescriptions listed in Paragraph II, for other than use in treating animals, DR. ROBERT OTIS COLVIN has violated Rule 33 of the Rules of Professional Conduct which states"

"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."
VIII.
ROBERT OTIS COLVIN, D.V.M. is a licensed veterinarian in the State of Texas, having received license number 3389 on August 3, 1973 from the Texas Board of Veterinary Medical Examiners. DR. COLVIN has renewed his license each year since its issuance and on February 20, 1986, he received renewal certificate number 3498.

IX
The Texas Veterinary Licensing Act, Article 7465a, Vernor's Annotated Texas Statutes, Section 14(b), (c) and (e) which states:
"... the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensess, ... if it finds that an applicant or licensee:
(b) is chronically or habitually intoxicated or is addicted to drugs; or
(c) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine; or
(e) 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; or"

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 14th day of November, 1986.

Further, Affiant sayeth not.
<table>
<thead>
<tr>
<th>NO. OF PACKAGES</th>
<th>SIZE OF PACKAGE</th>
<th>AMOUNT</th>
<th>NATIONAL DRUG CODE</th>
<th>PACKAGES SHIPPED</th>
<th>DATE SHIPPED</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>10</td>
<td>0.5 mg/1 ml</td>
<td>05901 02701 10</td>
<td>1</td>
<td>5-18-84</td>
</tr>
</tbody>
</table>

---

**TO BE FILLED IN BY PURCHASER**

**NO. OF LINES COMPLETED**: 2

**SIGNATURE OF PURCHASER OR HIS ATTORNEY OR AGENT**: Robert O. Colvin, DVM

---

**TO BE FILLED IN BY SUPPLIER**

**STREET ADDRESS**: 10400 Vista Del Sol

**SUPPLIERS DEA REGISTRATION No.**: AC 2738409

---

<table>
<thead>
<tr>
<th>NO. of Packages</th>
<th>Size of Package</th>
<th>Name of Item</th>
<th>National Drug Code</th>
<th>Packages Shipped</th>
<th>Date Shipped</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>1 cc</td>
<td>Demerol 100 mg/1 ml</td>
<td>10024013615010</td>
<td>5</td>
<td>6-2-86</td>
</tr>
</tbody>
</table>

---

Date Issued: 02-22-86

DEA Registration No.: AC 2071277

**SIGNATURE OF PURCHASER OR HIS ATTORNEY OR AGENT**: Robert O. Colvin, DVM

---

**NO. OF LINES COMPLETED**: 2

**DEA REGISTRATION NO.**: AC7353826

**SCHEDULES**: 2, 2N, 3, 3N, 4, 5

**REGISTERED AS A PRACTITIONER**

**DATE ISSUED**: 10/26/77

**NO. OF THIS ORDER FORM**: G29902172

**CITY AND STATE**: El Paso, Texas

**STREET ADDRESS**: 10301 Gateway West

**SUPPLIERS DEA REGISTRATION No.**: AV 2517665
Fluxofulfil 8 ml 4 mg bid orally (osteosarcoma)
Fleshy fulchit, 8/4/86 orally 500 (Streptomycin)

3/1/86
3/2/86
3/3/86
3/4/86
3/5/86
3/6/86
3/7/86
3/8/86
3/9/86
3/10/86
3/11/86
3/12/86
3/13/86
3/14/86
3/15/86
3/16/86
3/17/86
3/18/86
3/19/86
3/20/86
3/21/86
3/22/86
3/23/86
3/24/86
3/25/86
3/26/86
3/27/86
3/28/86
3/29/86
3/30/86
3/31/86
Fleshy fulchit, 8/4/86 orally 500, 10/21/86 orally 500 (Streptomycin)
9/15/84
Rx Pete Cabraloes 200 Ketalin 200 mg
Beach Bumie (race prep) 5-6 tabs orally
Fleet Famer 4-5 times weekly

12/15/84
Rx Pete Cabraloes 100 Ketalin 10 mg
War Chick Test - race prep 10-12 tabs orally
4-5 times weekly

12/20/84
Rx Arturo Orozco 200 Ketalin 200 mg
Clavel 3 race prep 5-6 tabs orally
Chaparrita 4-5 times weekly

1-2-85
Rx Pete Cabraloes 300 Ketalin 20 mg
Gram Eaton (race prep) 5-6 tabs orally
War Denza 4-5 times a week
Miss Fleet Fleet

1-10-85
Rx Arturo Orozco 200 Ketalin 20 mg
Gram 3 race prep 5-6 tabs orally
Boma Bander 4-5 times a week

3-2-85
Rx Pete Cabraloes 200 Ketalin 20 mg
Phil Fella (race prep) 5-6 tabs orally
Imperial Age 4-5 times weekly

3-14-85
Rx Arturo Orozco 200 Ketalin 20 mg
Genie Brode 7 Race prep 5-6 tabs orally
Bold Scamblay 4-5 times weekly
3/24/95
Rx: Peck Cabral 200 Ritalin 20mg
Mexit 75ct 
Beast guy 
Imprin Talla 
4-5 times weekly

3/26/95
Rx: Anton Drozer 400 Ritalin 20mg
On Bar present 
Mister Free Boll 
Orally 4-5 times weekly

1/18/95
Rx: Bruce Hill 100 Ritalin 20mg
French Crystal Ice Ace Prep 5-6tabs orally 
4-5 times weekly

4/25/95
Rx: Pete Cabral 200 Ritalin 20mg
Beach Bernie Fluor Prep 5-6 tabs orally 
Fleat Farm 4-5 times weekly

9/15/95
Rx: Wayne Buell 100 Ritalin
Freeze A Rub Fluor Prep 5-6 tabs orally  
4-5 times weekly

9/16/95
Rx: Pete Cabral 100 Ritalin
Mexit Guy Fluor Prep 5-6 tabs orally  
4-5 times weekly
4/30/85 Rx Gabriel Campuzano 100 Ritalin 20mg
2/10/85 hanging cold - face prep, 5-6 tabs orally 4-5 times weekly

11/1/85 Rx Pete Caldera 300 Ritalin 20mg
Fleet Fame Race Prep - 5-6 tabs
Imperial Age 4-5 times weekly
Phil Felda

11/30/85 Rx Arturo Orozco 400 Ritalin 20mg
Gold For Sale
Miss Gotta Pocket Race prep - 5-6 tabs
Be Bold Da Vinci 4-5 times weekly
Easy Ticketta

12/1/85 Rx Pete Caldera 200 Ritalin 20mg
War Chief TFT Race prep - 5-6 tabs
Miss Fleetwood 4-5 times weekly

1/2/86 Rx Arturo Orozco 200 Ritalin 20mg
Miss Mighty Bug Race prep - 5-6 tabs
Go Tigers orally 4-5 times weekly

1/30/86 Rx Pete Caldera 100 Ritalin 20mg
6mg tabs - face prep - 5-6 tabs orally
4-5 times weekly

1/30/86 Rx Arturo Orozco 200 Ritalin 20mg
Mr. Tree Bold 5-6 tabs orally 4-5 times weekly
On Bar Present for race prep.
2/3/86
Rx. Antonio Orosco 200 Litali 20 wg
Bald Spot (con) Race Prep - 5-6 tabs
in 4-5 times weekly

3/6/86
Rx. Pete Calbaza 200 Litali 20 wg
Hamlet Horse Race Prep - 5-6 tabs
Tempest Delight 4-5 times weekly

3-6-86
Rx. Antonio Orosco 300 Litali 20 wg
Chaparrito Race prep - 5-6 tab orally
Cavel 4-5 times weekly
Blini Chips

4/20/86
Rx. Pete Calbaza 300 Litali 20 wg
Beach Bum Race Prep - 5-6 tab orally
Flying Tune
War Dance

4/1/86
Rx. Antonio Orosco 300 Litali 20 wg
Bald Spot (con) Race Prep - 5-6 tabs orally
Mister Tree Pastel 4-5 times weekly
Ronn Rounds

4/12/86
Rx. Pete Calbaza 300 Litali 20 wg
Neat Guy Race Prep - 3-6 tabs only
Easy Hamper 4-5 times weekly
Fleet Farmers
4/15/86  Rx Pete Cabrera  300 Hydrocal 20 mg
          Henry House and 200 Prep. 5-6 orally
          Rob 4-5 times weekly

4/20/86  Rx Arturo Orozco  300 Hydrocal 20 mg
          On her present dose prep. 5-6 tabs orally
          Bar No
          Boundry Airport
          4-5 times weekly

5/5/86  Rx Pete Cabrera  300 Hydrocal 20 mg
          Pasco Pete
          Flying Time
          Gran Barton
          4-5 times weekly

5/10/86  Rx Arturo Orozco  300 Hydrocal 20 mg
          Mrs. Tea Bell
          5-6 tabs orally
          little hizzie
          Coral

5/25/86  Rx Pete Cabrera  300 Hydrocal
          Neal  et al.
          War Child 4-5 tabs orally
          4-5 times weekly
          Phils Fellow
5/3/86  Rx  Antonio Orzaeo  300 Ketanin 20 mg
Geld Sempe Comp  Race Prep  4-5 x weekly
Carry morning
Semper Ketty

5/10/86  Rx  Antonio Orzaeo  400 Ketanin 20 mg
Mildly boy
Geld  for lady
Brim Chippie
On Box Present
Race prep  5-6 tabs orally 4-5 times weekly

6/12/86  Rx  Lepe Cabanillas  400 Ketanin 20 mg
Fleet Fence
Wor Danza
Miss Fleet About
Imperial Age
Race prep  5-6 tabs orally 4-5 times weekly

6/30/86  Rx  Antonio Orzaeo  300 Ketanin 20 mg
Clavel Chapparite
Race prep  5-6 tabs orally
Penny Fender
4-5 times weekly

7/15/86  Rx  Antonio Orzaeo  300 Ketanin 20 mg
Chips For Us
Lot Ester
Race prep  5-6 tabs orally
Shara Wragge Ann 4-5 times weekly

8/10/86  Rx  Antonio Orzaeo  300 Ketanin 20 mg
No Con De Sue
Zero back Carnivore
Race prep  5-6 tabs orally 4-5 times weekly
8-10/86
 Rx Azate 6 Kristin 25 mg
 Csec prep orally 6 tabs