DOCKET NO. 2012-06

IN THE MATTER § TExAS STATE BOARD OF

OF THE LICENSE OF §

JEFFREY FOLAND, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this, the 18th day of Oct., 2011, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of JEFFREY FOLAND, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on September 22, 2011 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 his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

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 which may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.

2. On January 25, 2010, Respondent performed surgery on an equine to treat an OCD lesion of the tarsocrural joint.

3. C. Wayne McIlwraith, D.V.M., an equine surgery specialist from Colorado State University, assisted in performing the surgery under Respondent's supervision.

4. Dr. McIlwraith is not licensed to practice veterinary medicine in Texas.

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 through 4, Respondent has violated Rule 573.11, RESPONSIBILITY FOR UNLICENSED AND LICENSED EMPLOYEES, of the Board’s Rules of Professional Conduct, which states that a licensee must ensure that a person practicing veterinary medicine under the licensee’s supervision is licensed to practice veterinary medicine.

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.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Jeffrey W. Foland, D.V.M., be INFORMALLY REPRIMANDED.

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 his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, 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 hearing and any right to seek
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judicial review of this Order. Respondent acknowledges that he is entitled to be represented by
an attorney of Respondent's choice at his 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. 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, JEFFREY W. FOLAND, 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.

Jeffrey W. Foland, D.V.M.  
10-11-11  
DATE

STATE OF TEXAS
COUNTY OF Parker

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

Given under the hand and seal of office this 11 day of October, 2011.

Melissa Amason  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 15th day of October, 2011.

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