DOCKET NO. DK2017-192

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
SCOTT GRANT, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners ("Board") considered the matter of the license of Scott Grant, D.V.M. ("Respondent").

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT

1. Respondent, Scott Grant, D.V.M., of League City, Texas, holds Texas veterinary license #6995.

2. On February 10, 2016, Board investigators conducted an on-site inspection of Respondent at New Concept Veterinary Clinic in League City, Texas. The inspection revealed that Respondent did not have an accurate balance on hand for ketamine, torbutrol, and tramadol.

3. The controlled substance log showed a recorded balance of 27.42mLs for ketamine, but the actual balance on hand was 20.3 mLs. This means that the facility could not account for 7.2 mLs of ketamine. The controlled substance log showed a recorded balance of 25 mLs for torbutrol, but the actual balance on hand was 0 mLs. This means that the facility could not account for 25 mLs of torbutrol. The controlled substance log showed a recorded balance of 45 tablets for tramadol, but the actual balance on hand was 450 tablets. This means that the facility could not account for 405 tablets of tramadol. Because of these inaccuracies, Respondent could not adequately monitor whether diversion was occurring.

4. At the time of the inspection, Respondent held a DEA registration. At the time of the inspection, Respondent ordered controlled substances for the facility.

5. Respondent does not have prior violations of a similar nature.

6. Additionally, during the inspection on February 10, 2016, Respondent was unable to provide proof of the minimum required continuing education hours for calendar years 2013, 2014, and 2015. Respondent did not complete any of the required continuing education hours for those years. Respondent failed to request a hardship exemption for any of the years. Respondent reported
to the Board on the license renewal form that all of the required hours of continuing education had been completed for each of the years.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board’s Rules. Respondent received notice as required by law.

2. Respondent has violated Board Rule 573.50 and 573.64 of the Board’s Rules of Professional Conduct.

3. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.

4. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.

5. Pursuant to Board Rule 575.25, Respondent’s violations are Class B violations, and Respondent is subject to disciplinary action under that Rule.

TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

1. REPRIMAND

   a. Respondent is hereby formally reprimanded by the Board. This formal reprimand may be published in the Board’s newsletter and routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database.

2. ADMINISTRATIVE PENALTY

   a. Respondent shall pay an administrative penalty of five thousand dollars ($5,000.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701. Partial payments will not be accepted.

   b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent’s license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter may be referred to the Attorney General for collection, pursuant to Texas
Occupations Code, Section 801.458.

3. CONTINUING EDUCATION

a. In addition to the annual continuing education required for license renewal, Respondent shall complete fifty-one (51) hours of continuing education within one year of the date the Board approves this Order. Respondent shall submit documentation of the completed continuing education penalty and the required annual continuing education to the Board within one year and 30 days of the date the Board approves this Order. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

4. ADHERENCE TO THE LAW AND BOARD RULES

a. Respondent shall abide by the Board’s Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.

b. Respondent shall cooperate with the Board’s attorneys, investigators, compliance officers and other employees and agents investigating Respondent’s compliance with this Order.

c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

Certification and Signature page follows.
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this ___ day of June, 2017.

Scott Grant, D.V.M.

Sworn and subscribed before me this ___ day of July, 2017.

SEAL:

RITA GOMEZ
NOTARY PUBLIC STATE OF TEXAS
MY COMM. EXP. 8/16/2020
NOTARY ID 19080064-B

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this ___ day of October, 2017.

Jessica Quillivan, D.V.M., Presiding Board Member

Agreed Order DK2017-192
Scott Grant, D.V.M.