DOCKET NO. 2016-139

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
THOMAS H. HOUSE, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 18th day of October, 2016, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Thomas H. House, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board’s staff met on September 8, 2016, 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 understanding of the alleged violations and the adequacy and sufficiency of notice.

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


2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (Act). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov’t Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners (Board Rules) (22 Tex. Admin. Code, Chapter 575).

3. On September 22, 2015, Board investigators conducted an on-site inspection of Respondent at Treaschwig Veterinary Clinic in Spring, Texas. The inspection revealed that Respondent did not have an accurate balance on hand telazol, euthasol, or torbutrol. The controlled substance log showed a recorded balance of 271.16mls for telazol, but the actual balance on hand was 29mls. This means that the facility was missing 242.16mls of telazol. The controlled substance log showed a recorded balance of 300mls for euthasol, but the actual balance on hand was 430. This means that the facility had an extra 130mls of euthasol. The controlled substance log showed a recorded balance of 11.06mls for torbutrol, but the actual balance on hand was 65mls. This means
that the facility had an extra 52.94 mls of torbutrol. The inspection also revealed that Respondent
did not have a controlled substance log for ketamine, despite having 3 mls of ketamine on hand.
Because of these inaccuracies, Respondent could not adequately monitor whether diversion was
occurring.

4. Respondent holds a DEA registration. Respondent orders controlled substances for the
facility.

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

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 the above Findings of Fact, Respondent has violated Rule 573.50,
CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND, of the Board’s
Rules of Professional Conduct, by failing to maintain a correct log balance for controlled
substances on hand.

3. Based on the above Conclusions of Law, 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 the above Conclusions of Law, 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.

5. Based on the above Conclusions of Law, Respondent may be disciplined in the manner set
out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary
Licensing Act, which authorizes an administrative penalty for violations of the Act and Board
I, THOMAS H. HOUSE, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND 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.

[Signature]
Thomas H. House, D.V.M.

11 Oct 16
Date

STATE OF TEXAS

COUNTY OF Williamson

BEFORE ME, on this day, personally appeared Thomas H. House, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that it was executed the same for the purposes stated therein.

Given under the hand and seal of office this 11th day of October, 2016.

[Notary Seal]
[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 15th day of October, 2016.

[Signature]
Roland Lenarduzzi, D.V.M., Board President

Agreed Order DK2016-139
Thomas H. House, D.V.M.
rules.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent, be FORMALLY REPRIMANDED.

The Board ORDERS that Respondent pay, within 45 days of the date the Board approves this Order, an ADMINISTRATIVE PENALTY of SEVEN HUNDRED AND FIFTY DOLLARS ($750.00). If Respondent fails to pay the administrative penalty within 45 days of the date the Board approves this Order, the Board may apply any payment to the Board to renew a license to pay any outstanding administrative fee owed to the Board.

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 provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees to 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 the right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that Respondent had the right to be represented by legal counsel in this matter.

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 effective date of this Agreed Order shall be the date it is adopted by the Board.

Signature page follows.