

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
FLINT IMMEL, 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 Flint Immel, 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, Flint Immel, D.V.M., of Mineral Wells, Texas, holds Texas veterinary license 4128.
2. Respondent owns Mineral Wells Veterinary Clinic ("the facility") and is the sole practitioner at the facility.
3. On September 6, 2017, Board investigators conducted an inspection of the facility. Investigators found that Respondent's controlled substance records had not been updated since March 2017. The inspection also revealed that Respondent did not maintain patient records for many patients receiving veterinary care in the facility.
4. During the inspection on September 6, 2017, Board investigators interviewed Respondent. Respondent stated that he allowed his veterinary assistant, Angel Jimenez, to conduct spay and neuter operations on cats and dogs. In another interview, Respondent told a Board investigator that he was incapable of performing surgeries because of a previous back injury. Board investigators advised Respondent and Ms. Jimenez that Ms. Jimenez could not do any surgical procedure.
5. In November 2017, a client presented a dog to the facility. Ms. Jimenez diagnosed the dog with Parvo and provided treatment instructions to the client. Respondent did not personally examine the dog or make a diagnosis.
6. On February 9, 2018, a client presented a dog to the facility for lethargy. Ms. Jimenez examined and diagnosed the dog. Respondent did not personally examine the dog or make a diagnosis.
7. On February 1, 2018, a client presented a dog to the facility. Ms. Jimenez examined and diagnosed the dog and prescribed antibiotics. Ms. Jimenez administered an injection and provided the client with a bottle labeled as Prednisolone 50mg, but which actually contained Furosemide 50mg. Respondent did not

personally examine the dog or make a diagnosis on this occasion.

8. On March 19, 2018, a client presented a dog to the facility. Ms. Jimenez examined and took radiographs of the dog. Ms. Jimenez sedated and intubated the dog. Ms. Jimenez diagnosed the dog and provided the client with antibiotics. Respondent did not personally examine the dog or make a diagnosis.

9. Respondent resided in a physical rehabilitation center from May 31, 2018, to July 23, 2018. During this period, the facility remained opened and was operated by Ms. Jimenez and Sadie Holloway, another unlicensed veterinary assistant. Ms. Jimenez and Ms. Holloway continued to examine and diagnose patients, prescribe and administer medications and vaccines, including rabies vaccines, and issued an interstate health certificate. None of the patients seen by Ms. Jimenez and Ms. Holloway during the period of May 31, 2018, to July 23, 2018, were seen by Respondent. Ms. Jimenez stated she would consult with Respondent by telephone. Medical records primarily consisted of invoices during this period.

10. On July 24 – 25, 2018, a follow up inspection of the facility was conducted by Board investigators Mike Tacker, Maricela Santibanez, and Michael Campos.

11. Upon entering the facility on July 24, 2018, Board investigators observed Ms. Jimenez and Ms. Holloway tending to a black cat on the exam table. The cat was sedated and intubated. Ms. Jimenez was attempting to relieve a bladder blockage pursuant to Respondent's instructions. Respondent was not present at the facility at the time and had not personally examined the cat, but provided Ms. Jimenez treatment instructions by telephone.

12. During the inspection, Investigators found that Respondent did not have an accurate balance on hand for Ketamine and Beuthanasia. The controlled substance records for Ketamine had last been updated on April 6, 2018, but no balance on hand had been listed. The last entry for total balance showed 58.65ccs on March 12, 2018. The actual balance on hand in the facility was 69ccs. The controlled substance records for Beuthanasia had last been updated on May 29, 2018, but no balance on hand had been listed. The last entry for total balance showed 199.3ccs on March 29, 2018. Ms. Jimenez stated that the facility had no Beuthanasia on hand at the time of the inspection. Additionally, Respondent did not maintain invoices or disposal records for Phenobarbital tablets.

13. The inspection revealed that Respondent maintained controlled substances in the bottom drawer of a wooden cabinet with a simple lock. A lockbox inside the drawer was bolted to the bottom of the drawer, however the drawer could easily be removed from the cabinet.

14. During the inspection, Investigator Santibanez observed an Interstate Health Certificate in the reception area. The certificate was dated July 6, 2018. The certificate was not signed by a veterinarian. Respondent's license number and address were included on the certificate. A witness who was present stated that Ms. Jimenez conducted the examination and issued the certificate while no veterinarian was present.

15. During the inspection, Investigator Santibanez observed a client come in and request a prescribed drug for his animal. Ms. Jimenez initially told the client that Respondent needed to see the patient, but later sold the client the medication although the patient was never seen.

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. 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.
3. Respondent has violated Board Rule 573.10, Supervision of Non-Veterinarians, of the Board's Rules of Professional Conduct.
4. Respondent has violated Board Rule 573.11, Responsibility for Unlicensed Employees, of the Board's Rules of Professional Conduct.
5. Respondent has violated Board Rule 573.13, Delegation and Supervision Relating to Official Health Documents, of the Board's Rules of Professional Conduct
6. Respondent has violated Board Rule 573.40, Labeling of Medications Dispensed, of the Board's Rules of Professional Conduct.
7. Respondent has violated Board Rule 573.41, Use of Prescription Drugs, of the Board's Rules of Professional Conduct
8. Respondent has violated Board Rule 573.50, Controlled Substances Records Keeping for Drugs on Hand, of the Board's Rules of Professional Conduct.
9. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.
10. Respondent has violated Board Rule 573.61, Minimum Security for Controlled Substances, of the Board's Rules of Professional Conduct.
11. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, by engaging in practices that violated the Board's rules of professional conduct.
12. Respondent has violated Section 801.402(7) of the Veterinary Licensing Act, Texas Occupations Code, by permitting another to use Respondent's license to practice veterinary medicine.
13. Respondent has violated Section 801.402(13) of the Veterinary Licensing Act, Texas Occupations Code, by ordering a prescription drug or controlled substance for the treatment of an animal without first establishing a veterinarian-client-patient relationship.

14. Respondent has violated Section 801.351, Existence of a Veterinarian-Client-Patient Relationship, of the Veterinary Licensing Act, Texas Occupations Code.
15. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
16. Pursuant to Board Rule 575.25, Respondent's violations are Class A 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. LICENSE RETIREMENT IN LIEU OF DISCIPLINE
 - a. In lieu of discipline, Respondent shall voluntarily place his veterinary license (License no. 4128) in retired status within seven days of the effective date of this Order. Respondent shall not request reinstatement of his veterinary license.
 - b. Respondent shall transfer patient records pursuant to Board Rule 573.55 within 30 days of the effective date of this Order.
 - c. If Respondent fails to timely place his veterinary license in retired status, requests reinstatement of his veterinary license, or fails to timely transfer patient records, his license shall be revoked.
2. 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.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit

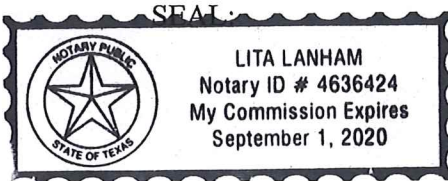
nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

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 6th day of September, 2018.

Flint Immel DVM
Flint Immel, D.V.M.

Sworn and subscribed before me this 6th day of September, 2018.



Lita Lanham
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 23rd day of October, 2018.

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