

IN THE MATTER OF	§	BEFORE THE
	§	ENFORCEMENT COMMITTEE
THE LICENSE OF	§	OF THE TEXAS BOARD
	§	OF VETERINARY MEDICAL
FLINT IMMEL, D.V.M.	§	EXAMINERS

ORDER CONTINUING TEMPORARY SUSPENSION

On this day the Enforcement Committee (“EC”) of the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Flint Immel, D.V.M. (“Respondent”).

On July 27, 2018, the Board’s Executive Disciplinary Committee (“EDC”) convened without notice to Respondent, pursuant to Section 801.409 of the Veterinary Licensing Act, Texas Occupations Code, and Board Rule 575.35. The EDC entered an Order of Temporary Suspension.

On this day, the EC convened with notice to Respondent, pursuant to Section 801.409 of the Veterinary Licensing Act, Texas Occupations Code, and Board Rule 575.35. Based on the evidence and information submitted, the Board, through this panel, 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. Investigator Campos observed Respondent attempting to administer an injection to a dog. Respondent struggled and squirted half the dose onto the table and the dog did not receive the full amount.

13. During the inspection, Investigators found that Respondent's 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 for Phenobarbital tablets, nor did he maintain disposal records.

14. 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.

15. 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 interstate health certificate while no veterinarian was present.

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

17. Respondent's continued practice of veterinary medicine constitutes a continuing or imminent threat to the public welfare.

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.

2. Respondent has violated Board Rule 573.10, Supervision of Non-Veterinarians, of the Board's Rules of Professional Conduct.

3. Respondent has violated Board Rule 573.11, Responsibility for Unlicensed Employees, of the Board's Rules of Professional Conduct.

4. Respondent has violated Board Rule 573.13, Delegation and Supervision Relating to Official Health Documents, of the Board's Rules of Professional Conduct

5. Respondent has violated Board Rule 573.40, Labeling of Medications Dispensed, of the Board's Rules of Professional Conduct.

6. Respondent has violated Board Rule 573.41, Use of Prescription Drugs, of the Board's Rules of Professional Conduct

7. Respondent has violated Board Rule 573.50, Controlled Substances Records Keeping for Drugs on Hand, of the Board's Rules of Professional Conduct.

8. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.
9. Respondent has violated Board Rule 573.61, Minimum Security for Controlled Substances, of the Board's Rules of Professional Conduct.
10. 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.
11. 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.
12. 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.
13. Respondent has violated Section 801.351, Existence of a Veterinarian-Client-Patient Relationship, of the Veterinary Licensing Act, Texas Occupations Code.
14. Respondent is subject to temporary license suspension under Texas Occupations Code, Sections 801.409 and Board Rule 575.35.

TERMS OF ORDER

Now, therefore, the Board orders that Respondent comply with the following terms:

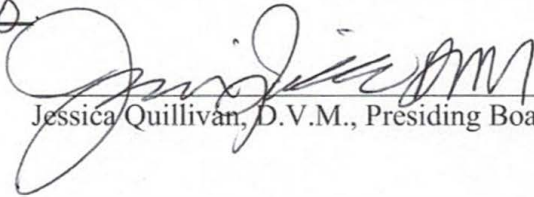
1. TEMPORARY SUSPENSION

- a. The temporary suspension of Respondent's license shall be continued and shall remain in effect until the Board has approved an agreed settlement order or a final order following a hearing at the State Office of Administrative Hearings, or until it expires by operation of law. During the period of the suspension, the following terms shall apply:
 - i. Respondent shall not practice nor give the appearance of practicing veterinary medicine.
 - ii. Respondent shall not supervise other licensees or unlicensed employees in the practice of veterinary medicine.
 - iii. Respondent's clinic and facilities may be used by Respondent for administrative purposes only.

2. NOTICE AND OPPORTUNITY FOR HEARING

- a. The Board shall promptly provide a copy of this Order to Respondent's attorney. The Board shall also provide a copy of this Order to Respondent electronically or by facsimile, as feasible.
- b. Pursuant to Section 801.409, Texas Occupations Code, and Board Rule 575.35, if the parties are unable to enter into an agreed settlement order, a notice of hearing shall be forwarded to the State Office of Administrative Hearings for setting of an administrative hearing to be held no later than the 60th day after the date the EDC first ordered the temporary suspension of Respondent's license.

THEREFORE, the Texas Board of Veterinary Medical Examiners, through the Enforcement Committee, does hereby adopt this Order. This Order is effective and final on this 28th day of August, 2018.



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