

DOCKET NO. 2016-098

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
N. ELIZABETH KING, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 18 day of October 2016 came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of N. Elizabeth King, D.V.M. ("Respondent"). Pursuant to Section 801.408 of the Texas Occupations Code, and Board Rule 575.29, an informal conference was held on June 27, 2016. Respondent attended the informal conference and was represented by counsel. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges understanding the alleged violations and the adequacy and sufficiency of the notice provided.

Upon the recommendation of the Enforcement 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

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1. Respondent, N. Elizabeth King, D.V.M. of Keller, Texas, holds Texas veterinary license 5391.
 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. Between 2010 and 2015, Dr. King provided veterinary services for Beyond the Rainbow/Texas Pet Hospice (Texas Pet Hospice) as an independent contractor. Texas Pet Hospice is not owned by veterinarians.

4. Dr. King was contacted by the owners of Texas Pet Hospice to work with them as an independent contractor to perform at-home euthanasia. Dr. King performed several at-home euthanasias and Texas Pet Hospice provided grief services. The client paid Texas Pet Hospice for all services rendered, including euthanasia, and Texas Pet Hospice then paid Dr. King for her portion of the services. At the end of the year, Texas Pet Hospice would send Dr. King a 1099 tax form.

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, Dr. King has violated Texas Occupations Code Section 801.352, PROHIBITION AGAINST INTERFERENCE OR INTERVENTION, by entering into an agreement that could have resulted in interference with Respondent's practice of veterinary medicine by a person not licensed to practice veterinary medicine in Texas; and Section 801.506, PROHIBITED PRACTICES RELATING TO CERTAIN ENTITIES, by entering into an agreement with a legal entity to practice veterinary medicine when the legal entity was not owned exclusively by one or more persons licensed to practice veterinary medicine in Texas.

3. Based upon Findings of Fact 1-4 and Conclusions of Law 1-2, Dr. King has violated Section 801.402(20) of the Veterinary Licensing Act (prohibiting assisting in the practice of veterinary medicine without a license) and is subject to disciplinary action by the Board under Section 801.401 of the Act:

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: (a)

- (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.

Aggravating Factor

In determining the appropriate sanction in this matter, the Board considered the following aggravating factor: Dr. King permitted Texas Pet Hospice to order controlled substances using

her Drug Enforcement Administration number.

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 receive a FORMAL REPRIMAND.

The Board ORDERS that Respondent shall take and pass the Texas veterinary jurisprudence examination within 90 days from the date the Board approves this Agreed Order.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, the laws of the State of Texas, and the laws of 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 Agreed 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 the Agreed Order, the notice, and Findings of Fact and Conclusions of Law 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 having understood 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. 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.

I, N. ELIZABETH KING, 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.

N. Elizabeth King, D.V.M.
N. Elizabeth King, D.V.M.

8-5-2016
DATE

STATE OF TEXAS §
COUNTY OF TARRANT §

BEFORE ME, on this day, personally appeared N. Elizabeth King, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me executing the same for the purposes stated therein.



Given under the hand and seal of office this 5th day of August, 2016.

[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 18 October, 2016.

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