DOCKET NO. 2008-36

IN THE MATTER § TExAS STATE BOARD OF
OF THE LICENSE OF § VETERINARY
ANGUS MACDONALD, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this, the 14th day of February, 2008, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of ANGUS MACDONALD, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on December 13, 2007 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 his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

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

1. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice that may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.

2. As the result of notice from Herbert C. Munden, M.D., the Board determined that Angus MacDonald, D.V.M., Dallas, Texas, is no longer complying with the conditions of the peer assistance program. In a letter to the Board on July 26, 2007, Dr. Munden stated that Dr. MacDonald was non-compliant with the drug screening process and had multiple positive urine screens for opiate medications. Dr. Munden clarified his statement on November 27, 2007 and expressed his concern regarding Dr. MacDonald's ability to practice veterinary medicine.

3. Dr. MacDonald entered into Agreed Order 2005-45 with the Board on May 17, 2005 and signed and entered by the Board on June 9, 2005. Dr. MacDonald agreed to comply with the conditions of the peer assistance program in which he was currently participating in at the time of the order. Dr. MacDonald was in the Board's peer assistance program administered by Dr. Munden at the time of the Agreed Order in 2005. With Dr.
MacDonald’s non-compliance in the drug-screening program and multiple positive urine screens for opiate medications, Dr. MacDonald is no longer complying with the conditions of the peer assistance program. Therefore, Dr. MacDonald is in violation of TBVME Agreed Order 2005-45.

**Conclusions of Law**

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, Agreed Order 2005-45, and with the Board’s rules.

2. Based on Findings of Facts 1 through 3, Respondent has violated Agreed Order 2005-45.

3. Based on Conclusions of Law 1 and 2, Respondent has violated Section 801.402 (3) 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:

   (3) is chronically or habitually intoxicated, chemically dependent, or addicted to drugs.

4. Based on Conclusions of Law 2 and 3, Respondent may be disciplined in the manner set out in Section 801.401, DISCIPLINARY POWERS OF BOARD, of the Veterinary Licensing Act, which authorizes the board to revoke or suspend a license or place on probation a license holder or person whose license has been suspended.

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

The Board ORDERS that Respondent place his license in retirement by February 29, 2008. Respondent will not seek to take his veterinary license out of retirement status with the Board. If Respondent fails to place his license in retirement status by February 29, 2008, Respondent’s license shall be suspended.

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

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will 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 his right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense in any hearing before the Board.

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 date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

I, ANGUS MACDONALD, 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.

 Angus MacDonal d, D.V.M.  

 Date 1-5-08
STATE OF TEXAS
COUNTY OF Denton

BEFORE ME, on this day, personally appeared Angus MacDonald, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 8 day of Jan., 2008.

Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 14th day of February, 2008.

Dr. Patrick Allen, D.V.M.
Vice-President of the Board