TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 113
Austin, TX 78704

DOCKET NUMBER 1991-14
B. GEORGE MASSEY, D.V.M.
LICENSE NUMBER: 2641

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Massey the Texas State Board of Veterinary Medical Examiners staff in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Massey will be granted a continuance at his/her option.

Dr. Massey does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he/she is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES:

Failure to maintain drug inventory records, adequate patient records, and establish a veterinary/client/patient relationship prior to prescribing, dispensing, or administering the Controlled Substances.

RECOMMENDED DISCIPLINARY ACTION:

1. A five (5) year suspension with the entire period being probated.
2. Pay a Civil Penalty in the sum of $2,000.00.
3. Surrender DPS and DEA Narcotics Certificates, for reissuance limited to purchase of the Schedule III drugs, Bio-tal or an equivalent anesthetic agent, and a euthanasia solution.

CONDITIONS:

1. Submit quarterly reports certifying continued compliance with the Orders during the probationary period, with the first report due January 2, 1992.
2. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.
3. Take and pass the State Board Jurisprudence Examination as scheduled by the Board staff.
4. Obtain twenty (20) hours of Continuing Education each year of the probationary period.
5. Submit to periodic, unannounced inspections, of drug purchases. Such inspections to be conducted by Board Staff.

B. GEORGE MASSEY, D.V.M.

Buddy Matthijetz, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Date: 9/25/11
The foregoing Agreed Settlement, entered into between Dr. B. George Massey, the Board Secretary, and Board Executive Staff and having been presented to the Texas State Board of Veterinary Medical Examiners as a No contest plea, was accepted by the Board, and the Board, on the 4th day of October, 1991, ORDERED that all penalties and conditions as stated therein be complied with the same as if the Board had heard evidence and testimony and as a result of such hearing had issued Findings and Orders.

Executed this the 4th, day of October, 1991.

Robert D. Lewis, D.V.M., President

Mary E. Mainster, D.V.M.
Mary E. Mainster, D.V.M., Vice-President

Mary E. Mainster, D.V.M.

Guy A. Sheppard, D.V.M., Secretary

Larry M. Dubuisson, D.V.M., Member

Mrs. Olivia R. Eudaly, D.V.M., Member

Mr. Mike Levi, Member

Mr. Clark S. Willingham, Member
DOCKETED COMPLAINT NO. 1991-14

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

B. GEORGE MASSEY, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 2641

1990 RENEWAL CERTIFICATE NUMBER 1553

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared ERNIE M. CARROLL, who after being duly sworn, did depose and say:

On or about June 25, 1990, Ernie M. Carroll, being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one B. GEORGE MASSEY, D.V.M., Groesbeck Veterinary Hospital, 902 South Ellis, Groesbeck, Limestone County, Texas, Veterinary License Number 2641, 1990 Renewal Certificate Number 1553, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Ernie M. Carroll, do hereby present the following complaint against B. GEORGE MASSEY, D.V.M., who is hereinafter called Respondent.

I.

Respondent ordered, and was shipped, the drug Dextroamphetamine, aka Dextroamphetamine Sulfate, a Schedule II Controlled Substance, from Interstate Drug Exchange, Inc., as indicated below:

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>STRENGTH</th>
<th>TYPE</th>
<th>DATE ORDERED</th>
<th>ORDER NUMBER</th>
</tr>
</thead>
<tbody>
<tr>
<td>5 X 500</td>
<td>10 mg.</td>
<td>Tablets</td>
<td>01/04/88</td>
<td>C13502547</td>
</tr>
<tr>
<td>1 X 500</td>
<td>10 mg.</td>
<td>Tablets</td>
<td>03/31/90</td>
<td>C13502549</td>
</tr>
</tbody>
</table>

3,000 Total Ordered

II.

On or about June 25, 1990, Respondent surrendered 797 Dextroamphetamine Sulfate tablets to Board Investigator Carroll, accounted for 300 in one patient record, and was unable to account for the remaining 1,903 tablets.

III.

Respondent failed to maintain adequate drug inventory records for the Schedule II Controlled Substances listed in Paragraph I.

IV.

Respondent failed to maintain adequate patient records for 1,903 Dextroamphetamine Sulfate tablets not accounted for and listed in Paragraph II.

V.

Respondent failed to provide any documentation to validate a veterinary/client/patient relationship had been established to substantiate the disposition of the 1,903 tablets not accounted for and listed in Paragraph II.
VI.

On or about June 25, 1990, Respondent voluntarily surrendered to Board Investigator Ernie M. Carroll "the balance on hand" of the following Schedule IV Controlled Substances ordered and received by Respondent.

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>TYPE</th>
<th>STRENGTH</th>
<th>DRUG</th>
</tr>
</thead>
<tbody>
<tr>
<td>950</td>
<td>Tablets</td>
<td>30 mg.</td>
<td>Phentermine Hcl</td>
</tr>
<tr>
<td>500</td>
<td>Tablets</td>
<td>10 mg.</td>
<td>Diazepam</td>
</tr>
<tr>
<td>95</td>
<td>Tablets</td>
<td>5 mg.</td>
<td>Diazepam</td>
</tr>
<tr>
<td>199</td>
<td>Tablets</td>
<td>1/2 gr.</td>
<td>Phenobarbital</td>
</tr>
</tbody>
</table>

VII.

Respondent was unable to produce purchase invoices for the drugs listed in Paragraph VI and failed to maintain drug inventory records reflecting the original quantity of the Controlled Substances ordered.

VIII.

Interstate Drug Exchange, Inc. shipped 1,000 Diazepam, 10 mg. tablets, a Schedule IV Controlled Substance, on January 28, 1988, Invoice No. 288344, to the Respondent, who failed to maintain patient records to justify the dispensing and/or administering of 500 of the 1,000 tablets ordered and received.

IX.

Respondent was unable to demonstrate he established a veterinary/client/patient relationship prior to dispensing, delivering, or ordering delivered, the controlled substances described in Paragraphs VI and VIII.

X.

By failing to maintain drug inventory records, and adequate patient records and to establish a veterinary/client/patient relationship prior to prescribing, dispensing, or administering the Dextroamphetamine Sulfate, the Schedule II Controlled Substance listed in Paragraph I, Respondent has violated the following Board rules and statutory provisions:

573.50 CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND
Texas veterinarians shall maintain at their place of business records of all scheduled drugs listed in the Texas Controlled Substances Act, in their possession. These records shall be maintained for a minimum of five (5) years. The form for keeping records of those drugs shall contain the following information in addition to the name of the drug:
1. Date of acquisition,
2. Quantity purchased,
3. Date administered, dispensed,
4. Quantity administered, dispensed,
5. Name of client and patient receiving the drug(s),
6. Diagnosis and

573.52 PATIENT RECORD KEEPING
(a.) Individual records will be maintained at the place of business and include, but are not limited to, identification of patient, patient history, including immunization records, dates of
visits, xrays, names and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

(b.) Patient records shall be current and maintained on the business premises for a period of three years and are the responsibility and property of the employing veterinarian.

573.41 USE OF PRESCRIPTION DRUGS

(a.) It is unprofessional conduct for a licensed veterinarian to prescribe or dispense, deliver, or order delivered any prescription drug without first having established a veterinary/client/patient relationship by having personally examined the individual animal, herd, or a representative segment or a consignment lot thereof and determined that such prescription drug is therapeutically indicated following said examination. Prescription drugs include all controlled substances in Schedules I thru V and Legend Drugs which bear the federal legends, recognized as such by any law of the State of Texas or of the United States.

(b.) It shall be unprofessional and a violation of the Rules of Professional Conduct for a licensed veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person prescription drugs, that are not necessary or required for the medical care of animals, or where the use or possession of such drugs would promote addiction thereto. Prescription drugs are defined in subsection (a.) of this section.

573.4 ADHERENCE TO THE LAW

No veterinarian shall render any service or advice involving disloyalty to the law. A veterinarian must also observe and advise clients to observe the law.

ARTICLE 8890, SECTION 7(b)

The Board shall require its licensees to maintain a record keeping system for controlled substances as prescribed by the Texas Controlled Substances Act, (Article 4476-15, Vernon’s Texas Civil Statutes). The records are subject to review by law enforcement agencies and by representatives of the Board. A failure to keep such records shall be grounds for revoking, canceling, suspending, or probating the license of any practitioner of veterinary medicine.

ARTICLE 8890, SECTION 14B

". . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a license . . . if it finds that . . . a licensee:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with law;

(12) has ordered prescription drugs or controlled substances for the treatment of an animal without first establishing a valid veterinarian-patient-client relationship;
XI.

By failing to maintain drug inventory records for the controlled substances "on hand" and listed in Paragraph VI, Respondent has violated:

573.50 CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND
Texas veterinarians shall maintain at their place of business records of all scheduled drugs listed in the Texas Controlled Substances Act, in their possession. These records shall be maintained for a minimum of five (5) years. The form for keeping records of those drugs shall contain the following information in addition to the name of the drug:
1. Date of acquisition,
2. Quantity purchased,
3. Date administered, dispensed,
4. Quantity administered, dispensed,
5. Name of client and patient receiving the drug(s),
6. Diagnosis and

573.4 ADHERENCE TO THE LAW
No veterinarian shall render any service or advice involving disloyalty to the law. A veterinarian must also observe and advise clients to observe the law.

ARTICLE 8890, SECTION 7(b)
The Board shall require its licensees to maintain a record keeping system for controlled substances as prescribed by the Texas Controlled Substances Act, (Article 4476-15, Vernon’s Texas Civil Statutes). The records are subject to review by law enforcement agencies and by representatives of the Board. A failure to keep such records shall be grounds for revoking, cancelling, suspending, or probating the license of any practitioner of veterinary medicine.

XII.

By failing to maintain drug inventory records, and patient records and to establish a veterinary/client/patient relationship prior to dispensing, delivering or ordering delivered, the quantity of Controlled Substances described in Paragraphs VI and VIII, the Respondent has violated:

573.50 CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND
Texas veterinarians shall maintain at their place of business records of all scheduled drugs listed in the Texas Controlled Substances Act, in their possession. These records shall be maintained for a minimum of five (5) years. The form for keeping records of those drugs shall contain the following information in addition to the name of the drug:
1. Date of acquisition,
2. Quantity purchased,
3. Date administered, dispensed,
4. Quantity administered, dispensed,
5. Name of client and patient receiving the drug(s),
6. Diagnosis and

573.52 PATIENT RECORD KEEPING
(a.) Individual records will be maintained at the place of business and include, but are not limited to, identification of
patient, patient history, including immunization records, dates of
visits, x-rays, names and dosages of medications administered and/or dispensed, and other details as necessary to substantiate
diagnosis and treatment.

(b.) Patient records shall be current and maintained on the
business premises for a period of three years and are the responsi-
sibility and property of the employing veterinarian.

573.41 USE OF PRESCRIPTION DRUGS

(a.) It is unprofessional conduct for a licensed veterin-
arian to prescribe or dispense, deliver, or order delivered any pre-
scription drug without first having established a
veterinary/client/patient relationship by having personally exam-
ined the individual animal, herd, or a representative segment or a
consignment lot thereof and determined that such prescription drug is
therapeutically indicated following said examination. Pre-
scription drugs include all controlled substances in Schedules I
thru V and Legend Drugs which bear the federal legends, recognized
as such by any law of the State of Texas or of the United States.

(b.) It shall be unprofessional and a violation of the Rules
of Professional Conduct for a licensed veterinarian to prescribe,
provide, obtain, order, administer, possess, dispense, give or del-
iver to or for any person prescription drugs, that are not neces-
sary or required for the medical care of animals, or where the use
or possession of such drugs would promote addiction thereto. Pre-
scription drugs are defined in subsection (a.) of this section.

573.4 ADHERENCE TO THE LAW

No veterinarian shall render any service or advice involving
disloyalty to the law. A veterinarian must also observe and ad-
dvise clients to observe the law.

ARTICLE 8890, SECTION 7(b)
The Board shall require its licensees to maintain a record keeping
system for controlled substances as prescribed by the Texas Con-
trolled Substances Act, (Article 4476-15, Vernon’s Texas Civil
Statutes). The records are subject to review by law enforcement
agencies and by representatives of the Board. A failure to keep
such records shall be grounds for revoking, cancelling, suspend-
ing, or probation the license of any practitioner of veterinary
medicine.

ARTICLE 8890, SECTION 14(a)
"... the Board may revoke or suspend a license, impose a civil
penalty, place a person whose license has been suspended on proba-
tion, or reprimand a license ... if it finds that ... a lic-
ensee:

(3) has engaged in dishonest or illegal practices in or connected
with the practice of veterinary medicine;

(5) has engaged in practices or conduct in connection with the
practice of veterinary medicine which are violative of the stan-
dards of professional conduct as duly promulgated by the Board in
accordance with law;

(12) has ordered prescription drugs or controlled substances for
the treatment of an animal without first establishing a valid
veterinarian-patient-client relationship;
XIII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Massey's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14 which states in part:

ARTICLE 8890, SECTION 14(a)
".... the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee... if it finds that a licensee:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with law;

(12) has ordered prescription drugs or controlled substances for the treatment of an animal without first establishing a valid veterinarian-patient-client relationship.

ARTICLE 8890, SECTION 14B
(a) If a person violates this Act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 44th day of June, 1991.

Further, Affiant sayeth not.

[Signature]
ERNIE M. CARROLL, Affiant

SUBSCRIBED and SWORN TO before me by the said ERNIE M. CARROLL, this the 44th day of June, 1991.

[Signature]
JUDY C. SMITH, Notary Public in and for Texas

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. B. GEORGE MASSEY, D.V.M. under Docketed Number 1991-14, this the 50th day of June, 1991.

[Signature]
GUY A. SHEPPARD, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners