TETEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
333 Guadalupe, Suite 2-330
Austin, Texas 78701-3998

DOCKET NUMBER 1997-06
LARRY B. MILLER, D.V.M.
LICENSE NUMBER 2786

AGREED ORDER

This agreed order has been entered between Dr. Larry B. Miller and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, 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 agreed order, the respondent, Dr. Larry B. Miller, will be granted a continuance at his option.

Dr. Miller does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that (1) the Board may treat the allegations of fact and law as true and (2) the findings shall have the same force and effect as if evidence and argument were presented in support of the allegations. Dr. Miller understands and intends that by so stating, he 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: Dr. Miller violated Rule of Professional Conduct, Rule 573.52 - Patient Record Keeping by failing to include patient history, weight and temperature in the patient record. This rule violation is also a violation of Section 14 (a) (5) of the Veterinary Licensing Act, article 8890. Dr. Miller was not subject to any prior disciplinary action by the Board.

RECOMMENDED DISCIPLINARY ACTION:

1. Dr. Miller is Officially Reprimanded.

2. Dr. Miller shall pay an administrative penalty in the amount of $250 payable within forty-five (45) days of the date the Board adopts this Agreed Order.
CONDITIONS:

1. Dr. Miller must take and pass the State Board Jurisprudence Examination.

2. Dr. Miller must provide the Board with copies of current medical records and record keeping program for review and approval by Board staff. These items will be made available immediately after the Board has approved this order. Dr. Miller will implement all staff recommended changes to his record keeping within 30 days of receiving the staff's recommendations.

2. Dr. Miller shall agree to abide by the Rules of Professional Conduct, Texas Veterinary Licensing Act and Laws of the State of Texas and the United States.

[Signatures and dates]

Larry B. Miller, D.V.M.
Date: 3/3/97

Ron Allen, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
Date: 3/3/97
The foregoing Agreed Order, in Docketed case 1997-06 entered into between Dr. Larry B. Miller and/or legal counsel representing Dr. Miller, the Board Secretary, and the Board's 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 12th day of June, 1997, ordered that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 12th day of June, 1997.

James M. Gomez, D.V.M., President

Date

Michael J. McCulloch, D.V.M., Vice-President

Date

RECUSED
Robert I. Hughes, Jr., D.V.M., Secretary

Date

Howard Head, D.V.M., Member

D. Carter King, D.V.M., Member

6-12-97

Date

Sharon O. Matthews, Member

6-12-97

Date

Jean McFaddin, Member

6-12-97

Date

Joyce G. Schiff, Member

12/6/97

Date

John A. Wood, D.V.M., Member

Date
DOCKETED COMPLAINT NO. 1997-06

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 2786
vs. § 1996 RENEWAL CERTIFICATE
LARRY B. MILLER, D.V.M. § NUMBER 0577

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Mike Carroll, who after being duly sworn, did depose and say:

On or about December 12, 1995, Mike Carroll, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Larry B. Miller, D.V.M., Taylor Veterinary Hospital, 1123 North Main, Taylor, Texas, 76574, Veterinary License Number 2786, 1996 Renewal Certificate Number 0577, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Mike Carroll, do hereby present the following complaint against Larry B. Miller, D. V. M.

I.

On November 6, 1995, Melanie Etter took her nine month old male red point siamese "Chigger", to the Taylor Veterinary Hospital, 1123 North Main, Taylor, Texas. The cat was presented to the clinic to be neutered and de-clawed.

II.

On November 7, 1995, Dr. Larry B. Miller attempted to spay Ms. Etter's male cat. During the surgery Dr. Miller realized his mistake, closed the incision and then conducted the neuter and de-claw surgery.

III.

During the review of Dr. Miller's patient records, it was determined that his records do not include patient history, weight and temperature.

IV.

By failing to include the necessary information in his patient records as described in paragraph III, Dr. Miller has violated Rule 573.52 Patient Record Keeping.
By violating the above listed Rule of Professional Conduct, Dr. Miller has also violated Section 14 (a) (5) of the Veterinary Licensing Act, Article 8890.

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:

(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 a law;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 24th day of February, 1997.

Further, Affiant sayeth not.

M. Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 24th day of February, 1997.

Charles A. Adkins, Notary Public
STATE OF TEXAS
My Comm. Exp. 08-07-2000

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. Larry B. Miller, D.V.M. under Docketed Number 1997-06 this the 28 day of February, 1997

Robert I. Hughes, Jr., D.V.M, Board Secretary
Texas State Board of Veterinary Medical Examiners