NEOTIGIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Mooney and 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. Mooney, will be granted a continuance at his/her option.

Dr. Mooney does not contest the allegations set forth in the Complaint 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 adequate patient records and dispensing prescription drugs when not therapeutically indicated and when not necessary or required for the medical care of animals.

RECOMMENDED DISCIPLINARY ACTION:

1. One year suspension, all probated.
2. Pay a Civil Penalty in the sum of $1,000.00.

CONDITIONS:

1. Submit quarterly reports certifying continued compliance with the Orders during the probationary period.
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 hours of Continuing Education prior to completion of probation.

THOMAS G. MOONEY, D.V.M.

Date: 10-4-90

Donald B. Wilson, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
The foregoing Agreed Settlement, entered into between Dr. Thomas G. Mooney, the Board Secretary, Dr. Mary E. Mainster 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 October 4, 1990, 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, 1990.

Fred K. Seifer, D.V.M., President

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

Mary E. Mainster, D.V.M.
Mary E. Mainster, D.V.M., Secretary

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

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

Alton F. Hopkins, Jr., D.V.M., Member

Mr. Mike Levi, Member

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

Mr. Clark S. Willingham, Member

Date
10-4-90

Date
10-4-90

Date
10-4-90

Date
10-4-90

Date
10-4-90

Date
DOCKETED COMPLAINT NO. 1991-06
TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

TEXAS VETERINARY MEDICAL LICENSE NO. 1885

1990 RENEWAL CERTIFICATE

THOMAS G. MOONEY, D.V.M.
NUMBER 3141

COMPLAINT AFFIDAVIT FORM

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

In or about April, 1990, Joseph J. Rizzo, 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 THOMAS G. MOONEY, D.V.M., Fort Stockton Veterinary Clinic, 3010 West Dickinson Blvd., Fort Stockton, Pecos County, Texas, Veterinary License Number 1885, 1990 Renewal Certificate Number 3141, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Joseph J. Rizzo, do hereby present the following complaint against THOMAS G. MOONEY, D.V.M., who is hereinafter called Respondent.

I.

Respondent ordered, and was shipped, the Prescription Drug, Wyamine Sulfate, aka mephentermine sulfate, from Miller Veterinary Supply Co. as indicated:

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>FORM</th>
<th>DRUG</th>
<th>DATE SHIPPED</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 x 10cc</td>
<td>Inj.</td>
<td>Wyamine Sulfate</td>
<td>Sept. 21, 1988</td>
</tr>
</tbody>
</table>

II.

Respondent dispensed the Prescription Drug listed in Paragraph I when not therapeutically indicated and when not necessary or required for the medical care of animals, in that Respondent dispensed the drugs to horse trainers, as a training aid.

III.

Respondent failed to maintain at his place of business adequate patient records for the disposition of the drug listed in Paragraph I.

IV.

By dispensing the drug listed in Paragraph I when not therapeutically indicated and when not necessary or required for the medical care of animals, as described in Paragraph II, Respondent has violated Rule 573.41 of the Rules of Professional Conduct and the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a)(5) which states:
(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.

Article 8890, Sec. 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 license . . . 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 law;

V.

Through failure to maintain adequate patient records, as described in Paragraph III, to substantiate the use of the Wyamine Sulfate reflected in Paragraph II, Respondent has violated Rule 573.52 of the Rules of Professional Conduct and the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a)(5) which state:

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, name 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.

(c.) When appropriate, licensees may substitute the words "herd", "flock" or other collective term in place of the word "patient" in subsections (a.) and (b.) of this section. Records to be maintained on these animals may be kept in a daily log, or the billing records, provided that the
treatment information that is entered is adequate to substantiate the identification of these animals and the medical care provided. In no case does this eliminate the requirement to maintain drug records as specified by state and federal law and Board rules.

Article 8890, Sec. 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 license . . . 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 law;

VI.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Thomas G. Mooney's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a)(3) and (5) which states:

Article 8890, Sec. 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 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;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 4th day of September, 1990.

Further, Affiant sayeth not.

JOSEPH J. RIZZO, Affiant

SUBSCRIBED and SWORN TO before me by the said JOSEPH J. RIZZO, this the 4th day of September, 1990.

JUDY C. SMITH
Notary Public in and for Texas

My Commission Expires: September 13, 1993
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. THOMAS G. MOONEY, D.V.M. under Docketed Number 1991-06, this the 7th day of September, 1990.

MARY E. MAINSTER, D.V.M.
MARY E. MAINSTER, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners