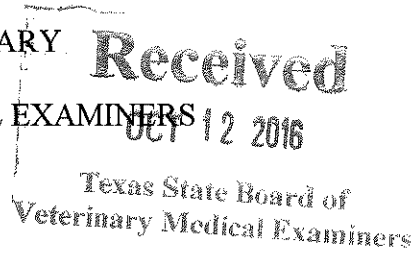


IN THE MATTER	§	TEXAS STATE BOARD OF
OF THE LICENSE OF	§	VETERINARY
TODD MURPHY, D.V.M.	§	MEDICAL EXAMINERS



AGREED ORDER

On this, the 18 day of October, 2016, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of TODD MURPHY, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.29, an informal conference was held on September 12, 2016. The Respondent attended the informal conference. 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 his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

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

1. Respondent, TODD MURPHY, D.V.M. of League City, Texas, holds Texas veterinary license 7782.
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. On February 26, 2016, the Board approved Agreed Licensure Order 2016-065 (the Licensure Order). The Licensure Order required Respondent to designate a Board-approved supervising veterinarian and to practice veterinary medicine only in a setting comprised of three

or more Texas-licensed veterinarians. The Licensure Order further required that the supervising veterinarian submit quarterly reports addressing the areas of: quality of care, client communication, recordkeeping, and any other reasonable matter the Executive Director may require.

4. On or about April 4, 2016, Respondent was hired to work at Safari Veterinary Care Centers (Safari).

5. On April 18, 2016, Respondent and Dr. Stephen Willis submitted a joint request that Dr. Willis be designated as Dr. Murphy's supervising veterinarian pursuant to the Licensure Order. The request was granted on May 11, 2016.

6. Dr. Willis was offered a position at Safari and signed a letter of intent for employment on June 6, 2016. Dr. Willis did not begin regular practice at Safari until July of 2016.

7. On July 2, 2016, Board investigators made an unannounced visit to Safari. At the time of the visit, Respondent was the sole practitioner present at the clinic. Respondent has regularly practiced veterinary medicine at Safari but has not been supervised by Dr. Willis on a regular basis.

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, Respondent has violated Rule 573.62 VIOLATION OF BOARD ORDER/NEGOTIATED SETTLEMENTS, which requires a licensee to abide by the terms of Board Orders. Respondent has failed to abide by the terms of the Licensure Order that required Respondent to practice only in a setting comprised of three or more Texas-licensed veterinarians, and the designate a Board-approved supervising veterinarian within 30 days of the Agreed Licensure Order.

3. Based on the above Conclusions of Law, Respondent has violated Section 801.402 (6) 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:

(6) engages in practices or conduct that violates the board's rules of professional conduct.

4. Based on the above Conclusions of Law, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

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.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

5. Based on the above Conclusions of Law, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that TODD MURPHY, D.V.M., be FORMALLY REPRIMANDED.

The Board further ORDERS that Respondent's license be SUSPENDED for 30 DAYS. During the time of the suspension, Respondent shall not practice nor give the appearance of practicing veterinary medicine. Respondent shall not supervise other licensees, nor supervise, encourage, or allow any employee(s) who are not licensed to practice in Texas, to perform veterinary medicine. Respondent shall notify all present and prospective employers of the Board order, including the terms, conditions, and restrictions imposed.

The Board further ORDERS that Respondent pay, within 30 days of the date of this Order, an ADMINISTRATIVE PENALTY of ONE THOUSAND DOLLARS (\$1,000.00). If Respondent fails to pay the administrative penalty within 30 days of the date of this Order, any payment by the Respondent to the Board to renew his license will be applied toward the payment of any administrative fee owed to the Board, and further enforcement action may be taken.

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. 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.

Signature page follows.

I, TODD MURPHY, 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.

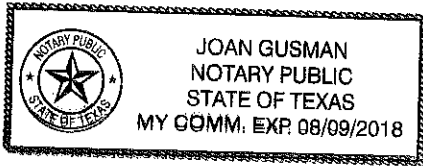

TODD MURPHY, D.V.M.

Oct 11, 2016
DATE

STATE OF TEXAS
COUNTY OF Galveston

BEFORE ME, on this day, personally appeared TODD MURPHY, 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 11 day of October, 2016.




Notary Public

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


Roland Lenarduzzi, D.V.M., Board President