DOCKET NO. 1998-09

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

AGREED ORDER

On this the 11th day of January, 1998, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Clint Owens, D.V.M., ("Respondent" or "Dr. Owens"), pursuant to the Veterinary Licensing Act ("Act") § 18F and Board Rule 575.27. On March 5, 1998, Respondent appeared in person at an Informal Conference in response to a letter of invitation from the Board. The Board was represented at the Informal Conference by the 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 Agreed Order. In waiving an adjudicative hearing, Respondent acknowledges understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon 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. Clint Owens, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 4995, 1998 renewal certificate number 1637. Respondent is not subject to prior disciplinary action by the Board.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.
3. On or about May 17, 1997, Ms. Patricia Barnes telephoned Dr. Clint Owens concerning the condition of her horse "Marty". She explained to Dr. Owens that the horse had gotten into the feed room the day before and had eaten an undetermined amount of food. Dr. Owens informed Ms. Barnes that the horse should have been given mineral oil the first night after the incident.
4. Dr. Owens informed Ms. Barnes that there was little he could do that night and to come by the clinic the next morning and get some Bute (Phenylbutazone). She should also bring the horse to the clinic as soon as possible. Ms. Barnes asked Dr. Owens if she could pick up the medicine that evening. He instructed her to come by his home and pick it up, which she did.

5. Dr. Owens failed to record any of the information concerning the horse and/or medications dispensed on a patient record. He dispensed a prescription drug without establishing a veterinarian/client/patient relationship. He dispensed the Bute without putting a label on it.

Conclusions of Law

1. Respondent is required to comply with the provision of the Act and Board Rules.
2. Section 14 (a) of the Act authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings of non-compliance with the Act or Board Rules.
3. Based on Findings of Fact 4 and 5, Dr. Owens has violated Rule 573.52 - Patient Record Keeping, Rule 573.41 - Use of Prescription Drugs, and Rule 573.40 - Labeling of Medications Dispensed of the Rules of Professional Conduct.
4. Based on Conclusion of Law 3, Respondent is subject to disciplinary action by the Board under the Act §14(a)

NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:
Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Dr. Clint Owens receive an OFFICIAL REPRIMAND under the following terms and conditions:

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

April 9, 1998
Respondent, Clint Owens, D.V.M., 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 of the Board.

Respondent, Clint Owens, D.V.M., by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order.

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 State Board of Veterinary Medical Examiners.

I, CLINT OWENS, 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 THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

[Signature]
Clint Owens, D.V.M.
Respondent

[Date] 4-23, 1998
STATE OF TEXAS
COUNTY OF Upshur

BEFORE ME, on this day, personally appeared Clint Owens, 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 23 day of April 1998.

[Signature]
Notary Public

This agreed order has been entered between Dr. Clint Owens 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.

RON ALLEN
Executive Director, TSBVME

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the ____ day of __________, 1998.

[Signature]
President
DOCKETED COMPLAINT NO. 1998-09

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 4995
vs.
§ 1998 RENEWAL CERTIFICATE
CLINT OWENS, DVM § NUMBER 1637

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 June 30, 1997, 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 Clint Owens, D.V.M., Gilmer Animal Clinic, Highway 155 North, Gilmer, Texas, 75644, Veterinary License Number 4995, 1998 Renewal Certificate Number 1637, 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 Clint Owens, DVM.

I.

On or about May 17, 1997, Ms. Patricia Barnes telephoned Dr. Clint Owens concerning the condition of her horse "Marty". She explained to Dr. Owens that the horse had gotten into the feed room the day before and had eaten an undetermined amount of food. Dr. Owens informed Ms. Barnes that the horse should have been given mineral oil the first night.

II.

Dr. Owens informed Ms. Barnes that there was little he could do and to come by the clinic the next morning and get some Bute (Phenylbutazone). She should also bring the horse to the clinic as soon as possible. Ms. Barnes asked Dr. Owens if she could pick up the medicine that evening. He instructed her to come by his home and pick it up, which she did.

III.

Dr. Owens failed to record any of the information concerning the horse and/or medications dispensed on a patient record. He dispensed a prescription drug without establishing a veterinarian/client/patient relationship. He dispensed the Bute without putting a label on it.

IV.

Based on paragraph III, Dr. Owens has violated Rule 573.52 - Patient Record Keeping, Rule 573.41 - Use of Prescription Drugs, and Rule 573.40 - Labeling of Medications Dispensed of the Rules of Professional
Based on paragraph IV, Dr. Owens 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 the law;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 20th day of May 1998.

Further, Affiant sayeth not.

[Signature]
Mike Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 20th day of May, 1998.

[Signature]
Charles A. Adkins, 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. Clint Owens, D.V.M. under Docketed Number 1998-09 this the 21st day of May 1998.

[Signature]
Howard M. Head, DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners