DOCKET NO. 2013-41

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
M. GORDON PARHAM, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 25th day of March, 2013, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of M. Gordon Parham, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board’s staff met on November 12, 2012 to consider alleged violations of the Veterinary Licensing Act and the Board’s rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a conference under Section 801.2056 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

Upon the recommendation of the staff 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


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. Respondent owns PetCare Express in Houston, Texas.
4. When a veterinary technician working for Respondent at PetCare Express was bitten on the lip by an animal he was treating, Respondent sutured the veterinary technician’s lip closed, and then prescribed and dispensed antibiotics to him.

5. On January 26, 2012, the Board conducted a compliance inspection on Respondent at PetCare Express. In the course of the inspection, the Board determined that Respondent’s controlled substance log for ketamine did not balance, and that Respondent did not have a log for diazepam tablets.

6. The compliance inspection also revealed that Respondent did not have an effective way to inform clients and other visitors to PetCare Express of how to file complaints with the Board, such as including the Board’s address and telephone numbers on a written notice, brochure, or statement on each written bill, invoice or receipt.

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 Findings of Fact 1 through 4, Respondent violated Rule of Professional Conduct 573.41, Use of Prescription Drugs, by prescribing, dispensing or giving to a person drugs that were not necessary or required for the medical care of animals.

3. Based on Findings of Fact 1 through 4, Respondent violated Rule of Professional Conduct 573.60, Prohibition Against Treatment of Humans, by suturing a wound, and prescribing and dispensing prescription antibiotics to a human.

4. Based on Findings of Fact 1 through 5, Respondent violated Rule of Professional Conduct 573.50, Controlled Substances Records Keeping for Drugs on Hand, by failing to balance his controlled substance log for ketamine, and by failing to maintain a controlled substance log for diazepam tablets.

5. Based on Findings of Fact 1 through 3 and 6, Respondent violated Rule of Professional Conduct 573.29, Complaint Information and Notice to Clients, by failing to inform clients and other visitors to PetCare Express of how to file complaints with the Board, by including the Board’s address and telephone numbers on a written notice, brochure, or statement on each written bill, invoice or receipt.

6. Based on Findings of Fact 1 through 6 and Conclusions of Law 1 through 5, 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.

7. Based on Conclusions of Law 1 through 6, 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.

8. Based on Conclusions of Law 1 through 7, 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 Respondent receive a FORMAL REPRIMAND.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of TWO THOUSAND DOLLARS ($2,000.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent's license may be suspended until the penalty is paid, and 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.

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M. Gordon Parham, D.V.M.
The Board further ORDERS that Respondent shall take and pass the Texas veterinary jurisprudence examination within 90 days from the date of this Agreed Order.

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 Agreed Order.

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing 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, and Findings of Fact and Conclusions of Law set forth herein, 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 formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he had the right to be represented by legal counsel in this matter.

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 effective date of this Agreed Order shall be the date it is adopted by the Board.

I, M. GORDON PARHAM, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND 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.

M. Gordon Parham, D.V.M.

12/18/12

DATE

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M. Gordon Parham, D.V.M.
STATE OF TEXAS  §
COUNTY OF           §

BEFORE ME, on this day, personally appeared M. Gordon Parham, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this  18th day of December, 2012.

[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 25th of March, 2013

[Signature]
Bud E. Alldredge, Jr., D.V.M., President

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M. Gordon Parham, D.V.M.