NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Ralston, the Texas State Board of Veterinary Medical Examiners staff, and 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. Ralston, will be granted a continuance at his option.

Dr. Ralston does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, 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 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 advise a client that the treatment provided to their pet was a homeopathic remedy, and allowed the client to believe the medication was conventional and traditional. Refusal to allow a Board Investigator to inspect and/or copy client/patient records as outlined in Rule of Professional Conduct 573.63

RECOMMENDED DISCIPLINARY ACTION:

Official Reprimand

CONDITIONS:

1. Dr. Ralston shall prominently display, both inside and outside his place or places of practice, that he uses alternate therapies, including acupuncture and homeopathic remedies.

2. Dr. Ralston will obtain specific written consent to use alternate therapies from any client on whose animal they are used. The document shall be signed and retained in the client’s file.

3. Dr. Ralston agrees to take and pass the State Board Jurisprudence Examination.
Norman C. Ralston, D.V.M.
Negotiated Settlement
Page two

4. Dr. Ralston agrees to abide by the laws and rules of the State of Texas as they pertain to the practice of veterinary medicine.

[Signature]
NORMAN C. RALSTON, D.V.M. 12/30/94 Date

Ron Allen, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
The foregoing Agreed Settlement, entered into between Dr. Ralston, Dr. Ralston's legal counsel, the Board Secretary, 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 the 2nd day of February, 1994, 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 2nd, day of February, 1994.

Mr. Clark S. Willingham, President

Al Hopkins, Jr., D.V.M., Vice- President

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

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

Olivia R. Eudaly, Member

James N. Gomez, D.V.M., Member

Robert D. Lewis, D.V.M., Member

Joyce G. Schiff, Member

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

February 2, 1994

Date

Date

Date

Date

Date

Date

Date
DOCKETED COMPLAINT NO. 1994-04

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

NORMAN C. RALSTON, D.V.M.

TEXAS VETERINARY MEDICAL
LICENSE NO. 980
1993 RENEWAL CERTIFICATE NUMBER 4999+P

COMPLAINT AFFIDAVIT

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

On or about May 4, 1992, Matthew L. Wendel, 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 Norman C. Ralston, D.V.M., 12500 Lake June Road, Balch Springs, Texas 75180, Veterinary License Number 980, 1993 Renewal Certificate Number 4999+P, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Matthew L. Wendel, do hereby present the following complaint against Norman C. Ralston, D.V.M.

I.

On or about March 3, 1992, Elaine Foster took her five year old female Cockapoo, "Tippy", with what appeared to be a false pregnancy, to Dr. Norman C. Ralston at the LBJ Animal Clinic.

II.

Dr. Ralston diagnosed Pseudocyesis and dispensed to "Tippy" the homeopathic remedy Bryonia, listed in "Homeopathic Treatment of Small Animals".


III.

Dr. Ralston did not disclose to Mrs. Foster that he would be treating her dog with herbs. She thought that Dr. Ralston was dispensing a conventional medication.

IV.

By failing to advise his client that he was treating her animal with a homeopathic remedy and allowing Mrs. Foster to believe his medication was conventional and traditional, Dr. Ralston violated Rule of Professional Conduct 573.20 Responsibility for Acceptance of Medical Care and Section 14(a) (5), Texas Veterinary Licensing Act, Article 8890, V.A.C.S.

V.

On February 18, 1993, Dr. Ralston refused to allow Investigator Matthew Wendel to inspect and copy client and patient records of Ronna Dempsey and her pet, "Patrick Randall", notwithstanding the fact that Investigator Wendel advised Dr. Ralston of the requirements of Rule of Professional Conduct 573.63, Inspection of Veterinary Facilities and Records.

VI.

By refusing to allow Investigator Matthew Wendel to inspect and copy client and patient records, Dr. Ralston has violated Rule of Professional Conduct 573.63, Inspection of Veterinary Facilities and Records, and Section 14(a) (5) and (13), Texas Veterinary Licensing Act, Article 8890, V.A.C.S.

VII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Ralston's Veterinary License under the Texas Veterinary Licensing Act, V.A.C.S., (formerly Article 7465a) Article 8890, Section 14 which states in part:
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 law;

(13) has refused to admit a representative of the Board to inspect the client and patient records and business premises of the person during regular business hours".

ARTICLE 8890, SECTION 14B

(a) The Board may impose an administrative penalty against a person who violates a provision of this Act or a rule or order adopted under this Act.

The foregoing complaint is submitted to the Secretary of the Texas State Board of Veterinary Medical Examiners on this the 2nd day of November, 1993.

Further, Affiant Sayeth not.

Matthew L. Wendel, Affiant
SUBSCRIBED and SWORN TO before me by the said Matthew L. Wendel this the 2nd day of November, 1993.

JOSEPH J. RIZZO
Notary Public
STATE OF TEXAS
My Comm. Exp. 10-29-97

[Signature]
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. Norman C. Ralston, D.V.M., under Docketed Number 1994-04, this the 15th day of November, 1993.

ALTON F. HOPKINS, D.V.M., Secretary
Texas State Board of Veterinary Medical Examiners