DOCKET NO. 2014-161

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

AGREED ORDER

On this the 3rd day of June, 2014, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of PATRICIA RIFE, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board’s staff met on March 20, 2014, 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 her understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to her.

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

1. Respondent, PATRICIA RIFE, D.V.M. of Greenville, Texas, holds Texas veterinary license 6862.

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 is the owner of the Animal Medical Center ("Center") in Greenville, Texas. Respondent is also a Board member for Cause for Paws, a non-profit organization in Greenville, Texas.
4. On January 27, 2014, a Board investigator conducted a compliance inspection of Respondent at the center. During the inspection, the investigator noted that Respondent’s controlled substance registration with the Texas Department of Public Safety (“DPS”) had expired on August 31, 2013. Respondent’s records indicate that she administered, dispensed, and prescribed controlled substances since August 31, 2013.

5. During the inspection, the investigator further discovered that Respondent’s controlled substance log book did not maintain balances for morphine, fentanyl patches, diazepam injectable, and Phenobarbital 64.8 mg.

6. During the inspection, Respondent admitted to dispensing ketamine and diazepam to the Cause for Paws facility for use in spay and neuter procedures. Respondent did not examine animals prior to the animals receiving the drugs she dispensed. Respondent failed to label the ketamine she dispensed to Cause for Paws. A former employee of Cause for Paws also states that controlled substances were transferred from the Center to Cause for Paws. Respondent does not have a DPS or federal Drug Enforcement Administration controlled substance registration for the Cause for Paws location.

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 – 3 and 6, Respondent violated Section 801.351 of the Veterinary Licensing Act, Texas Occupations Code, by failing to establish a veterinarian-client-patient relationship by examining the animal in order to attain sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the animal’s medical condition and by knowingly purchasing and diverting drugs to clients and end-user animals whom Respondent had not established a veterinarian-client-patient relationship.

3. Based on Findings of Fact 1 through 2 and 6, Respondent has violated Rule 573.4 ADHERENCE TO THE LAW, of the Board’s Rules of Professional Conduct, which requires that no licensed veterinarian shall commit any act that is in violation of the laws of the State of Texas, other states, or of the United States, if the act is connected with the veterinarian’s practice of medicine, including but not limited to the acts enumerated in Rule 575.50. A complaint, indictment, or conviction of a law violation is not necessary for the enforcement of this rule. Proof of the commission of the act while in the practice of, or under the guise of the practice of, either veterinary medicine or equine dentistry, is sufficient for action by the Board under this rule. Respondent failed to adhere to Title 21, Code of Federal Regulations, section 1301.12, which requires a separate registration for each principal place of business or professional practice at one or one general physical location where controlled substances are distributed or dispensed.

4. Based on Findings of Fact 1 – 3 and 6, Respondent violated Rule 573.40, LABELING
OF MEDICATION DISPENSED, of the Board’s Rules of Professional Conduct, by failing to label the container of a medication dispensed to Cause for Paws with all required information, including but not limited to the veterinarian’s address and telephone number; the patient name; the species of animal; the name, strength, and quantity of the drug dispensed; directions for use; and cautionary statements as required by law.

5. Based on Findings of Fact 1 – 3 and 6, Respondent has violated Rule 573.41, USE OF PRESCRIPTION DRUGS, of the Board’s Rules of Professional Conduct, by failing to establish a veterinarian-client-patient relationship prior to prescribing, dispensing, delivering, or ordering delivered prescription drugs and failing to determine that the drugs were therapeutically indicated for the health and well being of the animals(s).

6. Based on Findings of Fact 1 through 4, Respondent has violated Rule 573.43 CONTROLLED SUBSTANCES REGISTRATION, of the Board’s Rules of Professional Conduct, which states that a licensee may not prescribe, dispense, deliver or order delivered, any controlled substance, unless he is currently registered with the DEA and the DPS.

7. Based on Findings of Fact 1 through 3 and 5, Respondent has violated Rule 573.50, CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND, of the Board’s Rules of Professional Conduct, by failing to record the balance on hand for each controlled substance.

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

9. Based on Conclusions of Law 1 through 8, 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.

10. Based on Conclusions of Law 2 through 9, 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 FIVE HUNDRED DOLLARS ($2500.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Agreed Order, Respondent’s license may be suspended until the penalty is paid.

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 her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that
she 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 her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she 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, PATRICIA RIFE, 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.

PATRICIA RIFE, D.V.M.  

DATE  

STATE OF TEXAS  

COUNTY OF Hunt  

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

Given under the hand and seal of office this 8th day of April, 2014.

PATRICIA DONAHO  
Notary Public, State of Texas  
My Commission Expires October 03, 2016  

Agreed Order 2014-161  
PATRICIA RIFE, D.V.M.
SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 3rd June, 2014.

Bud E. Alldredge, Jr., D.V.M., President