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

Dr. Ross does not contest the allegations set forth in the Complaint 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: Prescribing medication for a person and not for the care and treatment of animals.

RECOMMENDED DISCIPLINARY ACTION:

1. Reprimand

2. Take and pass the State Board Jurisprudence Examination as scheduled by Board Staff within 60 days of the hearing date.

CONDITIONS:

1. Perform 50 hours of Community Service, the details of which to be worked out with the Board Secretary and Staff.

2. Obtain 15 hours of Continuing Education.

3. Submit quarterly reports certifying continued compliance with the Orders until completing of the continuing education and community service.

4. Abide by the laws and rules of the State of Texas as they pertain to the practice of veterinary medicine.

Charles C. Ross, D.V.M.

DONALD B. WILSON, Executive Director
Texas Board of Veterinary Medical Examiners.
The foregoing Agreed Settlement, entered into between Dr. Charles C. Ross, the Board Secretary, Dr. Robert D. Lewis 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 February 3, 1989 ORDERED that all penalties and conditions as stated therein be complied with the same as if the Board had heard evidence and testimony and as a result of such hearing had issued Findings and Orders.

Executed this 3rd day of February, 1989.

Jim F. Humphrey, President

Fred K. Soifer, D.V.M., Vice-President

Robert D. Lewis, D.V.M., Secretary

W. L. "Dub" Anderson, D.V.M., Member

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

Olivia R. Eudaly, Member

Mike Levi, Member

Mary E. Mainster, D.V.M., Member

Edward S. Murray, D.V.M., Member
DOCKETED COMPLAINT NO. 1989-1

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

VS.

CHARLES C. ROSS, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 4370
1988 RENEWAL CERTIFICATE NUMBER 4404

COMPLAINT AFFIDAVIT FORM

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:

"I, Mike Carroll, being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one DR. CHARLES C. ROSS, Humble Animal Hospital, 114 South Houston Avenue, Humble, Harris County, Texas, Texas Veterinary License Number 4370, 1988 Renewal Certificate Number 4404, 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 Charles C. Ross, D.V.M., who is hereinafter called Respondent.

I.

On or about March 11, 1988, Dr. Ross was visited by an Investigator for the TSBVME, who interviewed Dr. Ross regarding purchase of Oxycodone W/Aspirin, a Schedule II Controlled Substance, ordered on the below listed DEA Form 222's.

<table>
<thead>
<tr>
<th>DEA No.</th>
<th>Quantity</th>
<th>Date Ordered</th>
<th>Date Shipped</th>
</tr>
</thead>
<tbody>
<tr>
<td>P18503533</td>
<td>1X100 Tabs</td>
<td>2-5-87</td>
<td>2-17-87</td>
</tr>
<tr>
<td>P18503536</td>
<td>1X100 Tabs</td>
<td>8-17-87</td>
<td>8-25-87</td>
</tr>
<tr>
<td>P18503538</td>
<td>1X100 Tabs</td>
<td>1-28-88</td>
<td>2-9-88</td>
</tr>
</tbody>
</table>

II.

Through Dr. Ross' admission to a Board Investigator and in a letter dated January 10, 1989, Dr. Ross stated that the oxycodone W/aspirin which was ordered was for the purpose of furnishing same to his wife for her own personal consumption.

III.

By providing a controlled substance, to wit: Oxycodone W/Aspirin when not necessary or required for the care of an animal, Dr. Charles C. Ross has violated Rule 33 of the Rules of Professional Conduct which states:

Rule 33 CONTROLLED SUBSTANCES
It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession for a veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person, narcotic drugs, dangerous drugs, or any controlled substances that are not necessary or required for the care of animals, or where the use or possession of such drugs would promote addiction thereto. For purposes of the rule the term Narcotic Drugs, Dangerous Drugs, and Controlled Substances shall mean those which are defined and recognized as such by any law of the State of Texas or of the United States.
IV.

Through the actions outlined in Paragraphs I and II of this Complaint Dr. Charles C. Ross has violated Rule 5 of the Rules of Professional Conduct, which states:

Rule 5 ADHERENCE TO THE LAW

No veterinarian shall render any service or advice involving disloyalty to the law. A veterinarian must also observe and advise his client to observe the statute law.

V.

The Texas State Board of Veterinary Medical Examiners has authority to take disciplinary action against a veterinarian’s license under the Texas Veterinary Licensing Act, Article 7465a, V.A.C.S., Sections 14 (c) and (e) which states in part:

"...the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee...if it finds that an applicant or licensee:

(c) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine; or

(e) 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 37th day of January, 1989.

Further, Affiant sayeth not.

Mike Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll, this the 23rd day of January, 1989.

JUDY C. SMITH
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., CHARLES C. ROSS, D.V.M., under Docket Number 1989-1, this the 23rd day of January, 1989.

ROBERT D. LEWIS, D.V.M., Secretary
Texas State Board of Veterinary Medical Examiners