NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Sealy, 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. Sealy, will be granted a continuance at his option.

Dr. Sealy 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:

Administering legend, and controlled drugs to his wife, and failure to maintain records concerning acquisition and disposition of the drugs as required by law.

RECOMMENDED DISCIPLINARY ACTION:

1. Five years suspension with the entire period probated, commencing March 4, 1993.

2. Obtain fifteen hours of continuing education each year of the probationary period and send to the Board documentation as to completion of the required continuing education on or before March 4 for the preceding year.

3. Do not attempt to reinstate DEA and DPS Controlled Substances Registration Certificates until March 4, 1996.

CONDITIONS:

1. Take and pass the State Board Jurisprudence Examination by March 4, 1994.

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

3. If at the end of three years, March 4, 1996, Dr. Sealy has complied with this Order, the Board will not object to Dr. Sealy regaining DEA and DPS Controlled Substances Registrations Certificates.

4. If Dr. Sealy receives DEA and/or DPS Registration Certificates he shall each quarter, send to the Board a copy of his drug log until he has completed the suspension period.
5. Dr. Sealy may have access to Buthenasia D, if it can be obtained on the market. If not, Dr. Sealy will notify the Board of the market equivalent, and within ten days of receipt of the notification, the Board will not object to Dr. Sealy obtaining the equivalent.

Roscoe O. Sealy, D.V.M.

March 29, 1993

Date

Buddy Mattnijetz, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
DOCKETED COMPLAINT NO. 1993-11

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

VERSUS

ROSCOE O. SEALY, D.V.M.

COMPLAINT AFFIDAVIT

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

On or about May 27, 1992, Joseph J. Rizzo, 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 Roscoe O. Sealy, D.V.M., 4830 West Avenue, San Antonio, Texas, 78213, Veterinary License Number 910, 1992 Renewal Certificate Number 1030, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Joseph J. Rizzo, do hereby present the following complaint against Roscoe O. Sealy, D.V.M.

I.

For about one year preceding May 20, 1992, Roscoe O. Sealy, D.V.M., repeatedly administered to his wife, Imogene, Butorphanol-Tartrate (Torbegesic), a legend drug; Pyridostigmine, a legend drug; Doxypin, a legend drug; and Diazepam (Valium), a Schedule IV controlled substance, because of pain she was suffering and illnesses diagnosed by Dr. Sealy. The drugs were obtained by Dr. Sealy, who utilized his veterinary license and DEA Controlled Substances Registration Certificate to procure them.
II.
Dr. Sealy determined that he should administer the drugs described in Paragraph 1 and did not consult with or follow the treatment orders of a physician when he obtained the drugs and then administered them to his wife.

III.
For the two year period preceding May 20, 1992, Dr. Sealy failed to maintain a drug inventory journal that describes the acquisition and disposition of controlled substances, as required by Rule of Professional Conduct 573.50, Controlled Substance Record Keeping For Drugs on Hand; Rule 573.4, Adherence to the Law; Section 14a(3) and (5) Article 8890, V.A.C.S.; and Section 481.127 (3), Health and Safety Code, Chapter 481.

IV.
By engaging in the activities described in Paragraphs 1 and 2, Dr. Sealy has violated Rule 573.41 (b), Use of Prescription Drugs: Rule 573.60, Practice Prohibition; Sections 14(a) (5), Texas Veterinary Licensing Act, Article 8890, V.A.C.S.

V.
By failing to maintain required records for scheduled drugs, as described in Paragraph 3, Dr. Sealy has violated Rule 573.4, Adherence to the Law; Rule 573.50, Controlled Substances Records Keeping for Drugs on Hand; Section 14 (a) (3) and (5) of Article 8890, Texas Veterinary Licensing Act, V.A.C.S.

VI.
The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Sealy's Veterinary License under the Texas Veterinary Licensing Act,
V.A.C.S., Article 8890, (formerly Article 7465a) 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:

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

(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;

ARTICLE 8890, SECTION 14B
(a) If a person violates this act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.
The foregoing complaint is submitted to the Secretary of Texas Board of Veterinary Medical Examiners on this the 21st day of January, 1993.

Further, Affiant sayeth not.

[Signature]

JOSEPH J. RIZZO, Affiant

SUBSCRIBED and SWORN TO before me by the said MATTHEW WENDELL this the 21st day of January, 1993.

[Signature]

MATTHEW WENDELL, 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. Roscoe O. Sealy, D.V.M. under Docketed Number 1993-11, this the 24th day of January, 1993.

[Signature]

ALTON F. HOPKINS, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners
The foregoing Agreed Settlement, entered into between Dr. Sealy 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 10th day of June, 1993, 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 10th, day of June, 1993.

Larry M. Dubuisson, D.V.M., President

June 10, 1993

Clark S. Willingham, Vice-President

Date

Date

Julie A. Hepp, D.V.M., Secretary

Date

Date

Date

Olivia R. Eudaly, Member

Date

Absen

Date

Date

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

Date

Date

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

Date

Date

Joyce A. Schiff, Member

Date

Date

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

Date

Date

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

Date