AGREED ORDER 2009-16

IN THE MATTER § TEXAS BOARD
OF THE LICENSE OF § OF VETERINARY
RICHARD H. SHEPHERD, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this, the 12th day of February, 2008, came on to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of RICHARD H. SHEPHERD, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on December 4, 2008 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

1. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice that may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.

2. On July 3, 2008, information was received by the Board that Respondent allowed an individual to practice veterinary medicine without a license at Lakeshore Animal Clinic in Dallas, Texas, from approximately October 2007 to June 2008. Said individual administered controlled substances while in the scope of her employment at Lakeshore Animal Clinic, and under the direct supervision of Respondent.

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 Finding of Fact 2, Respondent has violated Board Rules 573.11 and 573.43, and is subject to disciplinary action by the Board:
RULE §573.11 RESPONSIBILITY FOR UNLICENSED AND LICENSED EMPLOYEES

(a) A veterinarian who employs and/or supervises an unlicensed person shall be responsible for any acts of the unlicensed person committed within the scope of the person's employment that constitute the unauthorized practice of veterinary medicine.

RULE §573.43 MISUSE OF DEA NARCOTICS REGISTRATION

(a) Subject to subsection (b) of this section, a licensee may not prescribe, dispense, deliver, or order delivered any controlled substances unless the licensee is currently registered with the federal DEA and Texas DPS to dispense controlled substances.

3. Based on Conclusions of Law 1 and 2, 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:

(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.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of five-hundred dollars ($500.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent's license shall be suspended until said 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 order.

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provision of the Act or the Board Rules, may result in further disciplinary action.
I, RICHARD H. SHEPHERD, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT 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.

Richard H. Shepherd, D.V.M.  
12/17/08  
Date

STATE OF TEXAS  
COUNTY OF DENTON

BEFORE ME, on this day, personally appeared Richard H. Shepherd, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that they executed the same for the purposes stated therein.

Given under the hand and seal of office this 17th day of December, 2009.

K. Pearce  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 12th day of February 2009.

Bud E. Alldredge, Jr., D.V.M.  
President of the Board