DOCKET NO. 2002-03

IN THE MATTER
OF THE LICENSE OF
MICHAEL T. SHOWS, D.V.M.

§

TECHNOLOGY BOARD OF
§

VETERINARY MEDICAL EXAMINERS
§

AGREED ORDER

On this the 21st day of February, 2002 came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Michael T. Shows, D.V.M. (Respondent). Pursuant to the Veterinary Licensing Act (Act), §801.408, Texas Occupations Code, and Board Rule 575.27, Respondent was sent a letter of invitation to appear at an Informal Conference that was held on October 4, 2001 and Respondent did appear. The Board was represented at the Informal Conference by the Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Agreed Order. In waiving an adjudicative hearing, Respondent acknowledges understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon recommendation of the Enforcement 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. Michael T. Shows, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 7583. Respondent is not subject to prior disciplinary action by the Board.

2. The Board has jurisdiction over the subject matter and Respondent. Respondent has
received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.

3. On November 9, 2000 a Board investigator conducted a compliance inspection of the Kingsland Blvd. Animal Clinic, Katy, Texas. The inspection revealed that Michael T. Shows, D.V.M., had administered and dispensed controlled substances without a Federal Drug Enforcement Administration (DEA) drug certificate and a Texas Department of Public Safety (DPS) certificate from January 1995 until February 1, 2001. Both the DEA and the DPS notified Dr. Shows that they had never received an application for certificates from Dr. Shows.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Act and Board Rules.
2. Based on Finding of Fact 3, Dr. Shows has violated Board Rule 573.43, MISUSE OF DEA NARCOTICS REGISTRATION, which states:
   It is unprofessional conduct for a licensee to prescribe, dispense, deliver or order delivered, any controlled substance, unless he is currently registered with the Federal Drug Enforcement Administration (DEA) and the Texas Department of Public Safety (DPS) to dispense controlled substances.
3. Based on Finding of Fact 3 and Conclusions of Law 1 through 2, Respondent is subject to disciplinary action by the Board under Section 801.402 (6) of the Texas Occupations Code for engaging in "practices or conduct that violates the board's rules of professional conduct..." and is therefore subject to a civil penalty under Sec. 801.401.

NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:
Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Michael T. Shows, D.V.M., be officially REPRIMANDED. It is further ORDERED that Michael T. Shows pay a CIVIL PENALTY of One Thousand Dollars ($1000.00), payable within 45 days of the Board's approval of this Order.

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It is further ORDERED that Michael T. Shows take and pass the Board’s jurisdiction examination within 45 days of the Board’s approval of this Order.

It is further ORDERED 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 provisions of the Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action of the Board.

Respondent, by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order.

**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. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT’S RIGHTS UNDER STATUTE, OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.**

The date of this Agreed Order shall be the date it is adopted by the Texas State Board of Veterinary Medical Examiners.

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I, MICHAEL T. SHOWS, 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 THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Michael T. Shows, D.V.M.
Respondent

STATE OF TEXAS
COUNTY OF Harris

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

Given under the hand and seal of office this 2nd day of November, 2001.

TAMMERA TAYLOR
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 21st day of February, 2002.

MARTIN E. GARCIA, D.V.M.
President

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