TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Box 113
Austin, TX 78704
(512) 447-1183

DOCKET NUMBER 1990-06
JOHN LOWELL SPRUIELL, D.V.M.
LICENSE NUMBER 2824

NEGOITIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Spruiell, and the Texas State 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. Spruiell, will be granted a continuance at his option.

Dr. Spruiell 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:
Failure to establish a veterinarian/client/patient relationship prior to delivering prescription drugs; failure to maintain patient records; and failure to adhere to the law.

RECOMMENDED DISCIPLINARY ACTION:

1. Five (5) years suspension, all probated.
2. Pay a civil penalty in the sum of $2,500.00
3. Schedule III drug license to be reinstated and limited to Schedule III Buethenasia-D.

CONDITIONS:

1. Submit quarterly reports certifying continued compliance with the Orders during the probationary period, with the first report due October 1, 1990.
2. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.
3. Take and pass the State Board Jurisprudence Examination as scheduled by the Board staff.
4. Obtain 20 hours of Continuing Education during each year of probation.

John Lowell Spruiell, D.V.M.

Donald B. Wilson, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
The foregoing Agreed Settlement, entered into between Dr. John Spruiell, the Board Secretary, Dr. Mary E. Mainster 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 June 7, 1990, 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 the 7th, day of June, 1990.

Fred K. Spifer, D.V.M., President

Robert D. Lewis, D.V.M., Vice-President

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

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

Absent

Mrs. Olivia R. Eudaly, D.V.M., Member

Alton F. Hopkins, Jr., D.V.M., Member

Absent

Mr. Mike Levi, Member

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

Mr. Clark S. Willingham, Member
DOCKETED COMPLAINT NO. 1920-06

MEDICAL EXAMINERS

vs.

JOHN LOWELL SPRUIELL, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 2824

1990 RENEWAL CERTIFICATE NUMBER 0159

COMPLAINT AFFIDAVIT FORM

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 July 10, 1989, Joseph J. Rizzo, 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 JOHN L. SPRUIELL, D.V.M., Laredo Animal Care Clinic, 2406 Clark Boulevard, Laredo, Webb County, Texas, Veterinary License Number 2824, 1990 Renewal Certificate Number 0159, 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 JOHN L. SPRUIELL, D.V.M., who is hereinafter called Respondent.

I.

The Respondent ordered and received methyltestosterone, a prescription drug, from Burns Veterinary Supply in Carrollton, Texas, in the quantities and on the dates described below:

<table>
<thead>
<tr>
<th>Date Shipped</th>
<th>Form</th>
<th>Quantity</th>
<th>Invoice #</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>04-4-88</td>
<td>10 mg Tabs (oral)</td>
<td>300</td>
<td>5678147</td>
<td>$6.30</td>
</tr>
<tr>
<td>09-9-88</td>
<td>10 mg Tabs (oral)</td>
<td>300</td>
<td>5678147</td>
<td>$6.30</td>
</tr>
<tr>
<td>10-4-88</td>
<td>10 mg Tabs (oral)</td>
<td>2,000</td>
<td>5739814</td>
<td>$31.90</td>
</tr>
<tr>
<td>10-25-88</td>
<td>10 mg Tabs (oral)</td>
<td>2,000</td>
<td>5748560</td>
<td>$33.90</td>
</tr>
<tr>
<td>10-26-88</td>
<td>10 mg Tabs (oral)</td>
<td>5,000</td>
<td>5755772</td>
<td>$84.75</td>
</tr>
<tr>
<td>01-12-89</td>
<td>10 mg Tabs (oral)</td>
<td>3,000</td>
<td>5756901</td>
<td>$50.85</td>
</tr>
<tr>
<td>01-13-89</td>
<td>10 mg Tabs (oral)</td>
<td>3,000</td>
<td>5784985</td>
<td>$50.85</td>
</tr>
<tr>
<td>03-13-89</td>
<td>25 mg Tabs (oral)</td>
<td>4,000</td>
<td>5785071</td>
<td>$118.65</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>26,600</td>
<td>5557062</td>
<td>$575.50</td>
</tr>
</tbody>
</table>

II.

The Respondent sold methyltestosterone to "The Mercantile", located at 217 S. Bright, Devine Texas and at 445 W. Oaklawn, Pleasanton, Texas, in the quantities and on the dates described below:

<table>
<thead>
<tr>
<th>Date Sold</th>
<th>Form</th>
<th>Quantity</th>
<th>Invoice #</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>09-26-88</td>
<td>10 mg Tabs</td>
<td>200</td>
<td>2026</td>
<td>$35.04</td>
</tr>
<tr>
<td>10-6-88</td>
<td>10 mg Tabs</td>
<td>4,000</td>
<td>Unknown</td>
<td>$74.60</td>
</tr>
<tr>
<td>11-4-88</td>
<td>10 mg Tabs</td>
<td>8,000</td>
<td>2797</td>
<td>$149.20</td>
</tr>
<tr>
<td>01-27-89</td>
<td>10 mg Tabs</td>
<td>10,000</td>
<td>4294</td>
<td>$186.50</td>
</tr>
<tr>
<td>03-17-89</td>
<td>25 mg Tabs</td>
<td>4,000</td>
<td>4877</td>
<td>$211.20</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>26,200</td>
<td></td>
<td>$656.54</td>
</tr>
</tbody>
</table>
III.
The Respondent sold the following anabolic steroids, all prescription drugs, to "The Mercantile" in the quantities and on the dates described below:

<table>
<thead>
<tr>
<th>Date Sold</th>
<th>Form</th>
<th>Quantity</th>
<th>Invoice #</th>
<th>Price</th>
</tr>
</thead>
<tbody>
<tr>
<td>04-12-89</td>
<td>Anadrol 50</td>
<td>100 Tabs</td>
<td>5211</td>
<td>$75.75</td>
</tr>
</tbody>
</table>

IV.
When interviewed on July 10, 1989, by Investigator Rizzo and Texas Department of Health Sanitarians Julie Magness and James McElhanon, the Respondent furnished the original purchase and sale records, as described above, of Methyltestosterone and Anadrol 50 and then stated that he has never filed a registration statement as a wholesale drug distributor with the Commissioners of Health of the State of Texas, as required by the Food, Drug and Cosmetic Act, Article 4476-5, V.A.C.S.

V.
In addition, the Respondent was unable to furnish any patient records listing the anabolic steroids described in Paragraphs I, II and III.

VI.
Respondent failed to establish a veterinary/client/patient relationship with any animal prior to ordering or dispensing or delivering the prescription drugs listed to Paragraphs I, II and III.

VII.
By failing to file a registration statement as a wholesale drug distributor with the Texas Department of Health, The Respondent has violated Rule of Professional Conduct 573.4, which states:

573.4 ADHERENCE TO THE LAW
No veterinarian shall render any service or advice involving disloyalty to the law. A veterinarian must also observe and advise clients to observe the law.

VIII.
By failing to maintain adequate patients records at his place of business for the prescription drugs listed in Paragraph I, the Respondent has violated Rule of Professional Conduct 573.52, which states:

Rule 573.52 PATIENT RECORD KEEPING
(a.) Individual records will be maintained at the place of business and include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, names and dosages of medications administered an/or dispensed, and other details as necessary to substantiate diagnosis and treatment.
(b.) Patient records shall be current and maintained on the business premises for a period of three years and are the responsibility of property of the employing veterinarian.

(c.) When appropriate, licensees may substitute the words "herd", "flock" or other collective group term in place of the word "patient" in subsections a. and b. of this section. Records to be maintained on these animals may be kept in a daily log, or the billing records, provided that the treatment information that is entered is ad equate to substantiate the identification of these animals and the medical care provided. In no case does this eliminate the requirement to maintain drug records as specified by state and federal law and board rules.

IX.

By ordering and delivering the prescription drugs listed in Paragraphs I, II and III, without first having established a veterinary/client/patient relationship by having personally examined the individual animal, herd, etc., the Respondent, has violated Rule 573.41 of the Rules of Professional Conduct which states:

Rule 573.41 USE OF PRESCRIPTION DRUG
(a.) It is unprofessional conduct for a licensed veterinarian to prescribe or dispense, deliver or order delivered any prescription drug without first having established a veterinary/client/patient relationship by having personally examined the individual animal, herd, or a representative segment or a consignment lot thereof and determined that such prescription drug is therapeutically indicated following said examination. Prescription drugs include all controlled substances in Schedules I thru V and Legend Drugs which bear the federal legends, recognized as such by any law of the State of Texas or of the United States.

(b.) It shall be unprofessional and a violation of the Rules of Professional Conduct for a licensed veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person prescription drugs, that are not necessary or required for the medical care of animals, or where the use or possession of such drugs would promote addiction thereto. Prescription drugs are defined in subsection (a.) of the rule.

X.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. John Lowell Spruiell's Veterinary License under the Texas Veterinarian Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a), (5) and (12) which state:

Article 8890, Section 14(a), Veterinary Licensing Act-
"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"
(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;

(12) has ordered prescription drugs or controlled substances for the treatment of an animal without first establishing a valid veterinarian-patient-client relationship;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 4th day of April 1990.

Further, Affiant sayeth not.

JOSEPH J. RIZZO, Affiant

SUBSCRIBED and SWORN TO before me by the said JOSEPH J. RIZZO, this the 4th day of April, 1990.

JUDY C. SMITH
Notary Public in and for Texas

My Commission Expires: September 13, 1993

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. JOHN LOWELL SPRUIELL, D.V.M. under Docketed Number 1990-06, this the 4th day of April, 1990.

MARY E. MAINSTER, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners
BANK MONEY ORDER

JOHN SPRUELL

JUNE 06, 1990

PAY TO THE ORDER OF
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

SOUTH TEXAS NATIONAL BANK

$ 2,500.00

ASSISTANT CASHIER, VICE PRESIDENT

1990-06 spruell