

DOCKET NO. 2014-250

IN THE MATTER OF § TEXAS BOARD OF  
THE LICENSE OF § VETERINARY  
TOMMY VANDERFORD, D.V.M. § MEDICAL EXAMINERS

**AGREED ORDER**

On this the 27 day of January, 2015, came to be considered by the Texas Board of Veterinary Medical Examiners (“Board”) the matter of the license of TOMMY VANDERFORD, D.V.M. (“Respondent”). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on November 17, 2014. Respondent did attend the informal conference and was represented by counsel, Mr. Gus Saper. The Board was represented at the conference by the Board’s 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 Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon the 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. Respondent, TOMMY VANDERFORD, D.V.M. of La Porte, Texas, holds Texas veterinary license 12400.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (“Act”). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov’t Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners (“Board Rules”) (22 Tex. Admin. Code, Chapter 575).
3. On February 24, 2014, Respondent went to the Walgreens in LaPorte, Texas to fill a prescription written for his dog, Trevor. The Walgreen’s pharmacist, Chad Ewer, stated that the

prescription was for 90 tablets of adderall, 20 mg. Mr. Ewer was uneasy filling the prescription due to it being a schedule II controlled substance. Mr. Ewer stated that he had never seen an animal being prescribed adderall. Mr. Ewer researched adderall and found that it was not indicated for animals. Mr. Ewer refused to fill the prescription.

4. On March 26, 2014, Respondent provided an affidavit to an investigator with the Texas Department of Public Safety ("DPS"), stating that his truck was broken into and its contents were stolen, including his DPS and Drug Enforcement Administration registration and prescription pads. He stated that he had not written any prescriptions for his dog.

5. On March 31, 2014, Respondent provided DPS with another affidavit stating that he had been writing prescriptions for his dog for the past two years for adderall. Respondent stated that his personal doctor currently was prescribing adderall for him and that he wrote the prescriptions for adderall for his dog to readily receive the medication for himself. He further stated that he was aware that he is addicted to adderall.

### **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 the above paragraphs, Respondent has violated Rule 573.4, ADHERENCE TO THE LAW, of the Board's Rules of Professional Conduct by violating section 481.1285 of the Texas Health and Safety Code by converting to his own personal use or benefit a controlled substance to which he had access to by virtue of his profession.

3. Based on the above paragraphs, Respondent has violated Rule 573.41, USE OF PRESCRIPTION DRUGS, of the Board's Rules of Professional Conduct, by prescribing and obtaining prescription drugs that are not necessary or required for the medical care of animals.

4. Based on the above paragraphs, Respondent has violated Rule 573.60, PROHIBITION AGAINST TREATING HUMANS, of the Board's Rules of Professional Conduct, by treating himself with prescription drugs for personal use.

5. Based on Findings of Fact 1 through 17 and Conclusions of Law 1 through 4, Respondent has violated Sections 801.402 (3) and (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:...

(3) is chronically or habitually intoxicated, chemically dependent, or addicted to

drugs; ...

(6) engages in practice or conduct that violates the board's rules of professional conduct...

6. Based on Conclusions of Law 1 through 5, 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: (a)

- (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.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent receive an FORMAL REPRIMAND.

The Board further ORDERS that Respondent's license be SUSPENDED for FIVE YEARS, with said SUSPENSION STAYED and Respondent placed on PROBATION for the entire period of SUSPENSION.

In addition, the Board ORDERS that Respondent to complete a Peer Assistance Contract under the Board's Peer Assistance Program for five years (5) from the date of this Order. Respondent shall follow all recommendations of the Peer Assistance Program Coordinator. If Respondent has more than one missed call in a six month period, one missed drug screening in a six month period, or tests positive without a legitimate prescription for any drug Respondent tests positive for, under the Respondent's Peer Assistance Contract, further and immediate disciplinary action may be taken by the Board and is considered a violation of this Board Order.

The Board ORDERS Respondent to notify his employer(s) of this Order. Respondent shall provide the Board with a signed acknowledgment from his employer within 30 days of the date

of this Order acknowledging that she or he has read and understands this Order.

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 the Board approves this Order, the Board may apply any payment to the Board to renew a license to pay any outstanding administrative fee owed to the Board.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, the laws of the State of Texas, and the laws of 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 Agreed Order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing 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, and Findings of Fact and Conclusions of Law set forth herein, 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 by 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 acknowledges that he had the right to be represented by legal counsel in this matter.

**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. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.**

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, TOMMY VANDERFORD, 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.

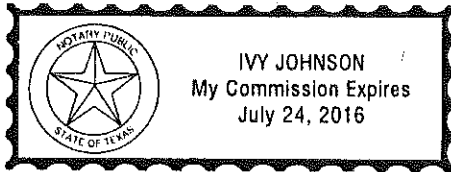
Tommy Vanderford  
TOMMY VANDERFORD, D.V.M.

12/8/14  
DATE

STATE OF TEXAS §  
COUNTY OF Harris §

BEFORE ME, on this day, personally appeared TOMMY VANDERFORD, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 8 day of DECEMBER, 2014.



Ivy Johnson  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 27 January, 2015.

Bud E. Alldredge, Jr.  
Bud E. Alldredge, Jr., D.V.M., President