



4. Mr. Compton called Respondent approximately 16 times but the Clinic's staff always told him that Respondent was busy and would call back. Respondent did not return Mr. Compton's phone call. Mr. Compton was never contacted with the bloodwork results.
5. Due to Respondent's failure to report the test results, Mr. Compton had to pay to take Kasey to another veterinarian who conducted the blood tests again. Kasey was confirmed to have Cushings Disease, which had progressed to a very high level by this point.
6. Respondent has four previous Agreed Orders with the Board. In 2000, Respondent was disciplined for violating Board rule 573.64, CONTINUING EDUCATION REQUIREMENTS, for failing to obtain the requisite continuing education, and section 801.402(6) of the Veterinary Licensing Act, providing that a licensee shall not violate Board rules. He was assessed a monetary administrative penalty.
7. In 2010, Respondent was disciplined for violating Board rule 573.10, SUPERVISION OF NON-LICENSED EMPLOYEES, by failing to supervise his employee's handling of an animal's remains needing to be tested for rabies, and section 801.402(6) of the Veterinary Licensing Act, providing that a licensee shall not violate Board rules. Respondent received a formal reprimand.
8. In 2011, Respondent was disciplined for violating Board rule 573.43, MISUSE OF DEA NARCOTICS REGISTRATION, by failing to ensure that his licensed employees were registered with the Texas Department of Public Safety, and section 801.402(6) of the Veterinary Licensing Act, providing that a licensee shall not violate Board rules. Respondent was assessed a monetary administrative penalty.
9. Also in 2011, Respondent was disciplined for violating Board rule 573.50, CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND, by failing to maintain required controlled substance records, and section 801.402(6) of the Veterinary Licensing Act, providing that a licensee shall not violate Board rules. Respondent received a formal reprimand, was assessed a monetary administrative penalty, and ordered to obtain three hours of continuing education in record keeping.

#### **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 Findings of Fact, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, by failing to report the results of Kasey's testing and, thereby, obtain a proper diagnosis, and, thus, failing to exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities.
3. Based on the above Findings of Fact and Conclusions of Law, Respondent has violated

Section 801.402 (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:...

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

4. Based on the above Conclusions of Law, 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.

.... (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 a FORMAL REPRIMAND.

In addition, the Board ORDERS that Respondent complete an additional THREE (3) hours of continuing education in PRACTICE MANAGEMENT within one year of the date of this Order. Documentation of the completion of the continuing education penalty shall be received within forty-five (45) days after one year of the date the Board approves this Order. If Respondent fails to provide documentation of completion within forty-five (45) days of one year of the date the Board approves this Order, Respondent's license may be suspended until the continuing education penalty is completed and documentation is received by 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, ALFRED VARDEMAN, 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.**

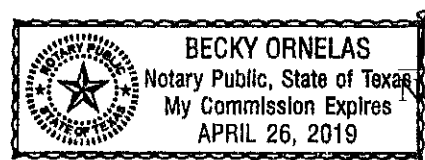
  
ALFRED VARDEMAN, D.V.M.

10-2-15  
DATE

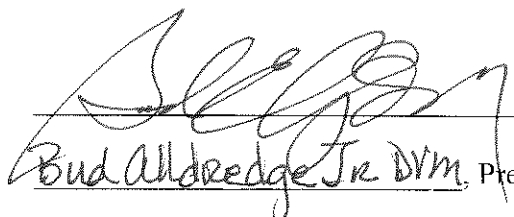
STATE OF TEXAS §  
COUNTY OF TX §

BEFORE ME, on this day, personally appeared ALFRED VARDEMAN, 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 2 day of October, 2015.

  
Becky Ornelas  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL  
EXAMINERS on this the 13 October, 2015.

  
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Bud Aldredge Jr. DVM, President