DOCKET NO. 2017-090

IN THE MATTER OF § TEXAS BOARD OF

THE LICENSE OF § VETERINARY

JAMES H. WARD, D.V.M. § MEDICAL EXAMINERS

AGREED LICENSURE ORDER

On this the 8th day of December, 2014, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the veterinary license application of James H. Ward, D.V.M. ("Applicant"). Pursuant to Section 801.2056, Texas Occupations Code, and Board Rule 575.20, a committee of the Board’s staff met on October 24, 2016, to consider alleged violations of the Veterinary Licensing Act and the Board’s rules by Applicant.

Applicant, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a conference under Section 801.408, Texas Occupations Code, and thereby dispose of the compliance issues set out below. Applicant agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Applicant acknowledges understanding of the alleged violations and the adequacy and sufficiency of notice.

Upon the recommendation of the Staff Committee and with Applicant’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 Applicant. Applicant 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, Applicant 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).

2. On September 12, 2016, Applicant presented an application for a veterinary license to the Texas Board of Veterinary Medical Examiners ("Board"). On the application, Applicant responded "no" to the following question: "Have you ever had a license to practice veterinary medicine revoked, suspended, canceled, or surrendered OR been subject to any other disciplinary action, including, but not limited to, Informal Settlements, Reprimands, administrative penalties or other Orders?"

3. On September 16, 2016, the Board received information from the Arkansas Veterinary Medical Examining Board indicating that Applicant was disciplined in 2012 for a record keeping
violation. As part of that disciplinary action, Applicant was required to obtain four hours on
continuing education in controlled drug record keeping, and to submit copies of his controlled drug
logs for three months. Applicant successfully completed these requirements in April of 2013.

4. In his response to the Board, Applicant indicated that he did not read the application
carefully, and thus inadvertently gave a false answer regarding his disciplinary history.

Conclusions of Law

1. Applicant 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, Applicant has violated Section 801.402(2) of the
Veterinary Licensing Act, Texas Occupations Code by failing to report the arrest, 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:

(2) commits fraud or deception in the examination process or to obtain a license.

3. Based on the above Conclusions of Law, Applicant 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

4. Based on the above Conclusions of Law, Applicant may be disciplined in the manner set
out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary
Licensing Act, which authorizes an administrative penalty for violations of the Act and Board
rules.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Applicant
is hereby granted permission to take the state licensing examination. Applicant must take and pass
the state licensing examination within one year of the date of this Order. If Applicant passes the state licensing examination, Applicant may be granted a Texas license subject to the following terms and conditions:

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

The Board further ORDERS that:

1. Applicant 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. Applicant shall cooperate with the Board’s attorneys, investigators, compliance officers and other employees and agents investigating Applicant’s compliance with this order.

3. Failure by Applicant 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.

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

Applicant, by signing this Agreed Order, waives the right to a hearing and any right to seek judicial review of this Order. Applicant acknowledges having had the right to be represented by legal counsel in this matter.

APPLICANT 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 APPLICANT’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 APPLICANT MAY HAVE OTHERWISE AGREED TO HERein. APPLICANT AGREES THAT THIS IS A FINAL ORDER.

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

Signature page follows.