

DOCKET NO. 2017-085

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

**AGREED ORDER**

On this day the Texas Board of Veterinary Medical Examiners ("Board") considered the matter of the license of Aubrey Watkins, D.V.M. ("Respondent").

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

**FINDINGS OF FACT**

1. On July 11, 2016, Board investigators conducted an unannounced compliance inspection of Respondent at his temporary clinic at the League City Feed Center in League City, Texas. Respondent stated that he has been regularly operating the temporary clinic for eighteen years. The Board has not received the required notification for the operation of a temporary vaccination clinic at any point.
2. The inspection revealed that Respondent did not have the required notice of the Board's complaint procedure posted at his temporary clinic.
3. The inspection revealed that the adhesive labels and single-use envelopes used by Respondent to dispense medications do not have a space to identify the client, species of pet, or the strength and quantity of the medication.
4. The inspection revealed that Respondent does not issue official rabies vaccination certificates following a rabies vaccination. Instead, Respondent provides clients with an invoice. These invoices do not include the patient's size, the vaccine product name, or the vaccine manufacturer.
5. Patient records submitted by Respondent do not document any examination or treatment provided. They do not document the route of administration used for vaccination. The records provided state that Respondent will not duplicate patient records.

**CONCLUSIONS OF LAW**

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act,

Chapter 801, Texas Occupations Code, and with the Board's Rules. Respondent received notice as required by law.

2. Respondent has violated Board Rule 573.29, Complaint Information and Notice to Clients, of the Board's Rules of Professional Conduct.
3. Respondent has violated Board Rule 573.40, Labeling of Medications Dispensed, of the Board's Rules of Professional Conduct.
4. Respondent has violated Board Rule 573.51, Rabies Control, of the Board's Rules of Professional Conduct.
5. Respondent has violated Board Rule 573.52, Veterinarian-Patient Record Keeping, of the Board's Rules of Professional Conduct.
6. Respondent has violated Board Rule 573.71, Operation of Temporary Limited-Service Veterinary Services, of the Board's Rules of Professional Conduct.
7. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.
8. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
9. Pursuant to Board Rule 575.25, Respondent's violations are Class B violations, and Respondent is subject to disciplinary action under that Rule.

#### **TERMS OF ORDER**

Now, therefore, the Board and Respondent agree to the following terms:

#### 1. SUSPENSION AND PROBATION

- a. Respondent's license shall be suspended for 5 years, effective 14 days after the date the Board approves this Order, with said suspension stayed and Respondent placed on probation for the entire period of the suspension.

- i. During the period of probation, the following terms shall apply:

1. Respondent shall submit quarterly reports to the Board certifying compliance with this Order. Each shall include at least one rabies certificate, if any were issued during the quarter, at least five copies of medical records created during the quarter, and at least three copies of medication labels, if any medications were dispensed during the quarter. Reports shall be submitted to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-

810, Austin, Texas 78701.

2. Respondent shall notify all present and prospective employers of this Order. Respondent shall cause employers to provide written acknowledgement to the Board that they have read and understood the Order. This acknowledgement must be provided within 30 days of the effective date of the Order for present employers, or within 15 days of undertaking new employment. This acknowledgment shall be submitted to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.
  3. Respondent shall limit Respondent's practice of veterinary medicine to providing vaccinations, routine testing, and preventative medications, such as heartworm and flea preventatives, and deworming treatments.
- b. If Respondent does not timely and satisfactorily comply with any of the terms of this Order, the Board may rescind Respondent's probation pursuant to Board Rule 575.36.

## 2. REPRIMAND

- a. Respondent is hereby formally reprimanded by the Board. This formal reprimand may be published in the Board's newsletter and routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database.

## 3. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of five hundred dollars (\$500.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701. Partial payments will not be accepted.
- b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent's license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter may be referred to the Attorney General for collection, pursuant to Texas Occupations Code, Section 801.458.

## 4. ADHERENCE TO THE LAW AND BOARD RULES

- a. Respondent shall abide by the Board's Rules of Professional Conduct, the Texas

Veterinary Licensing Act, and the laws of the State of Texas and the United States.

- b. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.
- c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

*Certification and signature page follows.*

**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

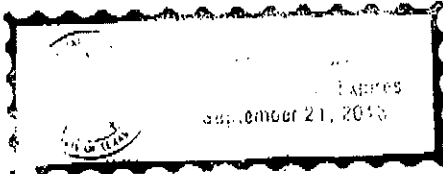
Signed this 12<sup>th</sup> day of September, 2017.

*[Handwritten signature of Aubrey Watkins]*

Aubrey Watkins, D.V.M.

Sworn and subscribed before me this 12<sup>th</sup> day of September, 2017.

SEAL:



*[Handwritten signature of Lisa M. Clay]*  
Notary Public



THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 10<sup>th</sup> day of October, 2017.

*[Handwritten signature of Jessica Quillivan]*  
Jessica Quillivan, D.V.M., Presiding Board Member