DOCKET NO. 2000-05

IN THE MATTER

OF THE LICENSE OF

LARRY N. WHITE, D.V.M.

§

TEXAS STATE BOARD OF

§

VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 17th day of February, 2000, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Larry N. White, D.V.M. (Respondent). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, Respondent appeared at an informal conference on November 18, 1999, in response to a letter of invitation from the Board. The Board was represented at the informal 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 Agreed 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. Larry N. White, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 3341. Respondent is not subject to prior disciplinary action by the Board.

2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.

3. On or about February 10 and 11, 1999, agents of the Drug Enforcement Administration (DEA) audited the drug records of Larry N. White, D.V.M., for the period January 1, 1998 to February 10, 1999. Pursuant to a warrant, DEA agents seized two Controlled Substance Log Books (Dispensing), one Controlled Substance Log Book (Receipts), and the controlled
substances invoices for the period 1/98 to 2/10/99.

4. The audit uncovered a large discrepancy in the records for Torbugesic 10 mg./ml. DEA agents returned to Dr. White’s office on February 19, 1999 to audit the Torbutrol 1 mg., 5 mg., and 10 mg. The agents took a closing inventory of the Torbutrol 1 mg., 5 mg., and 10 mg. The audit revealed the following discrepancies:

<table>
<thead>
<tr>
<th>Substance</th>
<th>Discrepancy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Winstrol V 2 mg.</td>
<td>+263</td>
</tr>
<tr>
<td>Beuthanasia 390 mg.</td>
<td>+37.35</td>
</tr>
<tr>
<td>Diazepam 5 mg./ml.</td>
<td>-123.05</td>
</tr>
<tr>
<td>Torbugesic 2 mg./ml.</td>
<td>+2.45</td>
</tr>
<tr>
<td>Torbugesic 10 mg./ml.</td>
<td>-779.45</td>
</tr>
<tr>
<td>Torbutrol 1 mg.</td>
<td>-65</td>
</tr>
<tr>
<td>Torbutrol 5 mg.</td>
<td>-100</td>
</tr>
<tr>
<td>Torbutrol 10 mg.</td>
<td>-191</td>
</tr>
</tbody>
</table>

5. The findings of the audit and inspection by DEA agents. Torbugesic 2 mg./ml. had a very small discrepancy but the Torbugesic 10 mg./ml. had a large discrepancy.

6. Dr. White informed the DEA agents that his wife, Becky White, had used Torbugesic, and that she worked at the clinic and ordered and paid for all the drugs for the clinic, including Torbugesic.

7. During 1997, Dr. White injected his wife with Torbugesic 10 mg./ml. on two occasions.

8. Dr. White voluntarily surrendered his DEA and Department of Public Safety (DPS) certificates as well as all triplicate prescription forms on hand.

9. On February 19, 1999, after Dr. White completed the DEA Form 104, Voluntary Surrender of Controlled Substances Privileges, DEA agents took an inventory of the controlled substances that Dr. White had on hand and confiscated the controlled substances.

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 Findings of Fact 3 through 6, and 8 through 9, Dr. White has violated Rule 573.50 - Controlled Substance Record Keeping of Drugs on Hand, of the Rules of Professional
3. Based on Findings of Fact 3 through 6, Dr. White, has violated Rule 573.41 (b) - Use of Prescription Drugs, of the Rules of Professional Conduct.

4. Based on Finding of Fact 7, Dr. White has violated Rule 573.60 - Prohibition Against Treatment of Humans, of the Rules of Professional Conduct.

5. Based on Conclusions of Law 1 through 4, Dr. White is subject to disciplinary action by the Board under Sec. 801.402(6), Texas Occupations Code, because he has engaged in "practices or conduct that violates the board's rules of professional conduct. . . ."

6. Based on Conclusions of Law 1 though 5, Dr. White may be disciplined by the Board in the manner provided for in Sec. 801.401, Texas Occupations Code.

7. Based on Findings of Fact 3 through 6 and 8 through 9, Respondent violated Sec. 801.359, Texas Occupations Code, in that Respondent did not "maintain a record keeping system for controlled substances as required by Chapter 481, Health & Safety Code."

8. Based on Conclusion of Law 7, under Sec. 801.404, Texas Occupations Code, the Respondent is subject to revocation or suspension of his license, or probation, because he failed to maintain records as required by Section 801.359.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that the license to practice veterinary medicine of Larry N. White, D.V.M., be SUSPENDED for a period of one (1) year, commencing on the date of the Board's approval of this Agreed Order. The Board further ORDERS that an administrative penalty of five hundred dollars ($500.00) is assessed against Respondent for the conduct set out in the Findings of Fact and Conclusions of Law, payable within forty-five (45) days of the Board's approval of this Agreed Order.

The Board further ORDERS that the Respondent take and pass the Board's Jurisprudence Examination within forty-five (45) days of the Board's approval of this Agreed Order.

The Board further ORDERS that the Respondent seek and obtain approval of the Board prior to requesting a DEA certificate and/or DPS registration. Further, if one or both are granted, the Respondent shall submit monthly records as required by the Executive Director of the Board for a period of one (1) year.
SUSPENSION OF THE RESPONDENT'S LICENSE IS STAYED, and Respondent is placed on PROBATION for the entire period of suspension, provided that Respondent fully complies with the following conditions of probation:

1. Respondent shall timely remit the amount of the administrative penalty.

2. Respondent shall timely take and pass the Jurisprudence Examination as ORDERED above.

3. Respondent 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.

4. Respondent shall cooperate with the Board’s attorneys, investigators, compliance officers and other employees and agents investigating Respondent’s compliance with this Order.

Failure to comply with any provision of the terms and conditions of probation will automatically suspend Respondent's license for the remainder of the period of probation from the date that the condition of probation was violated. Respondent agrees in this event to voluntarily surrender his license. If Respondent fails to immediately surrender his license and/or continues to practice veterinary medicine after being notified by the Board to cease and desist, Respondent agrees that his acts shall constitute the unauthorized practice of veterinary medicine.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, 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 is entitled to be represented by an attorney of Respondent's choice at his expense. Respondent has voluntarily represented himself.

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. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'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 RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.
Larry N. White, D.V.M.
Docket No. 2000-05
Page 5

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

I, LARRY N. WHITE, 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.

Larry N. White, D.V.M.
Respondent

STATE OF TEXAS  $  
COUNTY OF  HARRIS  $  

BEFORE ME, on this day, personally appeared Larry N. White, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 16th day of DEC, 1999.

Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 17th day of FEB 2000.

Howard M. Head, D.V.M.
President