DOCKET NO. 2015-058

IN THE MATTER OF § TExAS BOARD OF
THE LICENSE OF § VETERINARY
LARRY WHITE, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this, the 21 day of July, 2015 came on to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of LARRY WHITE, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on March 30, 2015. Respondent attended the informal conference. 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, LARRY WHITE, D.V.M. of Houston, Texas, holds Texas veterinary license 3341.

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 July 16, 2014, the Houston Police Department arrested Wilfredo Gutierrez for practicing veterinary medicine without a license. Mr. Gutierrez was later charged with possession of a controlled substance group I less than 1 gram, state jail felony.
4. Mr. Gutierrez was in possession of six syringes labeled buprenorphine, one syringe labeled morphine, several boxes of prescription required vectra, and various unidentified pills and tablets. The syringes also contained the names Atlas, Felix, Hudson, and Sable. Mr. Gutierrez had an additional three syringes labeled buprenorphine labeled Saighl, Sunni, and Tango. During questioning by the Houston Police Department, Mr. Gutierrez stated that he was employed by Respondent.

5. The Board conducted an inspection of Respondent at the Briarcrest Veterinary Clinic (the “Clinic”), which Respondent owns, on July 16, 2014. Respondent confirmed that he employed Mr. Gutierrez as a part time kennel technician. Dr. Leslie Brennan, also employed by Respondent, confirmed that the handwriting on the labels on the syringes in Mr. Gutierrez’s possession appeared to belong to two former Clinic employees. Patient records were obtained for the names that appeared on the labels of the syringes. The records included prescriptions for the drugs within the syringes and with the same dosage as was in the syringes. Patient records were not available for three of the names on the syringe labels.

6. Respondent reported to the Board that his Clinic’s kennel staff assist in administering injections of buprenorphine to overnight surgery patients. The drugs would be drawn into the syringe and left out for the kennel staff, including Mr. Gutierrez, to administer to the animals that stayed overnight at the Clinic.

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 573.10, SUPERVISION OF NON-VETERINARIANS, which requires a licensed veterinarian to properly delegate care and/or treatment duties to a non-veterinarian.

3. Based on Conclusions of Law 1 through 2, 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 practices or conduct that violates the board’s rules of professional conduct.

4. Based on Conclusions of Law 1 through 3, 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.

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, be INFORMALLY REPRIMANDED.

The Board further ORDERS that:

1. 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.

2. Respondent shall cooperate with the Board’s attorneys, investigators, compliance officers and other employees and agents investigating Respondent’s compliance with this 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 herein 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. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF

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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.

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

I, LARRY WHITE, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND 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.

[Signature]
LARRY WHITE, D.V.M.

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 21 day of July, 2015.

Bud E. Aldridge, Jr., D.V.M.
President of the Board