DOCKET NO. 2014-190

IN THE MATTER OF § TEXAS BOARD OF

THE LICENSE OF § VETERINARY

JOHN WILLIAMS, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 3rd day of June, 2014, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of JOHN WILLIAMS, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on April 17, 2014, to consider alleged violations of the Veterinary Licensing Act and the Board's rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a conference under Section 801.2056 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

Upon the recommendation of the Staff 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, JOHN WILLIAMS, D.V.M. of Grand Prairie, Texas, holds Texas veterinary license 4792.

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. Respondent is the owner of the Lone Star Park Equine Hospital ("Hospital") in Grand Prairie, Texas.
4. On October 26, 2013, the Texas Department of Public Safety ("DPS") conducted a raid at an unlicensed race track located at 363 Blockdale, Royse City, Texas. DPS arrested Armando Bernal Garcia ("Mr. Garcia") at the time of the raid and seized from Mr. Garcia numerous prescription medications that were not labeled as being dispensed to him at the time of his arrest. Some of these medications seized by DPS included medications that indicated Respondent prescribed the drugs and some of the drugs that were indicated as prescribed by Respondent were compounded drugs.

5. Respondent provided medical records that indicate the medications seized by DPS on October 26, 2013, were dispensed by Respondent. The labels of the medication indicated that Respondent prescribed these medications without a valid veterinarian-client-patient relationship because the medications were labeled as for the "farm" and not a particular animal. The labels also did not include the veterinarian’s name, address, telephone number with area code, date of delivery or dispensing, patient name, client name, species of the animal, and the directions for use.

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 1 through 5, Respondent has violated Rule 573.40 LABELING OF MEDICATIONS DISPENSED, of the Board’s Rules of Professional Conduct, which requires that a licensed veterinarian affix a label to all drug containers he dispenses and that the label include the veterinarian’s name, address, telephone number with area code, date of delivery or dispensing, patient name, client name, species of the animal, and the directions for use.

3. Based on Findings of Fact 1 through 5, Respondent has violated Rule 573.41 USE OF PRESCRIPTION DRUGS, of the Board’s Rules of Professional Conduct, which requires that a licensed veterinarian first establish a veterinarian-client-patient relationship before the veterinarian prescribes, administers, dispenses, delivers, or orders to be delivered any prescription drug.

4. Based on Findings of Fact 1 through 5, Respondent has violated Rule 573.44 COMPOUNDING DRUGS, of the Board’s Rules of Professional Conduct, which requires that a licensed veterinarian first establish a veterinarian-client-patient relationship before the veterinarian compounds drugs or orders compounded drugs for the treatment of an animal.

5. Based on Findings of Fact 1 through 5, Respondent has violated Section 801.351 of the Veterinary Licensing Act, Texas Occupations Code, which requires that a veterinarian-client-patient relationship to exist before any person practices veterinary medicine.
6. Based on Conclusions of Law 1 through 5, Respondent has violated Section 801.402 (4) and (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:

(4) engages in dishonest or illegal practices in, or connected with, the practice of veterinary medicine…
(6) engages in practices or conduct that violates the board’s rules of professional conduct.

7. Based on Conclusions of Law 1 through 8, 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: (a)

(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.

8. Based on Conclusions of Law 2 through 4, Respondent 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 RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that JOHN WILLIAMS, D.V.M., be FORMALY REPRIMANDED.

The Board further ORDERS that the license of Respondent is SUSPENDED for TWO YEARS, with all of the suspension STAYED and Respondent placed on PROBATION.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of TWO THOUSAND AND FIVE HUNDRED DOLLARS ($2500.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Agreed Order, Respondent’s license may be suspended until the penalty is paid.

The Board further ORDERS that Respondent shall take and pass the Texas veterinary jurisprudence examination within 90 days from the date of this Agreed Order.

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 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, JOHN WILLIAMS, 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]
JOHN WILLIAMS, D.V.M.  

DATE  
5/23/14

STATE OF TEXAS  

COUNTY OF TARRANT

BEFORE ME, on this day, personally appeared JOHN WILLIAMS, 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 23 day of May, 2014.

[Signature]  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 3rd day of June, 2014.

[Signature]  
Bud E. Allredge, Jr., D.V.M., President

Agreed Order 2014-190
JOHN WILLIAMS, D.V.M.