DOCKET NO. 2012-30

IN THE MATTER § TEXAS STATE BOARD OF
OF THE LICENSE OF §
STEPHEN W. WILLIAMS, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this, the 27 day of March 2012, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of STEPHEN W. WILLIAMS, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on November 16, 2011 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. 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's rules. All jurisdictional requirements have been satisfied.

2. On July 27, 2010, the Board conducted a compliance inspection by mail on Respondent. In response to the inspection, Respondent informed the Board that he did not have a current Texas Department of Public Safety (DPS) Controlled Substances Registration. According to DPS, Respondent's controlled substances registration expired in November 1999.


4. In October 2010, Respondent told the Board that he stopped practicing in Texas in 1996, but had begun practicing as a relief veterinarian in Texas again "recently." The Board made multiple attempts to get Respondent to specify the date he meant by "recently," but Respondent failed to respond.
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5. In correspondence with the Board, Respondent identified Robert Tiller, D.V.M. as Respondent’s supervising veterinarian in Texas under whose DEA controlled substance registration Respondent was working. In November 2011, Dr. Tiller stated to the Board that Respondent had been performing relief work under him in Texas for “5 or 6 years.”

6. Respondent has not provided any information that would demonstrate good cause for his inability to respond to the Board’s requests nor has he requested a different response date.

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 573.43, MISUSE OF DEA NARCOTICS REGISTRATION, of the Board’s Rules of Professional Conduct, which states that a licensee may not prescribe, dispense, deliver, or order delivered, any controlled substance unless the licensee is currently registered with the DEA and DPS to dispense controlled substances.

3. Based on Findings of Fact 1 through 6, Respondent has violated Rule 573.74, DUTY TO COOPERATE WITH THE BOARD, of the Board’s Rules of Professional Conduct, which states that a veterinarian shall cooperate fully with any Board investigation and respond within twenty-one days of receipt to requests for information from the Board unless the veterinarian is unable to for good cause and requests a different response date.

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

5. 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: (a)

   (5) impose an administrative penalty.
6. Based on Conclusions of Law 1 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, and in the manner set out in Section 801.401 DISCIPLINARY POWER OF BOARD.

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

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of three thousand dollars ($3000.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent's license shall be suspended until the penalty is paid.

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 provision of the 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, 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 hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense in any hearing before the Board.

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

I, STEPHEN W. WILLIAMS, 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.

Stephen W. Williams, D.V.M.  Dec 21, 2011
Date

STATE OF TEXAS
COUNTY OF Harrison

BEFORE ME, on this day, personally appeared Stephen W. Williams, 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 21st day of December 2011

JENNY Mc Gregor
Notary Public
STATE OF TEXAS
My Comm. Exp. 11-12-2012

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 21st day of March, 2012.

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