AGREED ORDER 2009-15

IN THE MATTER § TEXAS BOARD
OF THE LICENSE OF § OF VETERINARY
ELIZABETH A. WILLS, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this, the 12th day of February, 2008, came on to be considered by the Texas Board of Veterinary Medical Examiners (“Board”) the matter of the license of ELIZABETH A. WILLS, D.V.M. (“Respondent”). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board’s staff met on December 4, 2008 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 that may be required by law and by the Board’s rules. All jurisdictional requirements have been satisfied.

2. On May 14, 2008, information was received by the Board, indicating that Respondent had been practicing veterinary medicine at the Lakeshore Animal Clinic in Dallas Texas from approximately October 2007 to June 2008. However, Respondent’s Texas Veterinary Medical License expired on March 1, 2007, and was cancelled on March 1, 2008. Respondent’s Texas Department of Public Safety Controlled Substances Registration expired on November 30, 2007, and she continued to dispense controlled substances after that date.

3. Respondent stated that in January 2008, she received a letter from the Board indicating her license had expired. She stated that she mailed a check and CE certificates to the Board. She stated she received correspondence from the Board approximately a week later and assumed it was her renewal certificate and declined to open it. She stated she later learned that the unopened envelope contained her check and correspondence from the Board.
resubmit documents to the Board. The correspondence from the Board was dated March 5, 2008, and indicated her license would be cancelled on March 12, 2008, if the appropriate payment and documentation was not received before then.

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 2 & 3, Respondent has violated Board Rule 573.43, and §§801.251 & 801.303 of the Texas Veterinary Licensing Act, and is subject to disciplinary action by the Board:

RULE 573.43 MISUSE OF DEA NARCOTICS REGISTRATION

(a) Subject to subsection (b) of this section, a licensee may not prescribe, dispense, deliver, or order delivered any controlled substances unless the licensee is currently registered with the federal DEA and Texas DPS to dispense controlled substances.

§ 801.251 LICENSE REQUIRED

Except as provided by § 801.004, a person may not practice, or offer or attempt to practice, veterinary medicine unless the person holds a license issued under this chapter.

§ 801.303 PROCEDURE FOR RENEWAL

A person whose license has expired may not engage in activities that require a license until the license has been renewed.

3. Based on Conclusions of Law 1 and 2, 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:

The Board ORDERS that Respondent receive a FORMAL REPRIMAND and pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of one-thousand and five hundred dollars ($1,500.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent shall not be eligible to reapply for her license until said penalty is paid. Nothing in this order affects or waives Respondent’s requirements for renewal of her license under Subchapter G, License Expiration and Renewal, of the Texas Veterinary Licensing Act.

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 her understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that she 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 her right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that she 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.

The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.
I, ELIZABETH A. WILLS, 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.

ELIZABETH A. WILLS, D.V.M.  
1-6-09  
Date

STATE OF TEXAS  
COUNTY OF Parker

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

Given under the hand and seal of office this 6th day of January, 2009.

Notary Public

CARLA HOLLINGSWORTH  
Notary Public  
STATE OF TEXAS

My Comm. Exp. 09/24/2011

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 12th day of February 2009.

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