

IN THE MATTER § TEXAS STATE BOARD OF
OF THE LICENSE OF §
JESS ADKINS, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this, the ²⁶8th day of October, 2009, came on to be considered by the Texas State Board of Veterinary Medical Examiners (“Board”) the matter of the license of JESS ADKINS, D.V.M. (“Respondent”). Pursuant to §801.408, Texas Occupations Code and Board Rule 575.27, an informal settlement conference was held on July 13, 2009. Respondent was present at the conference. The Board was represented 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 an 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. 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. As the result of an investigation following a complaint received by Vicki Pear of DeSoto, Texas, the Board determined that Jess Adkins, D.V.M., of Adkins Veterinary Service, Fairfield, Texas, failed to keep the required patient records for “China.” Respondent’s patient records for “China” did not include details necessary to substantiate the examination, diagnosis, and treatment provided, and/or dispensed. Respondent stated that data related to “China’s” treatment may have been destroyed in an electrical storm. Following the Informal Settlement Conference on July 13, 2009, the Enforcement Committee requested that Respondent provide it with representative samples of Respondent’s medical records during the time frame in which the original complaint originated. In response, Respondent provided 10 invoices and 4 vaccination certificates dated May 7, 2008 – May 29, 2008. However, these records were inadequate as they did not include details necessary to substantiate the examination, diagnosis, and treatment provided, and/or dispensed to the patients. Therefore, Respondent’s patient records fail to meet the Board’s standards.

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TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

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 and 2, Respondent has violated Rule 573.52, PATIENT RECORD KEEPING, of the Board's Rules of Professional Conduct, which states that a licensee shall include in the patient records details necessary to substantiate the examination, diagnosis, and treatment provided, and/or dispensed.
3. Based on Conclusions of Law 1 and 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.

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

The Board ORDERS that Respondent receive an INFORMAL REPRIMAND.

The Board further ORDERS that:

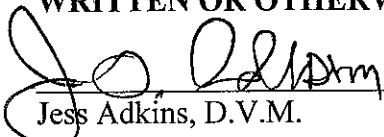
1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act and the laws of the State of Texas and the United States.
2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's 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. The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

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.

I, JESS ADKINS, 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.



Jess Adkins, D.V.M.

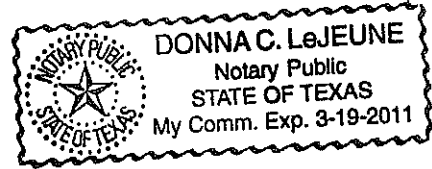
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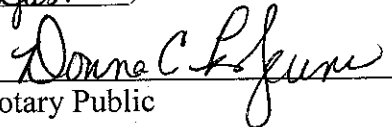
Date

STATE OF TEXAS
COUNTY OF Freestone

BEFORE ME, on this day, personally appeared Jess Adkins, 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 14th day of August, 2009.

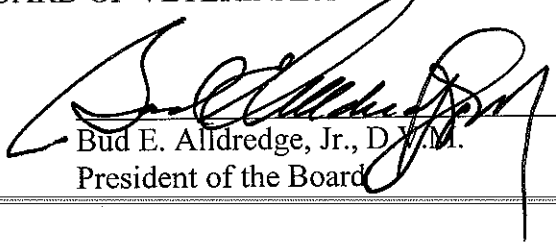




Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 8th day of October, 2009.

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