

she discovered that she had been struck by a used syringe. The bag also contained two bottles of Xylazine HCL Injection (Rompun) and other syringes that appeared to be unused.

4. Investigation revealed that Dr. Hames had received Xylazine from Dr. Marcus R. Alexander, North Tyler Veterinary Clinic, Tyler, Texas and Dr. Robert P. Thoni, Kilgore Veterinary Associates, Kilgore, Texas for use in the musculoskeletal manipulation (MSM) of horses. Based on this information, the Board opened a complaint against Dr. Alexander for alleged violations of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and the Board's Rules of Professional Conduct.

5. Dr. Alexander made tranquilizer and sedative agents available to Dr. Hames to facilitate Dr. Hames' MSM. Prior to Dr. Hames' initial use of the agents (Acepropazine, Xylazine and Dormosedan), Dr. Alexander explained to Dr. Hames the proper use and expected sedation levels. Dr. Alexander did not label the medications dispensed to Dr. Hames, but instead relied on the manufacturer's label and his verbal instructions.

6. Patient records for Dr. Hames maintained by the North Tyler Veterinary Clinic show the following entries:

May 26, 1998	1 bottle Rompin (sic)	\$45
December 30, 1998	Dormosedan	\$65

These entries do not identify any patients for which the medicines were dispensed and there is no supporting information or diagnoses.

7. Dr. Alexander verbally instructed his clients that MSM is an alternative form of veterinary medicine, but he did not get a signed acknowledgment form from the clients.

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 4 and 5, Dr. Alexander has violated Rule 573.40 - Labeling of Medications Dispensed, of the Board's Rules of Professional Conduct because he failed to "affix labels to all unlabeled containers containing any medication dispensed . . ."

3. Based on Finding of Fact 7, Dr. Alexander has violated Rule 573.12 - Alternate Therapies

Chiropractic and other Forms of Musculoskeletal Manipulation, of the Board's Rules of Professional Conduct, because he failed to obtain "a signed acknowledgment by the owner or caretaker of the patient that chiropractic or MSM is considered by Texas law to be an alternate (nonstandard) therapy."

4. Based on paragraph 6, Dr. Alexander has violated Rules 573.52 - Patient Record Keeping, of the Board's Rules of Professional Conduct because he did not include in his patient records the "(1) name and address of client; (2) patient identity; (3) patient history; (4) dates of visits; . . . (11) other details necessary to substantiate the examination, diagnosis, and treatment provided, and/or surgical procedure performed."

5. Based on Findings of Fact 5 and 6, Dr. Alexander has violated Rule 573.41 - Use of Prescription Drugs, of the Board's Rules of Professional Conduct because he prescribed or dispensed a "prescription drug without first having established a veterinarian/client/patient relationship and determined that such prescription drug is therapeutically indicated for the health and/or well being of the animal(s)."

4. Based on Conclusions of Law 1 through 5, 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 6, respondent is subject to imposition of an administrative penalty by the Board:

801.451. IMPOSITION OF ADMINISTRATIVE PENALTY. The board may impose an administrative penalty on a person . . . who violates this chapter or a rule adopted or order issued under this chapter.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Marcus R. Alexander , D.V.M., be REPRIMANDED.

The Board further ORDERS that the Respondent take and pass the Board's Jurisprudence Examination within forty-five (45) days of the Board's approval of this Agreed Order.

The Board further ADOPTS the following terms and conditions:

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, 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 formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense. Respondent has voluntarily represented himself.

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, MARCUS R. ALEXANDER, 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.

Docket No. 2000-10
Marcus R. Alexander, D.V.M.
Page 5

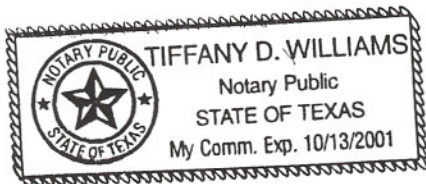
Marcus R. Alexander, D.V.M.
Marcus R. Alexander, D.V.M.
Respondent

5-24 -, 2000
DATE

STATE OF TEXAS §
COUNTY OF Smith §

BEFORE ME, on this day, personally appeared Marcus R. Alexander, 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 24 day of May, 2000



[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 24 day of June, 2000.

Howard M. Head, D.V.M.
HOWARD M. HEAD, D.V.M.
President