

DOCKET NO. 2012-100

IN THE MATTER OF                               §           TEXAS BOARD OF  
THE LICENSE OF                               §           VETERINARY  
VINCENT P. ALEXIS, D.V.M.               §           MEDICAL EXAMINERS

**AGREED ORDER**

On this the 25<sup>th</sup> day of March, 2013, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Vincent P. Alexis, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on January 9, 2013. Respondent attended the informal conference, and was represented by counsel, Keith O'Connell. The Board was represented at the conference by the Board's Enforcement Committee.

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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 Order. In waiving an adjudicative hearing, Respondent acknowledges his 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. Respondent, Vincent P. Alexis, D.V.M. of Harlingen, Texas, holds Texas veterinary license 11628.
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).

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3. In late December 2011 or early January 2012, Respondent received information from Relief Services for Veterinary Practitioners ("RSVP") that Furry Friends Animal Hospital ("Furry Friends") in Harlingen, Texas was hiring a relief veterinarian. RSVP also informed Respondent at that time that Furry Friends was different from other hospitals in that it was not owned by a veterinarian.
4. Respondent spoke with the owner of Furry Friends and an attorney for Furry Friends, both of whom falsely assured him that his work for the business was legal and that they had received approval for his work from the Board.
5. Respondent began working as a veterinarian at Furry Friends on January 2, 2012.
6. Furry Friends paid Respondent a salary of \$85,000 per year, under the terms of an oral agreement.
7. Under the terms of the work agreement, Furry Friends set the prices charged for Respondent's veterinary services, owned the patient records, and owned prescription drugs that Respondent prescribed and administered to patients.
8. Respondent resigned his employment at Furry Friends in late March 2012, after the commencement of the Board's investigation into this case.

#### **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 8, Respondent has violated Rule 573.6, RESTRICTION OF PARTNERSHIPS TO MEMBERS OF THE PROFESSION, of the Board's Rules of Professional Conduct, which states that a veterinarian may not form a partnership to practice veterinary medicine with anyone who is not a licensed veterinarian.
3. Based on Findings of Fact 1 through 8, Respondent has violated Rule 573.73, MANAGEMENT SERVICES ORGANIZATIONS IN VETERINARY PRACTICE, of the Board's Rules of Professional Conduct, which states that a veterinarian may not contract with a management services organization that controls or interferes in the veterinarian's practice of veterinary medicine by means including but not limited to employing the veterinarian to practice veterinary medicine, determining the compensation of a veterinarian for the practice of veterinary medicine, owning drugs, owning and controlling the records of patients of the veterinarian, and determining the fees to be charged by the veterinarian for the veterinarian's practice of veterinary medicine.
4. Based on Findings of Fact 1 through 8, Respondent has violated Section 801.506 of the

Veterinary Licensing Act, Texas Occupations Code, which prohibits a corporation, organization, partnership, association or other legal entity not owned exclusively by persons licensed to practice veterinary medicine from engaging in the practice of veterinary medicine, and forbids veterinarians from forming or continuing partnerships with persons who are not licensed to practice veterinary medicine if a part of the partnership employment consists of the practice of veterinary medicine.

5. Based on Findings of Fact 1 through 8 and Conclusions of Law 1 through 4, Respondent has violated Sections 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 or the practice of equine dentistry;...

(6) engages in practice or conduct that violates the board's rules of professional conduct

6. Based on Conclusions of Law 1 through 5, 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.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent receive a FORMAL REPRIMAND.

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, VINCENT P. ALEXIS, 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.

V. Alexis DVM  
VINCENT P. ALEXIS, D.V.M.

2/11/13  
DATE

STATE OF TEXAS §  
COUNTY OF Travis §

BEFORE ME, on this day, personally appeared Vincent P. Alexis, 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 11<sup>th</sup> day of February, 2013.



[Signature]  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 25<sup>th</sup> of March, 2013.

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