

4. During the inspection, the investigator examined the controlled substance records of Dr. Ash. The most recent entry in the controlled substance records is dated November 7, 1995. There are no entries dated thereafter.

5. Dr. Ash continued to purchase and receive controlled substances subsequent to November 7, 1995, which he did not record or cause to be recorded in the controlled substance records, specifically, but not limited to, the following purchases:

Date	Substance	Units
3/2/96	Pentothal 5 gm.	5
3/11/96	Beuthanasia D Spec "C3N"	2
8/5/96	Pentothal 5 gm.	7
8/28/96	Beuthanasia 100 ml.	7
12/28/98	Beuthanasia 100 ml.	2

Conclusions of Law

1. Respondent is required to comply with the provision of the Act and Board Rules.
2. Section 14 (a) of the Act authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings of non-compliance with the Act or Board Rules.
3. Subsection 14 (a) (5) authorizes the Board to take the above stated disciplinary action if the licensee "...has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with law."
4. Based on Findings of Fact 3 through 5, Dr. Ash violated Rule 573.50, Controlled Substances Record Keeping for Drugs on Hand, of the Rules of Professional Conduct.
5. Based on Conclusion of Law 4, Respondent is subject to disciplinary action by the Board under the Act §14(a) (5).

NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Dr. Ash's License to Practice Veterinary Medicine be SUSPENDED for a period of three (3)

months, commencing on the date of the Board's approval of this Agreed Order. The Board further ORDERS that an Administrative Penalty of five hundred dollars (\$500.00) is assessed against Dr. Ash, payable within forty-five days (45) of the Board's approval of this Agreed Order.

Said license suspension is stayed, and Respondent is placed on Probation, for the entire period of suspension, provided that Respondent fully complies with the following terms and conditions of probation:

1. Respondent timely remits the Administrative Penalty.
2. Respondent shall submit monthly reports to the Board office consisting of copies of his controlled substance log and all invoices of purchases of controlled substances, for a period of two (2) years from the date this order is approved by the Board.
3. 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.
4. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this order.

Failure to comply with any provision of the terms and conditions of probation will automatically suspend Respondent's license for the remainder of the period of probation from the date that the condition of probation was violated. Respondent agrees in this event to voluntarily surrender his license. If Respondent fails to immediately surrender his license and/or continues to practice veterinary medicine after being notified by the Board to cease and desist, Respondent agrees that his acts shall constitute the unauthorized practice of veterinary medicine.

Respondent, Henry Ash, D.V.M., 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 of the Board.

Respondent, Henry Ash, D.V.M., 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 State Board of Veterinary Medical Examiners.

I, HENRY ASH, 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 THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

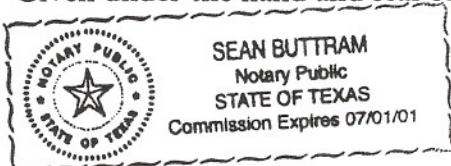
Henry Ash, DVM
Henry Ash, D.V.M.
Respondent

3-29-99, 1999
DATE

STATE OF TEXAS
COUNTY OF DALLAS

BEFORE ME, on this day, personally appeared HENRY ASH, 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 29TH day of MARCH, 1999



Notary Seal

Sean Buttram
Notary Public

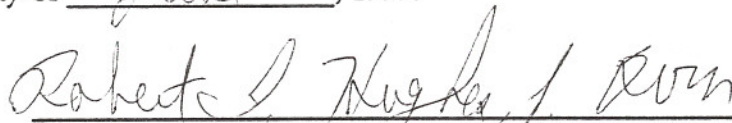
This agreed order has been entered between Dr. Henry Ash and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.



RON ALLEN
Executive Director, TSBVME

April 5, 1999
DATE

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 11 day of June, 1999.



ROBERT I. HUGHES, JR., D.V.M.
President

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 1125A
vs.	§	1999 RENEWAL CERTIFICATE
HENRY ASH, DVM	§	NUMBER 3793

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Mike Carroll, who after being duly sworn, did depose and say:

On or about August 13, 1998, Mike Carroll, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Henry Ash, D.V.M., Inwood Animal Hospital, 2719 Inwood Road, Dallas, Texas, 75235, Veterinary License Number 1125 A, 1999 Renewal Certificate Number 3793, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Mike Carroll, do hereby present the following complaint against Henry Ash, DVM.

I.

Henry Ash, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 1125 A, 1999 renewal number 3793. Respondent is not subject to prior disciplinary action by the Board.

II.

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 Rules. All jurisdictional requirements have been satisfied.

III.

On or about August 12, 1998, Investigator Mike Carroll of the State Board of Veterinary Medical Examiners, conducted a compliance inspection of the controlled substance records of Henry Ash, D.V.M., at the Inwood Animal Hospital, 2719 Inwood Road, Dallas,

IV.

During the inspection, the investigator examined the controlled substance records of Dr. Ash. The most recent entry in the controlled substance records is dated November 7, 1995. There are no entries dated.

V.

Dr. Ash continued to purchase and receive controlled substances subsequent to November 7, 1995, which he did not record or cause to be recorded in the controlled substance records, specifically, but not limited to, the following purchases:

Date	Substance	Units
3/2/96	Pentothal 5 gm.	5
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8/28/96	Beuthanasia 100 ml.	7
12/28/98	Beuthanasia 100 ml.	2

VI.

Respondent is required to comply with the provisions of the Act and Board.

VII.

Section 14 (a) of the Act authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings of non-compliance with the Act or Board Rules.

VIII.

Subsection 14 (a) (5) authorizes the Board to take the above stated disciplinary action if the licensee "...has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with law."

IX.

Based on paragraphs III through V, Dr. Ash has violated Rule 573.50 - Controlled Substance Record Keeping for Drugs on Hand, of the Rules of Professional Conduct.

X.

Based on paragraph IX, Dr. Ash has also violated Section 14 (a) (5) of the Veterinary Licensing Act, article 8890.

ARTICLE 8890, SECTION 14

(a)...the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee...if it finds that a licensee:

- (5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law;


The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 12TH day of MAY 1999.

Further, Affiant sayeth not.

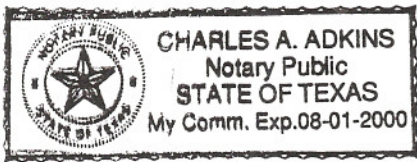


Mike Carroll, Affiant

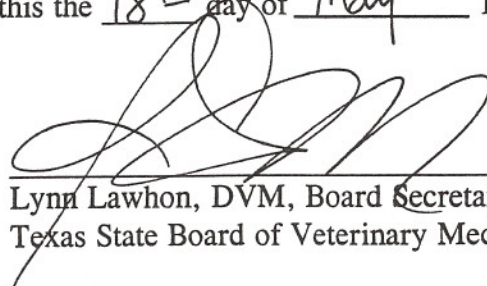
SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 12th day of MAY, 1999.



Charles A. Adkins, Notary Public in and for Texas



The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Henry Ash, D.V.M. under Docketed Number 1999-05 this the 18th day of May 1999.



Lynn Lawhon, DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners