

4. On January 6, 2014, a Board investigator conducted a compliance inspection of Respondent at the Clinic. During the inspection, the investigator noted that Respondent failed to maintain the correct balance on hand amounts for Diazepam, Dolorex, Ketamine, and Alprazolam.
5. The drug log for Diazepam stated a balance on hand of .7 ml for June 5, 2013. The drug log then contains an additional three (3) entries dated September 4, 2013 for 2.0 ml administered, September 21, 2013 for 14 ml administered, and September 21, 2013 for 14 ml administered. The physical balance was approximately 82 ml.
6. The drug log for Dolorex (Torbugesic 10 mg/ml) recorded the last balance on hand as 14.95 ml entered on January 18, 2013. The physical balance was approximately 47 ml.
7. The drug log for Ketamine (100 mg/ml) recorded the last balance on hand as 7.05 ml entered on April 19, 2013. No incoming inventories were recorded. The physical balance on hand was 23 ml.
8. The drug log for Alprazolam recorded a balance of 70 (1 mg) tablets; however, the physical balance was 80 (1 mg) tablets.
9. The inspection also revealed that the patient records for Ziva (owned by Glen and Denise Troyer) and Booger (owned by Sherry Chamberlain) indicated that both patients were neutered on January 6, 2014; however, a temperature was not obtained from the patients when examined prior to surgery.
10. On December 4, 2013, the Board received a written complaint from Ms. Breanna Hearne. Ms. Hearne alleged that Respondent failed to examine patients prior to administering vaccinations and prior to administering or dispensing Virbantel, Comfortis, and Revolution. The Board's investigation found that staff was allowed to dispense medication such as Comfortis without Respondent examining the animal first and without affixing a required medication label.

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 3 and 10, Respondent violated Section 801.351 of the Veterinary Licensing Act, Texas Occupations Code, by failing to establish a veterinarian-client-patient relationship by examining the animal in order to attain sufficient knowledge of the animal to initiate at least a general or preliminary diagnosis of the animal's medical condition and by allowing staff to dispense prescription medications to clients for end-user animals whom Respondent had not established a veterinarian-client-patient relationship.
3. Based on Findings of Fact 1 through 3 and 10, Respondent violated Rule 573.40,

LABELING OF MEDICATION DISPENSED, of the Board's Rules of Professional Conduct, by failing to label medications provided to clients such as Comfortis with all required information, including but not limited to the veterinarian's address and telephone number; the patient name; the species of animal; the name, strength, and quantity of the drug dispensed; directions for use; and cautionary statements as required by law.

4. Based on Findings of Fact 1 through 3 and 10, Respondent has violated Rule 573.41, USE OF PRESCRIPTION DRUGS, of the Board's Rules of Professional Conduct, by failing to establish a veterinarian-client-patient relationship prior to prescribing, dispensing, delivering, or ordering delivered prescription drugs and failing to determine that the drugs were therapeutically indicated for the health and well being of the animals(s).

5. Based on Findings of Fact 1 through 8, Respondent has violated Rule 573.50, CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND, of the Board's Rules of Professional Conduct, by failing to record the balance on hand for each controlled substance.

6. Based on Findings of Fact 1 through 3 and 9, Respondent has violated Rule 573.52, VETERINARIAN PATIENT RECORDKEEPING, of the Board's Rules of Professional Conduct, by failing to record required information, including but not limited to the patient's temperature if required for diagnosis or treatment prior to surgery.

7. Based on Conclusions of Law 1 and 3 through 6, 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.

8. Based on Conclusions of Law 1 through 7, 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.

9. Based on Conclusions of Law 2 through 7, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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 ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of TWO THOUSAND DOLLARS (\$2000.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Agreed Order, Respondent's license may be suspended until the penalty is paid.

The Board ORDERS that Respondent must take and pass the Texas jurisprudence examination within 90 days from the date of this Agreed Order.

In addition, the Board ORDERS that Respondent complete an **additional** THREE (3) hours of continuing education in recordkeeping within one year of the date of this order. Documentation of the completion of the continuing education penalty shall be received by thirty (30) days following the end of the period to receive the continuing education required for this Order. If Respondent fails to provide documentation of completion within forty-five (45) days from the end of the period to receive the continuing education, Respondent's license shall be suspended until the continuing education penalty is completed and documentation is received by the Board.

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

Received

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Order.

Texas State Board
of Veterinary Medical Examiners

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

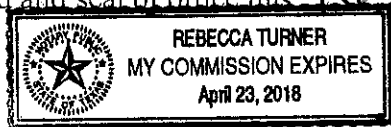
Brooke Ashley DVM
BROOKE ASHLEY, D.V.M.

7/16/14
DATE

STATE OF TEXAS §
COUNTY OF Benicia §

BEFORE ME, on this day, personally appeared BROOKE ASHLEY, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

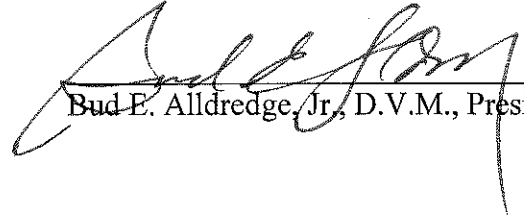
Given under the hand and seal of office this 16 day of July, 2014.



Rebecca Turner

Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 21 October, 2014.



Bud E. Alldredge, Jr., D.V.M., President