

administered a euthanasia drug to two animals. Dr. Beach was an employee of the Texas Veterinary Group and provided veterinary services at the Fort Worth clinic which is operated by Pet's Choice pursuant to a contract between the Texas Veterinary Group and Pet's Choice.

4. Dr. Beach provided a non-veterinarian employee of the clinic, Jay Kehoe, with 6 ml of euthanasia solution for possible administration to a German shepherd ("Bobby") owned by Mr. Bobby Vega. The dog was euthanized by Mr. Kehoe. Part of the solution was also used by Mr. Kehoe to euthanize a dog ("Jazz") owned by a Ms. Raines. In both cases, euthanasia was performed by a veterinary technician (Mr. Kehoe) who was not under the immediate supervision of Dr. Beach or any other veterinarian.

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 3 and 4, Respondent violated Board Rule 573.10 (g) which states that euthanasia may be performed only under the immediate supervision of a veterinarian.

3. Based on Findings of Fact 3 and 4, Respondent violated Board Rule 573.11 which states as follows:

A licensed veterinarian shall be professionally and legally responsible for the unauthorized practice of veterinary medicine by unlicensed employees within the scope of their employment. An employee's unauthorized practice of veterinary medicine without a license constitutes grounds for the Texas State Board of Veterinary Medical Examiners to take action against the licensed veterinarian.

4. Based on Conclusions of Law 1 through 3, 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:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that John F. Beach, D.V.M., be REPRIMANDED.

The Board further ORDERS that John F. Beach, D.V.M., pay, within forty-five (45) days of this Order, a civil penalty of TWO HUNDRED AND FIFTY DOLLARS (\$250.00).

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 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, JOHN F. BEACH, 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.

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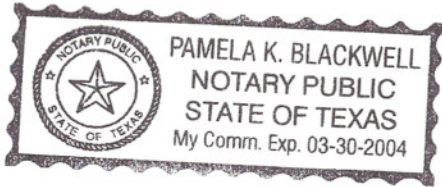
John F. Beach, D.V.M.
Respondent

5/22, 2001
DATE

STATE OF TEXAS §
COUNTY OF Tarrant §

BEFORE ME, on this day, personally appeared John F. Beach, 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 22 day of May, 2000



Pamela K. Blackwell
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 21 day of June, 2001.

J. Lynn Lawhon
J. LYNN LAWHON, D.V.M.
President