

DOCKET NO. 14-11

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

AGREED ORDER

On this the 3 day of June, 2014 came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of HUEY P. BECKHAM, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on January 22, 2014, to consider alleged violations of the Veterinary Licensing Act and the Board's rules by Respondent.

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 Staff 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, HUEY P. BECKHAM, D.V.M. of Houston, Texas, holds Texas veterinary license 7629.
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).
3. In March of 2011, Respondent began volunteering with the Galveston County Health District Animal Shelter ("Shelter"). Respondent received his controlled substance registration on

June 6, 2011. Respondent ordered four orders of ketaset for the Shelter for a total of 120 bottles (100mg/ml 10ml per bottle).

4. Respondent ordered the drugs for the Shelter and the Shelter utilized the drugs without Respondent ever examining an animal to determine whether use of such drug was necessary. Respondent did not have records providing details necessary to substantiate the examination, diagnosis, or treatment provided, or the surgical procedure performed, and the route of administration for drugs prescribed, administered or dispensed. Respondent was not at the Shelter when the drug was utilized by Shelter staff. Respondent never examined any animals at the Shelter.

5. On August 28, 2013, the Board conducted an inspection of the Shelter. During the investigation, the investigators determined that Respondent's controlled substance log did not contain the dates of acquisition, quantity purchased, date administered or dispensed, quantity administered or dispensed, name of client and patient receiving the drug(s), and the balance on hand.

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 5, 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 date of acquisition, quantity purchased, date the drug was administered or dispensed, the quantity administered or dispensed, the name of the client and patient receiving the drug(s), and the balance on hand for each controlled substance.

3. Based on Findings of Fact 1 through 5, 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 details necessary to substantiate the examination, diagnosis, or treatment provided, or the surgical procedure performed, and the route of administration for drugs prescribed, administered or dispensed.

4. Based on Findings of Fact 1 through 5, Respondent has violated Rule 573.10, SUPERVISION OF NON-LICENSED PERSONS, of the Board's Rules of Professional Conduct, by failing to supervise an unlicensed person performing veterinary medicine, and allowing an unlicensed person to diagnose the need for and prescribe prescription drugs.

5. Based on Findings of Fact 1 through 5, Respondent has violated Rule 573.41, USE OF PRESCRIPTION DRUGS, of the Board's Rules of Professional Conduct, by failing to maintain

a veterinarian-client-patient relationship and failing to determine that the prescribed drugs were therapeutically indicated for the health and/or well-being of the animal.

6. Based on Findings of Fact 1 through 5, Respondent has violated Section 801.351 of the Veterinary Licensing Act, Texas Occupations Code, by failing to maintain a veterinarian-client-patient relationship by examining the animal sufficiently to possess sufficient knowledge of the animal to initiate a diagnosis of the animal's medical condition prior to practicing veterinary medicine.

7. Based on Conclusions of Law 1 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 8, 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 ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00). 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 further ORDERS that Respondent shall take and pass the Texas 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, HUEY P. BECKHAM, 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.

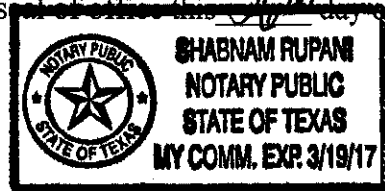

HUEY P. BECKHAM, D.V.M.


2-26-2014
DATE

STATE OF TEXAS §
COUNTY OF HARRIS §

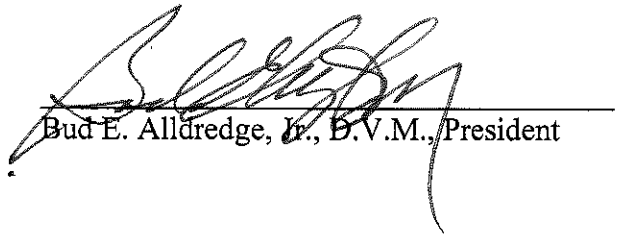
BEFORE ME, on this day, personally appeared HUEY P. BECKHAM, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 26th day of February, 2014.




Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 3rd of June, 2014.


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