

4. On August 9, 1996, Dr. Box examined the cat. Dr. Box informed Ms. Peterson that the cat's leg was not injured or broken. However, because the cat had a slight temperature, Dr. Box administered a shot of Benza-Pen and prescribed two medications: Amoxicillin liquid, to be administered every twelve hours; and six Phenylbutazone, 100mg tablets, to be administered one tablet every 24 hours until the cat was well. Dr. Box gave the cat the first Phenylbutazone on August 9, 1996. Phenylbutazone is labeled for use in dogs only; its use in cats is counter-indicated.

5. Dr. Box failed to weigh the cat prior to prescribing, dispensing, and administering any medication. Dr. Box's patient record for "Uff-da", fails to adequately identify the cat, its owner, or to document the amount of medications administered or dispensed.

6. On August 14, 1996, Ms. Peterson presented her cat to Dr. Mary Jane Ferguson, Ruidoso Animal Clinic, Ruidoso, New Mexico, because it had become lethargic. Dr. Ferguson diagnosed the cat as possibly having a drug toxicity due to the administration of Phenylbutazone. The cat was hospitalized.

7. On August 15, 1996, the animal was reexamined by Dr. Ferguson. The cat's condition had worsened. Dr. Ferguson performed an abdominal tap and observed a thick yellowish fluid.

8. Dr. Ferguson performed exploratory surgery on the cat. A perforation of the stomach approximately 5 mms in diameter was found along the greater curvature of the stomach. The perforation was sutured, surgery completed and a guarded to unfavorable prognosis made. The perforation was caused by the administration of Phenylbutazone to the cat. The cat's recovery from the anesthetic was uneventful.

9. However, on August 16, 1996, the cat was found dead in its cage.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Act and Board Rules.
2. Act § 14 (a) 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. Based on Findings of Fact 4 and 8, Respondent has violated Board Rule 573.22 by prescribing, dispensing, and administering Phenylbutazone to a cat, contrary to label indications.

4. Based on Findings of Fact 5, Respondent has violated Board Rule 573.52 by failing to maintain adequate patient records.

5. Based on Findings of Fact 4 and 5, Respondent has violated Act § 14 (a) (5) by engaging in practices or conduct in connection with the practice of veterinary medicine which were violative of the standards of professional conduct duly promulgated by the Board.

6. Based on any one of Conclusions of Law 3 through 5, Respondent is subject to disciplinary action by the Board under Act § 14(a).

Based on the above finding of fact and conclusions of law, the Board ORDERS that Dr. Box receive an OFFICIAL REPRIMAND under the following terms and conditions:

1. Respondent shall bring his record keeping into compliance with the Board's requirements.
2. Respondent shall abide by the Rules of Professional Conduct, Texas Veterinary Licensing Act and Laws of the State of Texas and the United States.
3. Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers and other employees and agents, to verify that Respondent has complied and is in compliance with this Agreed Order.
4. Failure by Respondent to comply with the terms of this Agreed Order or with all other provisions of the Act or the Board Rules, may result in further disciplinary action.

Respondent, Ronald D. Box, DVM, by signing this Agreed Order, agrees to its terms acknowledges his understanding of it and the notice, findings of fact and conclusions of law herein set forth in the Agreed Order 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, Ronald D. Box, DVM, by signing this Agreed Order waives his right to a formal hearing and any right to seek judicial review of this Agreed Order.

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 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.

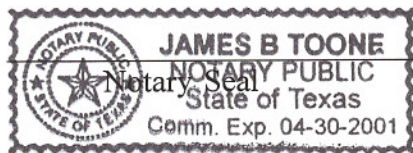
I, RONALD D. BOX, DVM, HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS ORDER CONTAINS THE ENTIRE AGREEMENT REGARDING ITS SUBJECT MATTER AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: 5-9-, 1997.

Ronald Box DVM
RONALD D. BOX, DVM
RESPONDENT

STATE OF TEXAS
COUNTY OF REEVES

BEFORE ME, on this day personally appeared Ronald D. Box, DVM, known to me, who, first being duly sworn, signed the foregoing Agreed Order in my presence.
SIGNED on this 9 day of MAY, 1997.



[Signature]
Notary Public, in and for the State of Texas

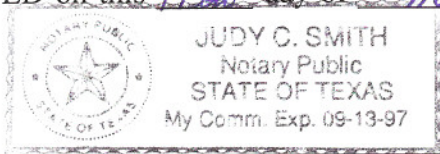
This agreed order has been entered between Dr. Ronald D. Box and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.



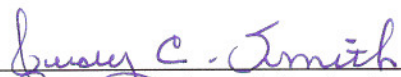
RON ALLEN, Executive Director, TSBVME

STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, on this day personally appeared Ron Allen, known to me, who, first being duly sworn, signed in agreement to the foregoing Agreed Order in my presence.
SIGNED on this 14th day of May, 1997



Notary Seal



Notary Public, in and for the State of Texas

The foregoing Agreed Order, in Docketed case 1997-13 entered into between Dr. Ronald Box and/or legal counsel representing Dr. Box, the Board Secretary, and the Board's Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 12th day of June, 1997, ordered that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 12th day of June, 1997.

James N. Gomez, D.V.M., President
James N. Gomez, D.V.M., President

Date

Michael J. McCulloch, D.V.M., Vice-President
Michael J. McCulloch, D.V.M., Vice-President

Date

RECUSED
Robert I. Hughes, Jr., D.V.M., Secretary

Date

Howard Head, D.V.M., Member

Date

D. Carter King, D.V.M., Member
D. Carter King, D.V.M., Member

6-12-97
Date

Sharon O. Matthews, Member
Sharon O. Matthews, Member

6-12-97
Date

Jean McFaddin, Member
Jean McFaddin, Member

6-13-97
Date

Joyce G. Schiff, Member
Joyce G. Schiff, Member

12/6/97
Date

John A. Wood, D.V.M., Member
John A. Wood, D.V.M., Member

June 12, 1997
Date

DOCKETED COMPLAINT NO. 1997-13

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 5697
vs. § 1997 RENEWAL CERTIFICATE
RONALD D. BOX, DVM § NUMBER 0395

COMPLAINT AFFIDAVIT

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

I, Peter C. Hartline, an employee of the Texas State Board of Veterinary Medical Examiners ("Board"), investigated the professional conduct of one Ronald D. Box, D.V.M., 1920 Balmorhea Hwy., Pecos, Texas, 79772, Veterinary License Number 5697, 1997 Renewal Certificate Number 0395, a practitioner of veterinary medicine in the State of Texas, on or about September 3, 1996.

I, Peter C. Hartline, on behalf of the Board, present the following complaint against Ronald D. Box, D.V.M., based on alleged violations of the Veterinary Licensing Act, Tex. Rev. Civ. Stat. art. 8890 ("Act"), and the Board's Rules of Professional Conduct ("Board Rules"):

I.

On August 9, 1996, Ms. Vera M. Peterson, Mission, Texas, presented her four year old male cat "Uff-da", to Dr. Ronald Box, Pecos, Texas, because it had been limping. Dr. Box was not Ms. Peterson's regular veterinarian. Ms. Peterson was traveling with a friend to Ruidoso, New Mexico.

II.

On August 9, 1996, Dr. Box examined the cat. Dr. Box informed Ms. Peterson that the cat's leg was not injured or broken. However, because the cat had a slight temperature, Dr. Box administered a shot of Benza-Pen and prescribed two medications: Amoxicillin liquid, to be administered every twelve hours; and six Phenylbutazone, 100 mg tablets, to be administered one tablet every 24 hours until the cat was well. Dr. Box gave the cat the first Phenylbutazone on August 9, 1996. Phenylbutazone is labeled for use in dogs only; its use in cats is counter-indicated.

III.

Dr. Box failed to weigh the cat prior to prescribing, dispensing, and administering any medication. Dr. Box's patient record for "Uff-da", fails to adequately identify the cat, its owner, or to document the amount of medications administered or dispensed.

IV.

On August 14, 1996, Ms. Peterson presented her cat to Dr. Mary Jane Ferguson, Ruidoso Animal Clinic, Ruidoso, New Mexico, because it had become lethargic. Dr. Ferguson diagnosed the cat as possibly having a drug toxicity due to the administration of Phenylbutazone. The cat was hospitalized.

V.

On August 15, 1996, the animal was reexamined by Dr. Ferguson. The cat's condition had worsened. Dr. Ferguson performed an abdominal tap and observed a thick yellowish fluid.

VI.

On August 15, 1996, Dr. Ferguson performed exploratory surgery on the cat. A perforation of the stomach approximately 5mms in diameter was found along the greater curvature of the stomach. The perforation was sutured, surgery completed and a guarded to unfavorable prognosis made. The perforation was caused by the administration of Phenylbutazone to the cat. The cat's recovery from the anesthetic was uneventful.

VII.

However, on August 16, 1996, the cat was found dead in its cage.

VIII.

Based on the above, it is alleged Respondent has violated Rule 573.22 - Professional Standard of Humane Treatment, and Rule 573.52 - Patient Record Keeping of the Rules of Professional Conduct.

IX.

Based on the above, it is alleged Respondent has violated Act § 14 (a) (5).

Act § 14 (a) authorizes the Board to "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 28th day of April 1997.

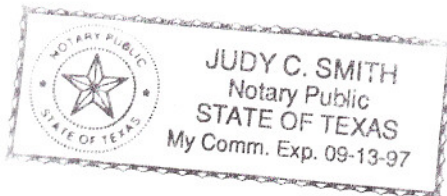
Further, Affiant sayeth not.

Peter C. Hartline

Peter C. Hartline, Affiant

SUBSCRIBED and SWORN TO before me by the said Peter C. Hartline this the 28th day of April, 1997.

Judy C. Smith
Notary Public in and for Texas

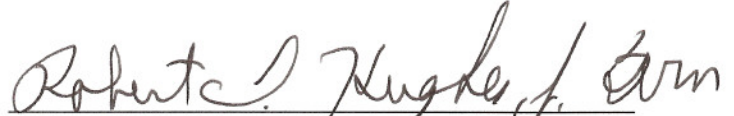


Ronald D. Box, DVM

Docket No. 1997-13

3

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. Ronald D. Box, D.V.M. under Docketed Number 1997-13 this the 30 day of April 1997.



Robert I. Hughes, Jr., DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners