

drugs purchased by CEE Sales with his veterinary license in his private practice, and that drugs purchased by CEE Sales with his license were diverted to clients and end-user animals whom he had not established a client-veterinarian-patient relationship.

3. On March 27, 2008, the Texas Department of State Health Services (DSHS) issued an *Establishment Inspection Report* for CEE Sales stating that Respondent allowed his license to be used by CEE Sales to facilitate the purchase of veterinary drugs from suppliers. The report found that CEE Sales could not provide adequate temperature logs for the storage of its prescription drugs, and that CEE Sales could not provide invoices and purchase orders for its purchases of prescription drugs. On May 16, 2008, DSHS issued a second report finding Respondent allowed CEE Sales to use his veterinary license to purchase drugs from MWI Veterinary Supply. The report determined Respondent acted as drug wholesaler without a license from DSHS designating him as a Wholesale Distributor of Prescription Drugs, in violation of §§431.021(x) and 431.402 of the Texas Health and Safety Code. On June 9, 2008, DSHS provided to the Board, invoices from MWI Veterinary Supply reflecting that drugs were sold to Respondent, doing business as CEE Sales.

4. Respondent became licensed as a Wholesale Distributor of Prescription Drugs by DSHS on July 2, 2008.

CONCLUSIONS OF LAW

1. Respondent is required to comply with the provisions of Chapter 801 of the Veterinary Licensing Act and the Board's Rules.

2. Based on Findings of Fact 1-3, Respondent has violated **§801.351 of the Act, EXISTENCE OF VETERINARIAN-CLIENT-PATIENT RELATIONSHIP**, as he has knowingly purchased and diverted legend drugs to clients and end-user animals whom he had not established a veterinarian-client-patient relationship.

3. Based on Findings of Fact 1-3, Respondent has violated **Rule of Professional Conduct §573.41 USE OF PRESCRIPTION DRUGS**, as he has prescribed, dispensed, delivered or ordered delivered prescription drugs, without establishing a veterinarian-client-patient relationship and determining that said drugs were therapeutically indicated for the health and well being of the animal(s).

4. Based on Findings of Fact 3, Respondent has violated **Rule of Professional Conduct §573.4 ADHERENCE TO THE LAW**, as he acted as wholesale distributor of prescription drugs without a license issued by DSHS designating him as such, in violation of §§431.021(x) and 431.402 of the Texas Health and Safety Code.

5. Based on Findings of Fact 1-3 and Conclusions of Law 1-4, Respondent has violated

§801.402(6) and (13) of the Veterinary Licensing Act (the "Act") and is subject to disciplinary action by the Board under §801.401 of the Act:

§801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under §801.401 if the person:

- (6) engages in practices or conduct that violates the board's rules of professional conduct;
- ...
- (13) orders a prescription drug or controlled substance for the treatment of an animal without first establishing a veterinarian-client-patient relationship.

6. Based on Conclusion of Law 5, Respondent is subject to disciplinary action under §801.401 of the Act:

§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 §801.402, the Board may:

- (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.

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 be **INFORMALLY REPRIMANDED**.

The Board further **ORDERS** Respondent to pay an Administrative Penalty in the amount of Two Thousand and Five Hundred Dollars (\$2,500.00) within 45 days of the date of this Agreed Order.

The Board further **ORDERS** that Respondent sit for, and pass, the Board's Continuing Education Module regarding the Board's Rules, within 90 days of the date of this Agreed Order. Documentation reflecting a passing score on the Examination shall be received by the Board on or before May 14, 2010. If Respondent fails to provide said documentation by May 14, 2010, Respondent's license shall be suspended until said Jurisprudence Examination is passed by.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the 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 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 herein set forth herein, and agrees to 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. 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 effective date of this Agreed Order shall be the date it is adopted by the Board.

I, **RONALD BOX**, 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.

Ronald Box
Ronald Box, D.V.M.

8-24-09
Date

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, on this day, personally appeared RONALD BOX, 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 24th day of August, 2009.



Rita F. McBride
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 8th day of October, 2009.

26

Bud E. Allredge, Jr. DVM, President
Bud E. Allredge, Jr.