

DOCKETED COMPLAINT NO. 1987-23

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS		LICENSE NO. 3721
vs.		1987 RENEWAL CERTIFICATE
TOM S. BRADFORD, D.V.M.		NUMBER 3759

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 1st day of October, 1987, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at 1946 South IH 35, 4th floor Conference Room, Austin, Travis County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint as well as for consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said TOM S. BRADFORD, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present to-wit:

DR. ED B. AVERY, President	of Pearsall, TX
DR. EDWARD S. MURRAY, Vice-President	of Spur, TX
DR. W. L. "DUB" ANDERSON, Secretary	of Addison, TX
MR. JIM F. HUMPHREY, Member	of Henrietta, TX
MR. MIKE LEVI, Member	of Spicewood, TX
DR. MARY E. MAINSTER, Member	of San Antonio, TX
DR. FRANK E. MANN, JR., Member	of Wharton, TX
DR. FRED K. SOIFER, Member	of Houston, TX

At 9:00 a.m., the appointed hour, the President of the Board, DR. ED. B. AVERY ordered the case to proceed at which time it was ascertained that TOM S. BRADFORD, D.V.M. was present in person. The Board then proceeded and on the same day, October 1, 1987, all of the above members of said Board being present and participating with the exception of the Secretary of the Board, makes the following findings to-wit:

FINDINGS OF FACT

I.

TOM S. BRADFORD, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 3721, 1987 Renewal Certificate Number 3759?

II.

Dr. Bradford received notice of this hearing on or about September 18, 1987.

III.

TOM S. BRADFORD, D.V.M. has failed to maintain, at his place of business, adequate records on MEPERIDINE, aka Meperidine Hydrochloride, a Schedule II drug, ordered on the following DEA Form 222:

<u>QUANTITY</u>	<u>STRENGTH</u>	<u>DATE OF ORDER</u>	<u>DATE OF SHIPMENT</u>	<u>ORDER NO.</u>
24 x 30 cc	50 mg.	Oct. 20, 1982	Oct. 28, 1982	M2290054
36 x 30 cc	50 mg.	Dec. 22, 1982	Dec. 28, 1982	M22900553
24 x 30 ml	50 mg.	Feb. 10, 1983	Feb. 25, 1983	M22900555
36 x 30 ml	50 mg.	Oct. 10, 1983	Oct. 25, 1983	M22900537
24 x 30 ml	50 mg.	June 28, 1984	July 9, 1984	M28803409
36 x 30 cc	50 mg.	Sept. 27, 1984	Oct. 8, 1984	M28803408
36 x 30 ml	50 mg.	Oct. 7, 1986	Oct. 20, 1986	M22900559
6,480 ml.				

IV.

TOM S. BRADFORD, D.V.M. has failed to maintain, at his place of business, adequate records on RITALIN, aka Methylphenidate Hydrochloride, a Schedule II drug, ordered on the following DEA Form 222 orders:

<u>QUANTITY</u>	<u>STRENGTH</u>	<u>DATE OF ORDER</u>	<u>DATE OF SHIPMENT</u>	<u>ORDER NO.</u>
1 x 100	20 mg.	April 25, 1983	April 27, 1983	M22900536

V.

TOM S. BRADFORD, D.V.M. has failed to maintain, at his place of business, adequate records on NUMORPHAN, aka Oxymorphone Hydrochloride, a Schedule II drug, ordered on the following DEA Form 222 orders:

<u>QUANTITY</u>	<u>STRENGTH</u>	<u>DATE OF ORDER</u>	<u>DATE OF SHIPMENT</u>	<u>ORDER NO.</u>
4 x 10 ml	1 mg.	March 28, 1983	March 11, 1983	M22900534
10 x 10 ml	1.5 mg.	April 6, 1983	Unknown	M22900535
10 x 10 ml	1.5 mg.	April 25, 1983	April 27, 1983	M22900536
240 ml.				

CONCLUSIONS OF LAW

I.

DR. BRADFORD failed to maintain records on controlled substances listed in Paragraphs III, IV and V at his place of business which constitutes a violation of Article 7465a, Section 7(b) of the Veterinary Practice Act which states:

Article 7465a, Section 7(b) - Veterinary Practice Act

The Board may require its licensees to maintain a record-keeping system for certain controlled substances prescribed by

the Board that includes the quantities and date of purchase, quantities and date dispensed, quantities and date administered, balance on hand, the name and address of the client and patient receiving the drugs, and the reason for dispensing or administering the drugs to such patient. The records are subject to review by law enforcement agencies and by representatives of the Board. A failure to keep such records shall be grounds for revoking, cancelling, suspending, or probating the license of any practitioner of veterinary medicine.

## II.

DR. BRADFORD failed to maintain records on the controlled substances listed in Paragraphs III, IV and V at his place of business constituting a violation of Rule 30 of the Rules of Professional Conduct which states:

### Rule No. 30

Texas veterinarians shall maintain at their place of business records of all drugs listed in Schedule II of 21 Code of Federal Regulation, Part 1300 to end, in their possession. These records shall be maintained for a minimum of five (5) years. The Board shall prescribe a form for keeping records of those Schedule II substances which shall contain the following information:

- A. Date of Acquisition
- B. Quantity Purchased
- C. Date Administered, Dispensed, or Prescribed
- D. Quantity Administered, Dispensed, or Prescribed
- E. Name of Client and Patient receiving Drug(s)
- F. Diagnosis
- G. Balance on Hand

## III.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Bradford's veterinary license under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.C.S., Section 7(b) and Sections 14(c) and (e) which state:

### Article 7465a, Section 7(b), Veterinary Licensing Act

The Board may require its licensees to maintain a record-keeping system for certain controlled substances prescribed by the Board that includes the quantities and date of purchase, quantities and date administered, balance on hand, the name and address of the client and patient receiving the drugs, and the reason for dispensing or administering the drugs to such patient. The records are subject to review by law enforcement agencies and by representatives of the Board. A failure to keep such records shall be grounds for revoking, cancelling, suspending, or probating the license of any practitioner of veterinary medicine.

Article 7465a, Section 14(c) and (e), Veterinary Licensing Act  
" . . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee, . . . if it finds that an applicant or licensee:

(c) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(e) 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."

#### ORDERS

Dr. Bradford did not contest the allegations but instead negotiated a settlement. A majority of the Board voted to accept the Negotiated Settlement (attached) and ORDERED that the Texas Veterinary License No. 3721 heretofore issued to TOM S. BRADFORD, D.V.M., by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS be and the same is HEREBY suspended for a period of one (1) year, all probated and effective immediately. Dr. Bradford is ORDERED to surrender his Schedule II and II-N DPA and DEA Drug Certificates to be reinstated at the discretion of the Board. Dr. Bradford agrees to pay a civil penalty in the amount of \$500.00 and complete fifteen (15) hours of continuing education in small animal medicine as approved by the Texas Academy of Veterinary Practice. Further, Dr. Bradford agrees to complete the State Board Jurisprudence Examination in Austin no later than ninety (90) days following the hearing and abide by the laws and rules of the State of Texas as they relate to the practice of veterinary medicine. Dr. Bradford is to submit quarterly reports to the Board certifying compliance with this Order on the following dates:

January 1, 1988      April 1, 1988      July 1, 1988      October 1, 1988

The foregoing Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the FINDINGS AND ORDERS of the Board, a quorum and a majority of the members of such Board being present and participating in such hearing, deliberations and decision, and such FINDINGS AND ORDERS are made on the 1st day October, 1987, in Austin, Travis County, Texas.

The Secretary of the Board is hereby ordered to prepare the Board's Findings and Orders in appropriate form and submit to the members of the Board for their signatures and to mail a copy of same to the Respondent at his last known address.

Executed this 1st day of October, 1987.

Ed B Avery, DVM  
ED B. AVERY, D.V.M., President

October 1, 1987  
Date

Edward S. Murray, D.V.M.  
EDWARD S. MURRAY, D.V.M., Vice-President

1,  
Date

W. L. Anderson, D.V.M.  
W. L. "DUB" ANDERSON, D.V.M., Secretary

1,  
Date

Jim F. Humphrey  
JIM F. HUMPHREY, Member

1,  
Date

Mike Levi  
MIKE LEVI, Member

1,  
Date

Mary E. Mainster, DVM  
MARY E. MAINSTER, D.V.M., Member

1,  
Date

Frank E. Mann, Jr., D.V.M.  
FRANK E. MANN, JR., D.V.M., Member

1,  
Date

Fred K. Soifer  
FRED K. SOIFER, D.V.M., Member

4  
Date

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS  
1946 South IH-35, Box 113  
Austin, TX 78704  
(512) 447-1183

DOCKET NUMBER 1987-23 - TOM S. BRADFORD, D.V.M.  
LICENSE NUMBER: 3721

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Bradford and the Texas State Board of Veterinary Medical Examiners staff in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Bradford, will be granted a continuance at his option.

Dr. Bradford does not contest the allegations set forth in the Complaint and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES:

Failed to establish accountability of scheduled drugs.


RECOMMENDED DISCIPLINARY ACTION:


1. One (1) year suspension of license, all probated, effective immediately.
2. Surrender Schedule II and II-N DEA and DPS Drug Certificates to be reinstated at the discretion of the Board.

CONDITIONS:

1. Agrees to pay a civil penalty in the amount of five hundred (\$500) dollars.
2. Complete 15 hours of Continuing Education in small animal subjects.
3. Satisfactorily complete the State Board Jurisprudence Examination in Austin not later than ninety (90) days following this hearing.
4. Submit quarterly reports to the Board certifying continuing compliance with this Order.
5. Abide by the laws and rules of the State of Texas as they relate to the practice of veterinary medicine.

  
TOM S. BRADFORD, D.V.M.

  
Donald B. Wilson, Executive Director  
TEXAS BOARD OF VETERINARY MEDICAL  
EXAMINERS

  
Witness

September 30, 1987

Mr. Donald B. Wilson,  
Executive Director  
TEXAS BOARD OF VETERINARY  
MEDICAL EXAMINERS  
3810 Medical Parkway  
Suite 119  
Austin, Texas 78756

Re: Negotiated Settlement on Docket No. 1987-23;  
Tom S. Bradford, D.V.M., License No. 3721;  
Our File No. 5341 (12)

Dear Mr. Wilson:

Pursuant to the instructions in your letter dated September 24, 1987 and pursuant to our telephone conversations on this matter, I am transmitting herewith three (3) signed and witnessed original Negotiated Settlement Agreements, together with a cashier's check in the amount of Five Hundred and No/100 Dollars (\$500.00) pursuant to the terms of the Negotiated Settlement Agreement.

I have executed these documents and am hereby delivering them to you with the understanding and stipulation that the language contained in the second paragraph of the Negotiated Settlement to the effect that the "Board may treat the allegations of fact and law as true" and that the "Board may enter an order treating the allegations as true" are expressly limited and shall be used solely for the purpose of findings of fact and the entry of an order which may be required to effectuate this Negotiated Settlement, and not to any other order which the board might deem appropriate. In the event that the board determines that the Negotiated Settlement is not acceptable to the board, the board may not treat the allegations of fact and law as true and may not enter an order treating the allegations as true until a full hearing has been conducted or a new Negotiated Settlement has been reached.

Sincerely,

  
Tom S. Bradford, D.V.M.

TSB:mc

cc: Mr. John T. Lynch, IV

DOCKETED COMPLAINT NO. 1987-23

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MEDICAL EXAMINERS		LICENSE NO. 3721
vs.		1987 RENEWAL CERTIFICATE
TOM S. BRADFORD, D.V.M.		NUMBER 3759

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared THOMAS CHESHIRE who after being duly sworn, did depose and say:

"I, THOMAS CHESHIRE being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one TOM S. BRADFORD, D.V.M., Mid-Cities Animal Hospital, 716 West Euless Blvd., Euless, Tarrant County, Texas, Texas Veterinary License Number 3721, 1987 Renewal Certificate Number 3759, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, THOMAS CHESHIRE, do hereby present the following complaint against TOM S. BRADFORD, D.V.M., who is hereinafter called Respondent.

I.

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10 x 10 ml	1.5 mg.	April 25, 1983	April 27, 1983	M22900536
200 ml.	1.5 mg.			
40 ml.	1 mg.			

IV.

DR. BRADFORD's failure to maintain records on controlled substances listed in Paragraphs I, II, III, at his place of business constitutes a violation of Article 7465a, Section 7(b) of the Veterinary Practice Act which states:

Article 7465a, Section 7(b) - Veterinary Practice Act

The Board may require its licensees to maintain a record-keeping system for certain controlled substances prescribed by the Board that includes the quantities and date of purchase, quantities and date dispensed, quantities and date administered, balance on hand, the name and address of the client and patient receiving the drugs, and the reason for dispensing or administering the drugs to such patient. The records are subject to review by law enforcement agencies and by representatives of the Board. A failure to keep such records shall be grounds for revoking, cancelling, suspending, or probating the license of any practitioner of veterinary medicine.

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Rule No. 30

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- C. Date Administered, Dispensed, or Prescribed
- D. Quantity Administered, Dispensed, or Prescribed
- E. Name of Client and Patient receiving Drug(s)
- F. Diagnosis
- G. Balance on Hand

XVII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Bradford's veterinary license under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.C.S., Section 7(b) and Sections 14(c) and (e) which state:

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" . . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee, . . . if it finds that an applicant or licensee:

(c) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(e) 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 10th day of September, 1987.

Further, Affiant sayeth not.

Thomas Cheshire  
THOMAS CHESHIRE, Affiant

SUBSCRIBED and SWORN TO before me by the said THOMAS CHESHIRE, this the 10th day of September, 1987.

Judy C. Smith  
JUDY C. SMITH  
Notary Public in and for Texas

My Commission Expires: September 13, 1989.

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. TOM S. BRADFORD, D.V.M. under Docket Number 1987-23, this the 14th day of September, 1987.

W. L. "Dub" Anderson, D.V.M.  
W. L. "Dub" Anderson, D.V.M., Secretary  
Texas State Board of Veterinary Medical  
Examiners