

IN THE MATTER OF § TEXAS BOARD OF
 THE LICENSE OF § VETERINARY
 STANLEY BRANDON, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 25th day of March, 2013, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Stanley Brandon, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on September 24, 2012 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 conference under Section 801.2056 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed 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, Stanley Brandon, D.V.M. of Arlington, Texas, holds Texas veterinary license 7498.
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. Respondent worked as a veterinarian at the Veterinary Medical Care ("Clinic") in Arlington, Texas.

4. On July 28, 2011, Wendy Maleeny presented her two year old female Korean Mastiff named "Maya" at the Clinic in Arlington, Texas for spay surgery.

5. Respondent did not write his patient records for "Maya" until August 11, 2011, and did not note whether the late entry was an amendment to the record. The patient records for the treatment "Maya" received at the Clinic do not contain all of the information required under Rule of Professional Conduct 573.52, including temperature required for diagnosis and treatment; names, dosages, concentrations, and routes of administration of each drug, prescribed, administered and/or dispensed; and other details necessary to substantiate or document the examination performed.

6. The Board received three bottles of prescription medications that were dispensed under Respondent's name from the Clinic to Ms. Maleeny for "Maya." The labels on the bottles did not contain all the information required to appear on bottles of medication dispensed by a licensed veterinarian under Rule of Professional Conduct 573.40, including but not limited to full names for both the patient and the client; the date of delivery or dispensing; the species of the animal; or the name, strength and total quantity of the drug dispensed.

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 violated Rule of Professional Conduct 573.52, Veterinarian Patient Record Keeping, by failing to make contemporaneous patient records; to note the date of amendments to the patient records; to note in the patient record the temperature required for diagnosis and treatment; to note the names, dosages, concentrations, and routes of administration of each drug, prescribed, administered and/or dispensed; and to record other details necessary to substantiate or document the examination performed.

3. Based on Findings of Fact 1 through 3 and 6, Respondent violated Rule of Professional Conduct 573.40, Labeling of Medications Dispensed, by failing to record required information on the labels of containers for medication dispensed, including but not limited to full names for both the patient and the client; the date of delivery or dispensing; the species of the animal; or the name, strength and total quantity of the drug dispensed.

4. Based on Findings of Fact 1 through 6, Respondent violated Rule of Professional Conduct 573.10, by delegating recordkeeping and medication labeling tasks to non-licensed employees and failing to ensure that those tasks were performed in keeping with the requirements of the Rules of Professional Conduct.

5. Based on Findings of Fact 1 through 6 and Conclusions of Law 1 through 4, 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.

6. Based on Conclusions of Law 1 through 5, 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.

7. Based on Conclusions of Law 1 through 5, 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 an INFORMAL REPRIMAND.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of FIVE HUNDRED DOLLARS (\$500.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent's

license may be suspended until the penalty is paid, and any payment by the Respondent to the Board to renew his license will be applied toward the payment of any administrative fee owed to the Board, and further enforcement action may be taken.

In addition, the Board ORDERS that Respondent complete an additional THREE (3) hours of continuing education in recordkeeping within one year of the date of this Order. Documentation of the completion of the continuing education penalty shall be received by thirty (30) days following the end of the period to receive the continuing education required for this Order. If Respondent fails to provide documentation of completion within forty-five (45) days from the end of the period to receive the continuing education, Respondent's license shall be suspended until the continuing education penalty is completed and documentation is received by the Board.

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, STANLEY BRANDON, 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.

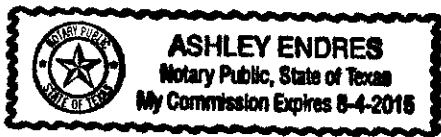
Stanley Brandon DVM
STANLEY BRANDON, D.V.M.

12/03/2012
DATE

STATE OF TEXAS §
COUNTY OF Denton §

BEFORE ME, on this day, personally appeared Stanley Brandon, 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 3rd day of December, 2012



Ashley Endres
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 25th of March, 2013.

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

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LEGAL DEPT.