

3. On February 19, 2008, Respondent and two veterinary technicians under his supervision, Josh Wallace and Daniel Braddock, went to the barn of Dana Stewart in Midland, Texas to perform dentistry on several horses owned by Ms. Stewart, including a 16 year-old gelding named "Buddy."

4. To begin the dental treatment, Respondent administered 0.5cc of Dormosedan and 1.5cc Xylazine to "Buddy" intravenously to sedate him for treatment. Respondent consulted with the veterinary technicians and accepted their recommendation in determining the amount of sedative Respondent administered to "Buddy."

5. The technicians working under Respondent's supervision then examined "Buddy's" teeth and diagnosed two teeth as being broken and decayed. No radiographs were taken of "Buddy's" teeth or jaw.

6. The technicians determined that it was necessary to extract the teeth they had diagnosed as broken and decayed. With the owner's consent, the technicians extracted the teeth.

7. During the extraction procedure, the technicians requested additional sedation for "Buddy." Respondent administered an additional 0.4cc of Dormosedan intravenously to "Buddy" at the technicians' request, but did not otherwise participate in the procedure.

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 7 above, Respondent has violated Rule of Professional Conduct 573.10, Supervision of Non-Licensed Employees, by allowing unlicensed individuals to make diagnosis and prognosis of animal diseases and/or conditions, and by allowing unlicensed individuals to prescribe drugs.

3. Based on Findings of Fact 1 through 7 and Conclusions of Law 1 through 2, Respondent has violated Sections 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.

4. Based on Conclusions of Law 1 through 3, 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.

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 is FORMALLY REPRIMANDED.

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, MARTIN N. BRILLHART, 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.

Martin N. Brillhart DVM
MARTIN N. BRILLHART, D.V.M.

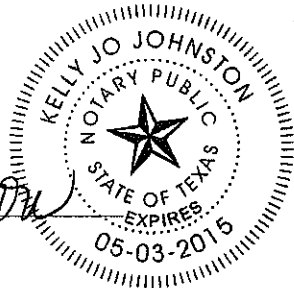
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Date

STATE OF TEXAS §
COUNTY OF Lubbock §

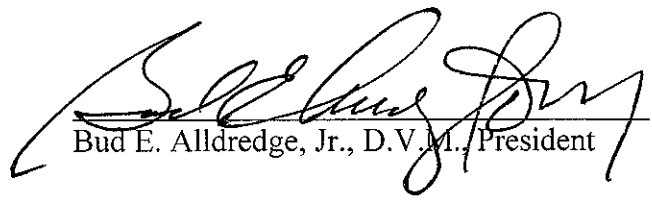
BEFORE ME, on this day, personally appeared Martin N. Brillhart, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 18th day of November, 2011.

Kelly Jo Johnston
Notary Public



SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 27 of March, 2012.



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