

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS  
333 Guadalupe, Suite 2-330  
Austin, Texas 78701

DOCKET NUMBER 1996-12  
M. L. BRITTAIN, D.V.M.  
LICENSE NUMBER 2311

AGREED ORDER

This agreed order has been entered between Dr. M. L. Brittain, 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. If the Board elects to reject or amend this agreed order, the defendant, Dr. Brittain, will be granted a continuance at his option.

Dr. Brittain does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that (1) the Board may treat the allegations of fact and law as true and (2) the findings shall have the same force and effect as if evidence and argument were presented in support of the allegations. 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.

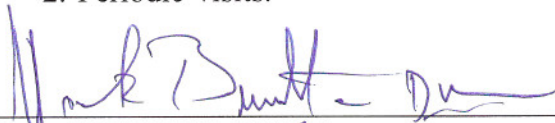
**SUMMARY OF CHARGES:** Dr. Brittain violated Rules of Professional Conduct: 573.40 Labeling of Medications Dispensed by failing to properly label medications dispensed; 573.52 Patient Record Keeping by failing to record in the patient record, names, amounts and strengths of medications administered or dispensed, name, amount and strength of anesthesia, and pre-surgical examination information.

**RECOMMENDED DISCIPLINARY ACTION:**

Official Reprimand

**CONDITIONS:**

1. Take and pass the State Board Jurisprudence Examination.
2. Periodic visits.

  
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M. L. BRITTAIN, D.V.M.


5-1-96  
\_\_\_\_\_  
Date

  
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RON ALLEN, Executive Director  
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

5-3-96  
\_\_\_\_\_  
Date

The foregoing Agreed Order, entered into between Dr. M. L. Brittain, 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 13th day of June, 1996, 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 13th day of June 1996.

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

6-13-96

Date

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

Date

  
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Michael J. McCulloch, D.V.M., Secretary

Date

  
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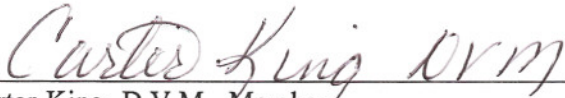
Howard Head, D.V.M., Member

6/13/96

Date

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Robert I. Hughes, Jr., D.V.M., Member

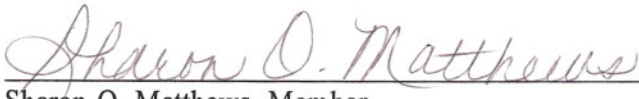
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D. Carter King, D.V.M., Member

6-13-96

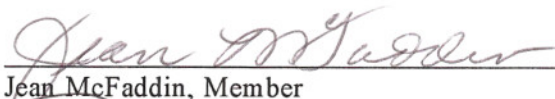
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Sharon O. Matthews, Member

6-13-96

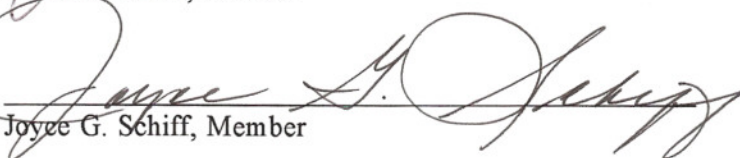
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Jean McFaddin, Member

6/13/96

Date

  
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Joyce G. Schiff, Member

6/13/96

Date

DOCKETED COMPLAINT NO. 1996-12

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 2311
vs.	§	1996 RENEWAL CERTIFICATE
M. L. BRITTAIN, D.V.M.	§	NUMBER 5083+P

COMPLAINT AFFIDAVIT

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

On or about September 14, 1995, Mike Carroll, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one M. L. Brittain, D.V.M., 1401 West Moore Avenue, #214, Terrell, Texas, 75160, Veterinary License Number 2311, 1996 Renewal Certificate Number 5083+P, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Mike Carroll, do hereby present the following complaint against M. L. Brittain, D. V. M.

I.

On or about July 17, 1995, Tracey Holman took her two year old Lab/Rottweiler "Bob" to the Terrell Veterinary Clinic, 1401 West Moore Avenue, #214, Terrell, Texas, for surgery on a hematoma and to obtain ear wash for the dog.

II.

On or about July 18, 1995, while getting "Bob" from Dr. Brittain's clinic, Dr. Brittain dispensed a container of medication for the dog. The label on the container listed the contents as "ear wash".

III.

Dr. Brittain failed to include the following information on his label when he dispensed the ear wash to Ms. Holman:

- Date of delivery or dispensing
- Patient/client name
- Species of the animal
- Name, strength and quantity of the drug dispensed
- Directions for use
- Cautionary statements

IV.

Dr. Brittain failed to make individual patient records for Ms. Holman's dog "Bob" and her cat "Bink".

V.

Dr. Brittain failed to include the following information on his patient records for Ms. Holman's dog "Bob":

Pre-surgical examination information

Name, amount and strength of anesthesia used

Name, amount and strength of medication administered or dispensed

VI.

By failing to include the required information on his dispensing label as described in paragraphs II and III, Dr. Brittain has violated 573.40 - Labeling of Medications Dispensed, of the Rules of Professional Conduct.

VII.

By failing to maintain individual patient records for each animal as described in paragraph IV, and not recording the information required as described in paragraphs V, Dr. Brittain has violated 573.52 - Patient Record Keeping, of the Rules of Professional Conduct.

VIII.

By violating the Rules of Professional Conduct as described in paragraphs VI and VII, Dr. Brittain has also violated Section 14 (a) (5) of the Veterinary Licensing Act, Article 8890.

ARTICLE 8890, SECTION 14

(a) . . . the Board may 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:

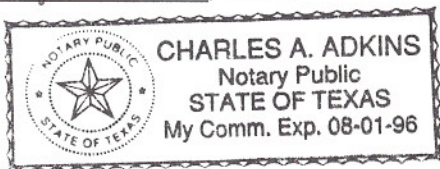
(5)has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with a law;

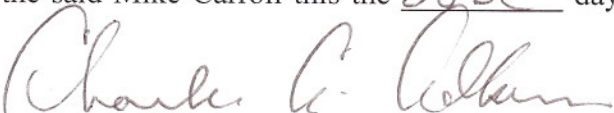
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 22<sup>ND</sup> day of APRIL, 1996.

Further, Affiant sayeth not.

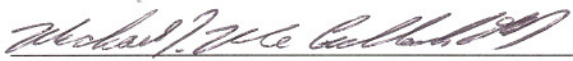
  
Mike Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 22<sup>ND</sup> day of APRIL, 1996.



  
Charles A. Adkins, Notary Public in and for Texas

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. M. L. Brittain, D.V.M. under Docketed Number 1996-12 this the 24<sup>TH</sup> day of April, 1996

  
Michael J. McCulloch, DVM, Board Secretary  
Texas State Board of Veterinary Medical Examiners