

DOCKETED COMPLAINT NO. 1987-21

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|---------------------------------|--|--------------------------|
| TEXAS STATE BOARD OF VETERINARY | | TEXAS VETERINARY MEDICAL |
| MEDICAL EXAMINERS | | LICENSE NO. 2236 |
| vs. | | 1987 RENEWAL CERTIFICATE |
| TOMMY L. BULLARD, D.V.M. | | NUMBER 1368 |

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 TOMMY L. BULLARD, 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 1:30 p.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 TOMMY L. BULLARD, 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.

TOMMY L. BULLARD, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 2236, 1987 Renewal Certificate Number 1368?

II.

Dr. Bullard received notice of this hearing on or about September 19, 1987?

III.

TOMMY L. BULLARD, D.V.M. has failed to maintain, at his place of business, adequate patient records on prescriptions written for 430 Ritalin tablets, aka Methylphenidate Hydrochloride, a Schedule II drug, as listed below:

| <u>DATE</u> | <u>NAME</u> | <u>DRUG</u> | <u>RX. NO.</u> | <u>QUANTITY</u> | <u>STRENGTH</u> |
|-------------|---------------|-------------|----------------|--------------------|-----------------|
| 5/13/86 | MIKE CASCIO | RITALIN | 143957 | 50 tabs | 20 mg. |
| 7/8/86 | MIKE CASCIO | RITALIN | 514180 | 100 tabs | 20 mg. |
| 2/5/86 | MIKE CASCIO | RITALIN | 526050 | 50 tabs | 20 mg. |
| 12/5/86 | JANN JONES | RITALIN | 567683 | 50 tabs | 20 mg. |
| 11/14/86 | GEORGE TAYLOR | RITALIN | N278712 | 50 tabs | 20 mg. |
| 7/1/85 | NAME PURGED | RITALIN | 630810 | 50 tabs | 20 mg. |
| 10/18/85 | NAME PURGED | RITALIN | 536995 | 30 tabs | 20 mg. |
| 12/12/85 | NAME PURGED | RITALIN | 540418 | 50 tabs | 20 mg. |
| | | | | <u>430 tablets</u> | |

IV.

TOMMY L. BULLARD, D.V.M. stated that he prescribed a total of 430 tablets of 20 mg. Ritalin, aka Methylphenidate Hydrochloride, to horse trainers, for training purposes.

V.

On or about February 20, 1987 Investigator Cheshire inspected the patient records of TOMMY L. BULLARD, D.V.M. and found no patient records corresponding to the 430 Ritalin tablets described in Paragraph III.

VI.

TOMMY L. BULLARD, D.V.M. stated that he, himself, did not administer the 430 Ritalin tablets described in Paragraph III.

VII.

DR. TOMMY L. BULLARD could not produce evidence that he had examined the patients before prescribing Ritalin, and, in fact Dr. Bullard stated that he had prescribed the Ritalin without examining the patients.

CONCLUSIONS OF LAW

I.

DR. BULLARD failed to maintain records on controlled substances at his place of business constituting 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. BULLARD failed to maintain records on controlled substances at his place of business which constitutes 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.

Dr. Bullard prescribed Ritalin for training purposes and therefore for medically unsound reasons and, which constitutes a violation of Rule 33 of the Rules of Professional Conduct relating to the practice of veterinary medicine in the State of Texas that states:

Rule 33

It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession or veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person, narcotic drugs, dangerous drugs, or any controlled substances that are not necessary or required for the care of animals, or where the use or possession of such drugs would promote addiction thereto. For purposes of the rule the term Narcotic Drugs, Dangerous Drugs, and Controlled Substances shall mean those which are defined and recognized as such by any law of the State of Texas or of the United States.

IV.

Dr. Bullard's prescribing of Ritalin without first examining the patients as described earlier constitutes a violation of Rule 27 of the Rules of Professional Conduct relating to the Practice which states:

Rule 27

It is unprofessional conduct for a licensed veterinarian to prescribe or dispense, deliver or order delivered any controlled substances without first having established a patient/veterinarian relationship by having personally examined the individual animals, herd, or a representative segment or a consignment lot thereof and determined that such controlled substances is therapeutically indicated following said examination.

V.

Dr. Bullard's prescribing of Schedule II drugs as outlined earlier without maintaining patient records constitutes a violation of Rule 32 of the Rules of Professional Conduct which states:

Rule 32

Individual records will include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, names and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

Patient records shall be maintained for a period of three (3) years and are the responsibility and property of the employing veterinarian.

VI.

Dr. Bullard's prescribing of the Schedule II drugs listed earlier without determining that the drugs were administered to the patient and/or without establishing that it was administered for medically sound reasons constitutes a violation of Rule 33 of the Rules of Professional Conduct which states:

Rule 33

It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession or veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person, narcotic drugs, dangerous drugs, or any controlled substances that are not necessary or required for the care of animals, or where the use of possession of such drugs would promote addiction thereto. For purposes of the rule the term Narcotic Drugs, Dangerous Drugs, and Controlled Substances shall mean those which are defined and recognized as such by any law of the State of Texas or of the United States.

VII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Bullard'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 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.

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. BULLARD did not contest the allegations but instead entered into a Negotiated Settlement. The Board voted unanimously to accept the Negotiated Settlement and ORDERED that the Texas Veterinary License No. 2236 heretofore issued to TOMMY L. BULLARD, D.V.M., by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS be and the same is HEREBY SUSPENDED for five (5) years all being probated. Dr. Bullard is

ORDERED to obtain fifteen (15) hours of continuing education each year of his probation for a total of 75 hours and surrender his DEA and DPS Schedule II and IIN Narcotics Permits. Further, Dr. Bullard is ORDERED to pay a civil penalty in the amount of \$2,500.00 by November 1, 1987; participate in the Jurisprudence Examination of the State Board within ninety (90) days of the hearing; and abide the the rules and laws of the State of Texas as related to the practice of veterinary medicine. Dr. Bullard is to file quarterly affidavits verifying compliance with this order on the following dates:

| | | | | |
|---------------|---------------|---------------|---------------|---------------|
| Jan. 1, 1988 | Jan. 1, 1989 | Jan. 1, 1990 | Jan. 1, 1991 | Jan. 1, 1992 |
| April 1, 1988 | April 1, 1989 | April 1, 1990 | April 1, 1991 | April 1, 1992 |
| July 1, 1988 | July 1, 1989 | July 1, 1990 | July 1, 1991 | July 1, 1992 |
| Oct. 1, 1988 | Oct. 1, 1989 | Oct. 1, 1990 | Oct. 1, 1991 | Oct. 1, 1992 |

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.

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| <u>Ed B Avery, DVM</u> ED B. AVERY, D.V.M., President | <u>10/1/87</u> Date |
| <u>Edward S. Murray, DVM</u> EDWARD S. MURRAY, D.V.M., Vice-President | " Date |
| <u>W. L. Anderson, D.V.M.</u> W. L. "DUB" ANDERSON, D.V.M., Secretary | " Date |
| <u>Jim F. Humphrey</u> JIM F. HUMPHREY, Member | " Date |
| <u>Mike Levi</u> MIKE LEVI, Member | " Date |
| <u>Mary E Mainster, DVM</u> MARY E. MAINSTER, D.V.M., Member | " Date |
| <u>Frank E. Mann, Jr., D.V.M.</u> FRANK E. MANN, JR., D.V.M., Member | " Date |
| <u>Fred K. Soifer</u> FRED K. SOIFER, D.V.M., Member | " Date |

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

DOCKET NUMBER 198 --

Bullard, D.V.M.

LICENSE NUMBER: _____

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Bullard, his/her attorney _____ 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. Bullard, will be granted a continuance at his/her option.

Dr. Bullard 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/she 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:

RECOMMENDED DISCIPLINARY ACTION:

- Five year suspension all probated.*
- Five year suspension, all probated. (Cost 30 days)*
 - Surrender of School # + ER Certificate (already done)*
 -

CONDITIONS:

- Open Civil penalty \$7500.00*
- 15 hours per year of CE for five years.*
- Set for Jurisprudence Exam in Austin within 90 days.*
- Obedience to laws and rules of Texas on the portion to veterinary medicine.*
- Quarterly reporting*

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

H. Bullard
D.V.M.

James Smith
Witness

DOCKETED COMPLAINT NO. 1987-21

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
vs.
TOMMY L. BULLARD, D.V.M.

|

TEXAS VETERINARY MEDICAL
LICENSE NO. 2236
1987 RENEWAL CERTIFICATE
NUMBER 1368

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 TOMMY L. BULLARD, D.V.M., Bullard Veterinary Clinic, DSR Box 48-20, Weatherford, Parker County, Texas, Texas Veterinary License Number 2236, 1987 Renewal Certificate Number 1368, 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 TOMMY L. BULLARD, D.V.M., who is hereinafter called Respondent.

I.

TOMMY L. BULLARD, D.V.M. has failed to maintain, at his place of business, adequate patient records on prescriptions written for 430 Ritalin tablets, aka Methylphenidate Hydrochloride, a Schedule II drug, as listed below:

| <u>DATE</u> | <u>NAME</u> | <u>DRUG</u> | <u>RX. NO.</u> | <u>QUANTITY</u> | <u>STRENGTH</u> |
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430 tablets

II.

TOMMY L. BULLARD, D.V.M. stated that he prescribed a total of 430 tablets of 20 mg. Ritalin, aka Methlphenidate Hydrochloride, to horse trainers, for training purposes.

III.

On or about February 20, 1987 Investigator Cheshire inspected the patient records of TOMMY L. BULLARD, D.V.M. and found no patient records corresponding to the 430 Ritalin tablets described in Paragraph I of this complaint.

IV.

TOMMY L. BULLARD, D.V.M. stated that he, himself, did not administer the 430 Ritalin tablets described in Paragraph I of this complaint.

V.

DR. TOMMY L. BULLARD could not produce evidence that he had examined the patients before prescribing Ritalin, and, in fact Dr. Bullard stated that he had prescribed the Ritalin without examining the patients.

VI.

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

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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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- A. Date of Acquisition
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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

VIII.

Prescribing Ritalin for training purposes as outlined in Paragraph II constitutes prescribing drugs for medically unsound reasons and, therefore, constitutes a violation of Rule 33 of the Rules of Professional Conduct relating to the practice of veterinary medicine in the State of Texas that states:

Rule 33

It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession or veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person, narcotic drugs, dangerous drugs, or any controlled substances that are not necessary or required for the care of animals, or where the use of possession of such drugs would promote addiction thereto. For purposes of the rule the term Narcotic Drugs, Dangerous Drugs, and Controlled Substances shall mean those which are defined and recognized as such by any law of the State of Texas or of the United States.

IX.

Prescribing Ritalin without first examining the patients as described in Paragraph V constitutes a violation of Rule 27 of the Rules of Professional Conduct relating to the Practice which states:

Rule 27

It is unprofessional conduct for a licensed veterinarian to prescribe or dispense, deliver or order delivered any controlled substances without first having established a patient/veterinarian relationship by having personally examined the individual animals, herd, or a representative segment or a consignment lot thereof and determined that such controlled substances is therapeutically indicated following said examination.

X.

Prescribing Schedule II drugs as outlined in Paragraph III without maintaining patient records constitutes a violation of Rule 32 of the Rules of Professional Conduct which states:

Rule 32

Individual records will include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, names and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

Patient records shall be maintained for a period of three (3) years and are the responsibility and property of the employing veterinarian.

XI.

Prescribing the Schedule II drugs listed in Paragraph I without determining that the drugs were administered to the patient and/or without establishing that it was administered for medically sound reasons constitutes a violation of Rule 33 of the Rules of Professional Conduct which states:

Rule 33

It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession or veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person, narcotic drugs, dangerous drugs, or any controlled substances that are not necessary or required for the care of animals, or where the use of possession of such drugs would promote addiction thereto. For purposes of the rule the term Narcotic Drugs, Dangerous Drugs, and Controlled Substances shall mean those which are defined and recognized as such by any law of the State of Texas or of the United States.

XII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Bullard'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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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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" . . . 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."

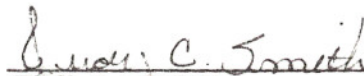
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 10th day of September, 1987.

Further, Affiant sayeth not.



THOMAS CHESHIRE, Affiant

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



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. TOMMY L. BULLARD, D.V.M. under Docket Number 1987-21, 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