

RECEIVED

OCT 18 1998

DOCKET NO. 578-96-0698

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS § BEFORE THE TEXAS STATE BOARD OF

V. § OF

GWENN D. CASEY, D.V.M. § VETERINARY MEDICAL EXAMINERS

FINAL ORDER OF THE BOARD

During open meeting at Austin, Texas, the Texas State Board of Veterinary Medical Examiners finds that after proper and timely notice was given, the above-styled case was heard by an Administrative Law Judge who made and filed a proposal for decision containing the Administrative Law Judge's findings of fact and conclusions of law. The proposal for decision was properly served on all parties and all parties were given an opportunity to file exceptions and replies as part of the record herein.

The Texas State Board of Veterinary Medical Examiners, after review and due consideration of the proposal for decision, and exceptions and replies filed, adopts the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. On December 12, 1997, the staff of the Texas State Board of Veterinary Medical Examiners (Staff, Board) issued a complaint against Gwenn D. Casey, D.V.M. (Respondent), alleging he violated the rules of the Board by failing to keep required records of a controlled substance.
2. The hearing on the complaint was held on February 4, 1998. All parties appeared and participated in the hearing.
3. Respondent is a licensed veterinarian who maintains a small animal practice in Baytown, Texas. He holds License Number 3727, 1998 renewal certificate number 3586.
4. Between October 12, 1992, and March 31, 1995, Respondent purchased a total of 691 pints of hydrocodone with homatropine, in syrup form.
5. During an on-site inspection of Respondent's clinic on April 4, 1995, by investigators from the Board and the Drug Enforcement Administration (DEA), none of the hydrocodone was found.
6. Respondent's controlled substances log contained no information about the hydrocodone, and

neither the log nor his patient records indicated to whom it was dispensed or administered, or how or when.

7. Hydrocodone is a controlled substance. By itself, it is a Schedule II drug under the Texas Controlled Substances Act, but in combination with other drugs, it becomes Schedule III.
8. Hydrocodone is one of the most diverted controlled substances in the country, and record keeping for controlled substances is necessary in order to prevent diversion.
9. Respondent kept the required drug logs for other scheduled drugs he used in his practice, such as beuthanasia and pentothal, and he knew he was supposed to keep records for the hydrocodone.
10. Respondent was the subject of a civil proceeding brought by the DEA, *United States of America v. Gwenn D. Casey, D.V.M.*, Civil Action No. H-96-0490, in the United States District Court, Southern District of Texas, Houston Division, in which the DEA charged that Respondent failed to maintain his controlled substances log as required by federal law, as demonstrated by its audit of his records on April 4, 1995.
11. Respondent entered into an agreed judgment with the DEA to settle the complaint referred to in Finding of Fact No. 10, and he was assessed a \$10,000 fine. He also agreed to implement systematic record keeping in his practice to assure his compliance with the federal Controlled Substances Act.
12. Respondent supports his wife, three sons, and his mother-in-law with the income from his veterinary practice. In addition, his elderly mother may have Alzheimer's disease, and Respondent may be required to move her into a nursing or rest home.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to §§14 and 14B of the Veterinary Licensing Act, TEX. REV. CIV. STAT. ANN. art. 8890 (the Act).
2. The State Office of Administrative Hearings has jurisdiction to conduct the administrative hearing in this matter and to issue this Proposal for Decision pursuant to TEX. GOV'T CODE ANN. ch. 2003.
3. Notice of the hearing was provided as required by the Administrative Procedure Act, TEX. GOV'T CODE ANN. §§2001.051 and 2001.052.
4. Based on Findings of Fact Nos. 3-6, Respondent violated 22 TEX. ADMIN. CODE §573.50 because he failed to maintain at his place of business records of the hydrocodone in his possession, including the drug's date of acquisition, quantity purchased, date administered or dispensed, quantity administered or dispensed, the name of the client and patient receiving the

drug, diagnosis, and balance on hand.

5. Based on Findings of Fact Nos. 3-6, Respondent violated 22 TEX. ADMIN. CODE §573.52 because he failed to maintain individual records at his place of business, including, but not limited to, records of names of patients, dosages, concentration, and routes of administration of the hydrocodone.
6. Based on Conclusions of Law Nos. 4-5, Respondent 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, as contemplated by §14(a)(5) of the Act.
7. Based on Findings of Fact Nos. 3-11 and Conclusions of Law Nos. 4-6, the violations committed by Respondent were Class B violations as described in 22 TEX. ADMIN. CODE §575.25(b).
8. Based on the foregoing, a five-year suspension of Respondent's license to practice veterinary medicine, probated in its entirety only upon a showing to the Board's satisfaction that he does not have a personal drug or chemical dependency, is justified. Respondent should be subject to random drug and alcohol screens. Further, Respondent's federal (DEA) and state (DPS) controlled substances registrations should be restricted to euthanasia and anesthetic solutions only. Respondent should be required to file detailed reports of any purchases of dangerous or controlled substances for his veterinary practice. Respondent should be assessed a \$10,000 administrative penalty, payable in installments over the course of the license suspension.

Findings of Fact and Conclusions of Law not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED by the Texas State Board of Veterinary Medical Examiners pursuant to TEX. REV. CIV. STAT. ANN. art. 8890 §§14 and 14B, that License Number 3727, 1998 renewal certificate number 3586, issued to and held by Gwenn D. Casey, D.V.M., is hereby suspended for a period of five years.

IT IS FURTHER ORDERED that the suspension be stayed and probated in its entirety upon the following terms and conditions:

1. Within 30 days of the entry of this Final Order, Respondent shall undergo an in-house drug, alcohol, and chemical dependency evaluation at a facility in Texas selected by the Board's Veterinary Peer Assistance Program Director. If Respondent is found not to suffer from chemical dependency, his license suspension shall be probated in its entirety, subject to compliance with the terms of his probation set out in §4 and following, *infra*.
2. If Respondent is found to suffer from drug or chemical dependency, his license shall be suspended immediately, said suspension to begin on the date of this Final Order. The suspension shall remain in effect until such time as Respondent provides the Board with a

written verification from a medical treatment team acceptable to the Board's Peer Assistance Program Director that he has completed the recommended treatment program.

3. If treatment or medical care is required, upon verification of Respondent's completion of treatment acceptable to the Board's Peer Assistance Program Director, the suspension of his license shall be probated for the remainder of its term, provided, however, that during his probated suspension:
 - a. Respondent shall remain abstinent from all alcohol and other mind-altering drugs or controlled substances, except on those occasion where such drugs are approved and prescribed by a treating physician or psychiatrist, and Respondent shall present to the Board the prescription for same.
 - b. Respondent shall comply and fully cooperate with all requirements of the Board's Peer Assistance Program and shall be subject to the supervision of a monitor acceptable to the Board, if recommended by the Peer Assistance Program Director. Participation in the Peer Assistance Program may include, but is not limited to, attendance at meetings of a chemical dependency support group as frequently as may be directed by the Peer Assistance Program Director. Respondent shall make a *bona fide* effort to work actively toward his recovery. Respondent shall submit verified quarterly reports to the Board documenting his attendance at required meetings and compliance with other Peer Assistance Program requirements, beginning with the first quarterly report due on December 15, 1998.
 - c. If treatment or medical care is required under the terms of this Order, Respondent's unilateral withdrawal from treatment or medical care prior to the conclusion of the treatment or medical care may be grounds for further disciplinary action by the Board. Respondent shall immediately notify the Board upon discontinuation of counseling or medical care.
4. Regardless of the need for treatment or medical care related to a drug, alcohol, or chemical dependency, Respondent's probated suspension is subject to the following terms and conditions:
 - a. Respondent shall be subject to random alcohol and drug screens at the frequency determined by the Peer Assistance Program Director, to include travel to and arriving at the designated screening site consistent with the requirements of the Peer Assistance Program Director or screening site. All such screens shall be at Respondent's sole expense. Failure to appear for any screening shall constitute a violation of this order and may result in further disciplinary action.
 - b. Respondent shall file regular written quarterly reports with the Board in January, April, July, and October detailing the purchases of dangerous drugs and controlled substances for his veterinary practice, if the purchase and possession of same are

authorized by the Board. The written reports shall include copies of all invoices for purchases of the drugs or controlled substances.

- c. Respondent shall be subject to periodic unannounced inspections of his practice and of his medical records, including his controlled substances log.
5. Respondent shall pay to the Board the sum of \$10,000. This amount is payable in installments of \$2,000 due on or before January 15 of each year of his probation, beginning January 15, 1999. Payment shall be made by cashier's check or other certified funds mailed or delivered to the Board at its offices at 333 Guadalupe, Suite 2-330, Austin, Texas 78701-3998.
6. Respondent shall surrender his Drug Enforcement Administration (DEA) Controlled Substances Registration Certificate and Texas Department of Public Safety (DPS) Controlled Substances Registration Certificate, and shall promptly sign the appropriate DEA and DPS forms to accomplish cancellation of these registrations. Respondent may seek re-registration limited to euthanasia and anesthetic solutions only. This condition shall remain in full force and effect for no less than 12 months following the effective date of the Board's Order. After the expiration of this 12-month period, Respondent may seek amendment or termination of this condition, by written petition to the Board. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition. Subsequent petitions for modification or termination of this condition may be filed no more often than annually.
7. Respondent shall give a copy of this Order to all veterinary practices, veterinary hospitals, or other entities where Respondent will practice veterinary medicine. Respondent shall ensure that any inquiries which are made of him by any person or entity through any means regarding his Texas veterinary license are answered by accurate reference to this Order.
8. Respondent shall comply with all provision of the Act and other statutes regulating the practice of veterinary medicine, as is required by law for veterinarians licensed by the Board.
9. Respondent shall inform the Board in writing of any change of mailing address of either his residence or his place of business within 10 days of the address change. Failure to provide such information shall constitute the basis for disciplinary action by the Board.
10. When requested to do so by the Board, Respondent shall furnish written reports to the Board regarding any medical condition of Respondent and his compliance with this Order.
11. Respondent shall continuously reside in Texas during the period of his probation, unless the Board waives this requirement for good cause shown. The time period of this order shall be extended for any period of time in which Respondent subsequently resides or practices veterinary medicine outside of Texas. If Respondent leaves Texas to live or practice, he shall immediately notify the Board in writing of the dates of his departure from and subsequent return to Texas. Upon Respondent's return to practice in Texas, he shall be required to

comply with the terms of this Order for the period of time remaining on the probation when he left the practice of veterinary medicine in Texas.

12. Respondent shall immediately notify the Board of any circumstance which occurs after the date of this Order and which constitutes a breach of his condition of probation. Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers and other employees and agents, to verify that he has complied and is in compliance with the Order.
13. Failure of the Respondent to comply with the terms of this Order or with all other provisions of the Act or the Board's rules may result in further disciplinary action.

POLICY REASONS FOR CHANGING CONCLUSIONS OF LAW

The Final Order of the Board adopts the Proposal for Decision and the proposed Final Order submitted by Administrative Law Judge with the amendments set out below. These amendments were made so that the Final Order fully comports with the Board's policy of encouraging rehabilitation where feasible. This policy is expressed in TEX. REV. CIV. STAT. ANN. art. 8890 § 8A (Vernon Supp. 1998) and TEX. HEALTH & SAFETY CODE Chapter 467 (Vernon 1992).

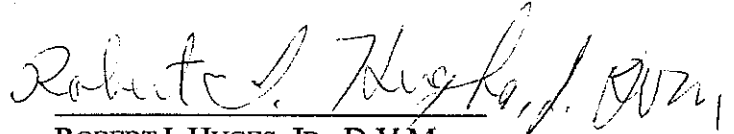
The specific amendments are as follows:

1. Conclusion of Law Eight was amended by inserting, after the word "euthanasia," the phrase "and anesthetic."
2. An identical amendment was made in the terms and condition of probation number six of the proposed Final Order.
3. The Board also deleted the phrase "96-hour" from the first sentence of the terms and condition of probation number one of the proposed Final Order, and after the word "facility" in the same sentence, added the phrase "in Texas."

No other changes were made.

Signed and entered by the presiding officer of the Texas State Board of Veterinary Medical Examiners at Austin, Texas, on this the 16th day of October, 1998.

TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS



ROBERT I. HUGES, JR., D.V.M.
President

TEXAS STATE BOARD OF § BEFORE THE STATE OFFICE
VETERINARY MEDICAL EXAMINERS §
V. § OF
GWENN D. CASEY, D.V.M. § ADMINISTRATIVE HEARINGS

PROPOSAL FOR DECISION

The respondent in this case, Gwenn D. Casey, D.V.M. (Respondent), has no records to support the disposition of 691 pints of hydrocodone he purchased from October 1992 to March 1995. Hydrocodone is a Schedule III controlled substance. The staff of the Texas State Board of Veterinary Medical Examiners (Board) is seeking a five-year suspension of Respondent's license to practice veterinary medicine, with any probation of the suspension conditioned upon an in-house chemical dependency evaluation approved by the Director of the Board's Peer Assistance Program; a \$15,000 administrative penalty; and suspension of Respondent's Drug Enforcement Administration (DEA) and Texas Department of Public Safety (DPS) controlled substances registration certificates. Although Respondent admitted he did not have the records required by the Board's rules, he argued that a substantial penalty and the suspension of his license would work a severe economic hardship on him. This Proposal recommends a five-year suspension of Respondent's license, to be probated only upon a showing that he does not have a personal dependency on drugs or other chemicals. Also, the probation should include restrictions upon his state and federal controlled substances registrations. Finally, Respondent should be assessed a \$10,000 administrative penalty.

I. PROCEDURAL HISTORY, NOTICE, AND JURISDICTION

The parties stipulated to notice and jurisdiction in this case. Therefore, these matters are set out in the findings of fact and conclusions of law without further discussion here.

A prehearing conference convened on February 2, 1998, at which certain documents were admitted into evidence, and, pursuant to the agreement of the parties, the following pertinent statutes and regulations were officially noticed: The Veterinary Licensing Act, TEX. REV. CIV. STAT. ANN. art. 8890 (the Act); the Board's rules, found at 22 TEX. ADMIN. CODE ch. 571-577; and the Texas Controlled Substances Act, TEX. HEALTH & SAFETY CODE ANN. §481.001 *et seq.*¹

The hearing in this matter convened on February 4, 1998. The staff of the Board was represented by Jennifer Gilchrist, Assistant Attorney General. Respondent appeared in person and through his counsel, Ace Pickens. At the conclusion of the hearing, the record was left open until May 8, 1998, for the receipt of the parties' written closing arguments.

¹ Other matters were officially noticed, as well, and they are listed in Appendix A to this Proposal.

consume or use any of it himself. When asked why he did not have the records, Respondent explained he had gotten busy and fell behind in his recordkeeping, and just "let it go" when he could not find the time to get the records up to date and in order.

Therefore, the only disputed issue remaining following Respondent's admission concerned the sanction to be imposed.

B. The Sanction.

1. Applicable statutes and rules. Pursuant to §14(a)(5) of the Act, the Board is authorized to revoke or suspend a license, impose a civil penalty, place a licensee whose license has been suspended on probation, or reprimand a licensee if it finds that a licensee has engaged in practices or conduct in connection with the practice of veterinary medicine that violate standards of professional conduct. Section 14(f)(2) of the Act allows the Board to require a licensee to fulfill certain terms during the probation to address the violations committed. The Board is also authorized by §14B of the Act to assess an administrative penalty against a licensee who violates the Act or the Board's rules.

The Board has established a recommended schedule of sanctions in 22 TEX. ADMIN. CODE §575.25, wherein it classifies violations and prescribes the maximum penalties for those violations. Staff argued that Respondent's violations were Class B violations, which include engaging in veterinary practices violative of the Rules of Professional Conduct. Maximum penalties include one- to ten-year suspension of the licensee's license with none, all, or part of the suspension probated; a penalty not exceeding \$5,000 for each violation related to a controlled substance; continuing education in a specified field related to the practice of veterinary medicine and deemed relevant to the violations by the Board; and quarterly reporting certifying compliance with the Board's orders.

Both §14B(c) of the Act and §575.25(b)(2) of the Board's rules require certain factors to be considered in determining the sanction to be assessed: the seriousness of the violation, including the nature, circumstances, extent, and gravity of any prohibited acts; the hazard or potential hazard created to the health, safety, or economic welfare of the public; the economic harm to property or the environment caused by the violation; the history of previous violations; what is necessary to deter future violations; and any other matters that justice may require.

2. Discussion of the factors.

a. Seriousness of the violation. Staff's contention was that these were serious violations, and in support of that proposition, it offered the testimony of Jennifer Toft Arnold, the investigator with the DEA who called on Respondent on April 4, 1995. According to Ms. Arnold, hydrocodone is one of the most diverted controlled substances in the country, and recordkeeping for controlled substances is necessary in order to prevent diversion.

Staff also contended that the health, safety, and welfare of the public was implicated in Respondent's failure to keep the records because he could not possibly have used 691 pints of hydrocodone during the time period in question to treat coughing dogs. Respondent argued that, not only could he have used that amount, he used it for the purpose he claimed.

In light of Dr. Booth's testimony regarding the veterinary school clinic's rather more judicious use of hydrocodone⁸ and the variances in Respondent's testimony, the Administrative Law Judge shares Staff's skepticism that Respondent could have used 691 pints of hydrocodone to treat dogs with coughs, even over the space of two years and five months. However, even if he did use that much of the drug in the manner claimed, the fact remains that he had absolutely no records to support its usage. Hydrocodone is a scheduled drug subject to diversion to uses other than veterinary medicine. The Board has a right to be concerned about Respondent's failure to keep the required records demonstrating how, when, and why it was used. Furthermore, Respondent kept the required drug logs for other scheduled drugs he used in his practice, such as beuthanasia and pentothal (Board Exh. 2), and he knew he was supposed to keep records for the hydrocodone. His excuse for not keeping records for the hydrocodone - - "I got real busy" (Tr. p. p. 181)-- was not very persuasive. The Administrative Law Judge agrees with Staff's assertion that these violations of the Board's rules were serious.

b. Economic harm to property or the environment. There is no evidence that Respondent's violations of the Board's recordkeeping rules harmed property or the environment.

c. History of previous violations. Although there is no evidence that Respondent has been disciplined previously by this Board, he was the subject of a civil proceeding brought by the DEA, *United States of America v. Gwenn D. Casey, D.V.M.*, Civil Action No. H-96-0490, in the United States District Court, Southern District of Texas, Houston Division. The DEA brought the action because Respondent failed to maintain his controlled substances log as required by federal law, as demonstrated by its audit of his records on April 4, 1995. (Board's Exh. 7.) Respondent entered into an agreed judgment with the DEA, and was assessed a \$10,000 fine. He also agreed to implement systematic record keeping in his practice to assure his compliance with the federal Controlled Substances Act. (Board Exh. 8.)

Respondent noted that neither the Department of Public Safety nor the DEA has taken any action to revoke, suspend, or limit his controlled substances registration under federal or state law.

d. Other matters that justice may require. Respondent graduated from Lamar University in 1967 with a biology degree and a teaching certificate. He taught at Baytown Sterling High School for five years. He received his D.V.M. degree from Texas A&M in 1975, and he has practiced veterinary medicine in Baytown since that time. He is a member of the American Veterinary Medical Association, the Harris County Veterinary Medical Association, and the Texas Veterinary Medical Association.

Respondent has been married to Debbie Casey since 1983, and they have three young sons. His wife has melanoma which, at the time of the hearing, was in remission. Respondent's mother-in-law lives with his family. He testified that the doctors suspect his 91-year-old mother has Alzheimer's disease, and he will probably need to move her to a nursing or rest home.

⁸ It should be noted that Dr. Booth did not testify how many of the animals the A&M clinic sees each month are treated with hydrocodone and for what diseases or conditions.

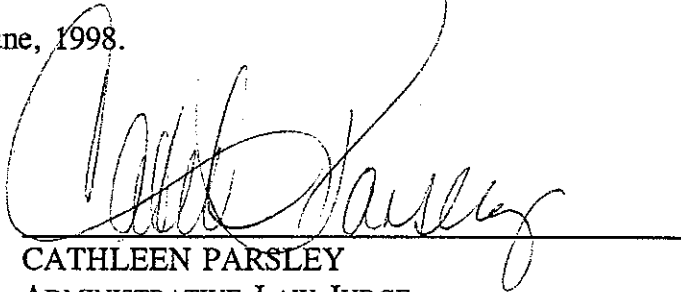
With regard to the proposed administrative penalty, the Administrative Law Judge is unclear how Staff arrived at the \$15,000 amount. Both §14B of the Act and §575.25 of the Rules provide for a maximum penalty of \$5,000 for each violation related to a controlled substance. There are two violations here--one of §573.50 and one of §573.52. Two violations at \$5,000 each is \$10,000. Therefore, it is recommended that the Board impose \$10,000 in administrative penalties. To the extent possible, the Administrative Law Judge recommends that Respondent be allowed to pay the penalties in installments over the course of the license suspension.

III. FINDINGS OF FACT

1. On December 12, 1997, the staff of the Texas State Board of Veterinary Medical Examiners (Staff; Board) issued a complaint against Gwenn D. Casey, D.V.M. (Respondent), alleging he violated the rules of the Board by failing to keep required records of a controlled substance.
2. The hearing on the complaint was held on February 4, 1998. All parties appeared and participated in the hearing.
3. Respondent is a licensed veterinarian who maintains a small animal practice in Baytown, Texas. He holds License Number 3727, 1998 renewal certificate number 3586.
4. Between October 12, 1992, and March 31, 1995, Respondent purchased a total of 691 pints of hydrocodone with homatropine, in syrup form.
5. During an on-site inspection of Respondent's clinic on April 4, 1995, by investigators from the Board and the Drug Enforcement Administration (DEA), none of the hydrocodone was found.
6. Respondent's controlled substances log contained no information about the hydrocodone, and neither the log nor his patient records indicated to whom it was dispensed or administered, or how or when.
7. Hydrocodone is a controlled substance. By itself, it is a Schedule II drug under the Texas Controlled Substances Act, but in combination with other drugs, it becomes Schedule III.
8. Hydrocodone is one of the most diverted controlled substances in the country, and recordkeeping for controlled substances is necessary in order to prevent diversion.
9. Respondent kept the required drug logs for other scheduled drugs he used in his practice, such as beuthanasia and pentothal, and he knew he was supposed to keep records for the hydrocodone.
10. Respondent was the subject of a civil proceeding brought by the DEA, *United States of America v. Gwenn D. Casey, D.V.M.*, Civil Action No. H-96-0490, in the United States District Court, Southern District of Texas, Houston Division, in which the DEA charged

Respondent should be subject to random drug and alcohol screens. Further, Respondent's federal (DEA) and state (DPS) controlled substances registrations should be restricted to euthanasia solution only. Respondent should be required to file detailed reports of any purchases of dangerous or controlled substances for his veterinary practice. Respondent should be assessed a \$10,000 administrative penalty, payable in installments over the course of the license suspension.

SIGNED this 12th day of June, 1998.

A large, stylized handwritten signature in black ink, appearing to read "Cathleen Parsley", is written over a horizontal line.

CATHLEEN PARSLEY
ADMINISTRATIVE LAW JUDGE
STATE OFFICE OF ADMINISTRATIVE HEARINGS

DOCKETED COMPLAINT NO. 1995-18

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 3727
vs. § 1995 RENEWAL CERTIFICATE
GWENN D. CASEY, DVM § NUMBER 3650

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 April 4, 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 Gwenn D. Casey, D.V.M., 3108 Elvinta St., Baytown, Texas 77520, Veterinary License Number 3727, 1995 Renewal Certificate Number 3650, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Mike Carroll, do hereby present the following complaint against Gwenn D. Casey, D. V. M.

I.

On or about the following date, Gwenn Casey, DVM, Cedar Bayou Animal Clinic, 3108 Elvinta Street, Baytown, Texas, purchased Hycodan Syrup from Henry Schein, Inc., 5 Harbor Park Drive, Port Washington, New York.

<u>DATE</u>	<u>AMOUNT</u>
October 12, 1992	2 pints
<u>TOTAL</u>	<u>2 PINTS</u>

II.

On or about the following dates, Gwenn Casey, DVM, Cedar Bayou Animal Clinic, 3108 Elvinta Street, Baytown, Texas, purchased Hydrocodone with Homatropine Syrup from Henry Schein, Inc., 5 Harbor Drive, Port Washington, New York.

DATE AMOUNT

September 8, 1992	5 pints
October 12, 1992	4 pints
November 3, 1992	5 pints
November 17, 1992	6 pints
November 30, 1992	5 pints
December 15, 1992	6 pints
December 29, 1992	5 pints
January 12, 1993	6 pints
January 26, 1993	7 pints
February 9, 1993	7 pints
February 24, 1993	7 pints
March 9, 1993	7 pints
March 22, 1993	7 pints
April 14, 1993	6 pints
April 28, 1993	7 pints
May 12, 1993	7 pints
May 26, 1993	7 pints
June 9, 1993	7 pints
June 23, 1993	7 pints
July 6, 1993	7 pints
July 20, 1993	6 pints
August 2, 1993	7 pints
August 25, 1993	6 pints
September 8, 1993	8 pints
September 15, 1993	6 pints
September 28, 1993	7 pints
October 13, 1993	8 pints

DATE AMOUNT

October 20, 1993	6 pints
November 3, 1993	8 pints
November 17, 1993	8 pints
December 6, 1993	8 pints
December 14, 1993	10 pints
December 27, 1993	8 pints
January 13, 1994	8 pints
February 2, 1994	8 pints
February 10, 1994	8 pints
March 9, 1994	8 pints
June 7, 1994	9 pints
June 17, 1994	9 pints
June 22, 1994	9 pints
July 1, 1994	6 pints
July 28, 1994	9 pints
August 15, 1994	10 pints
August 30, 1994	10 pints
September 15, 1994	9 pints
September 26, 1994	9 pints
October 12, 1994	10 pints
October 24, 1994	10 pints
November 1, 1994	10 pints
November 9, 1994	8 pints
November 28, 1994	10 pints

TOTAL

381 PINTS

III.

On or about the following dates, Gwenn Casey, DVM, Cedar Bayou Animal Clinic, 3108 Elvinta Street, Baytown, Texas, purchased Hydrocodone with Homatropine Syrup from Interstate Drug Exchange, 1500 New Horizons Blvd, Amityville, New York.

DATE AMOUNT

January 5, 1994	8 pints
January 27, 1994	8 pints
February 2, 1994	8 pints
March 2, 1994	7 pints
March 21, 1994	10 pints
March 31, 1994	9 pints

April 18, 1994	9 pints
April 28, 1994	9 pints
May 5, 1994	9 pints
May 12, 1994	9 pints
May 24, 1994	9 pints

DATE AMOUNT

June 1, 1994	9 pints
July 12, 1994	10 pints
July 20, 1994	9 pints
July 28, 1994	9 pints
August 8, 1994	10 pints
September 7, 1994	10 pints
October 3, 1994	10 pints
November 16, 1994	11 pints
December 5, 1994	10 pints
December 12, 1994	10 pints
December 20, 1994	7 pints
December 31, 1994	10 pints
January 10, 1995	10 pints
January 18, 1995	10 pints
January 26, 1995	10 pints
February 3, 1995	10 pints
February 14, 1995	10 pints
February 22, 1995	10 pints
March 2, 1995	10 pints
March 10, 1995	10 pints
March 22, 1995	10 pints
March 31, 1995	10 pints

TOTAL 302 PINTS

TOTAL PURCHASES 685 PINTS

IV.

After review of the controlled substance log, kept in the normal course of business, it was determined that Dr. Casey did not maintain the required controlled substance log entries to indicate any usage of the Hydrocodone with Homatropine or to whom the drug was administered and/or dispensed.

V.

After review of patient records, kept in the normal course of business, it was determine that Dr. Casey did not maintain proper patient records to indicate to which patients the Hydrocodone with Homatropine was administered and/or dispensed.

VI.

Because Dr. Casey did not maintain the proper records for the use of Hydrocodone with Homatropine, as described above, it is alleged that Dr. Casey may have violated Rule 573.50 - Controlled Substances Record Keeping and Rule 573.52 - Patient Record Keeping, of the Rules of Professional Conduct, and Section 14 (a)(5) of the Veterinary Licensing Act, Article 8890.

ARTICLE 8890, SECTION 14

(a)...the Board may revoke or suspend, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a license...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 the law;

ARTICLE 8890, SECTION 14B

(a) If a person violates this act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess an administrative penalty against that person in addition to taking action under Section 14 or 14A of this Act.

Gwenn D. Casey, DVM
Docket No: 1995-18
Page 6.

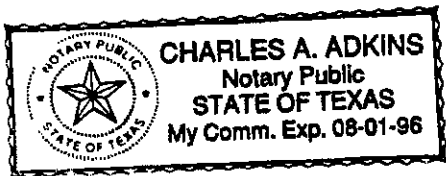
The forgoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical
Examiners on this the _____ day of August, 1995.

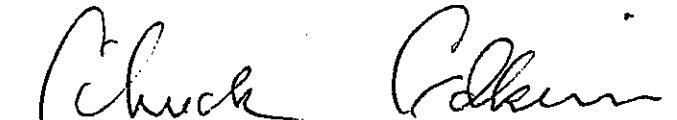
Further, Affiant sayeth not.



Mike Carroll, Affiant

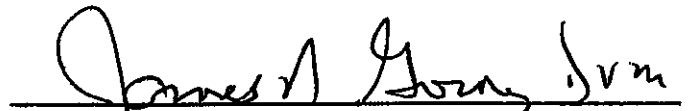
SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 31 day
of August, 1995.





Chuck Adkins, Notary Public in and for Texas

The foregoing Complaint is hereby filed and docket with the Texas Board of Veterinary Medical
Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Gwenn D. Casey,
DVM under Docketed Number 1995-18 this the 31 day of August 1995.



James N. Gomez, DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners