

DOCKET NO. 2012-34

IN THE MATTER	§	TEXAS STATE BOARD OF
	§	
OF THE LICENSE OF	§	VETERINARY
	§	
JAMES L. COX, D.V.M.	§	MEDICAL EXAMINERS

AGREED ORDER

On this, the 24th day of July, 2012, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of James L. Cox, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rules 575.29, an informal conference was held on March 26, 2012. The Respondent was informed of the conference but did not attend. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon the recommendation of the Enforcement 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. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice that may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.
2. On June 11, 2009, the Board approved Agreed Order 2009-44, disciplining Respondent for violating Agreed Order 2005-25 by failing to show proof that he had completed four additional hours of continuing education in emergency medicine. Under the terms of Agreed Order 2009-44, Respondent was to complete the four hours of continuing education in emergency medicine by December 31, 2009 and provide the Board with documentation.
3. Respondent failed to provide the Board documentation of the additional four hours of continuing education required by Agreed Order 2009-44.
4. On July 12, 2010, the Board sent a letter to Respondent's clinic, requesting that he respond to the allegation that he had failed to fulfill the requirements of Agreed Order 2009-44. Although the certified letter was delivered and signed for at Respondent's

clinic, Respondent failed to provide a response to the Board. The Board sent a second letter requesting a response on March 2, 2011, but Respondent still failed to provide a response.

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 Facts 1 through 3, Respondent has violated Rule 573.62, Violation of Board Orders/Negotiated Settlements, of the Board's Rules of Professional Conduct, by failing to provide the Board with documentation that Respondent had taken the four hours of continuing education ordered in Agreed Order 2009-44.
3. Based on Finding of Fact 1 through 4, Respondent has violated Rule 573.74, Duty to Cooperate with Board, by failing to respond to the Board's repeated requests for information from Respondent.
4. Based on Conclusions of Law 1 through 3, 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.

5. Based on Conclusions of Law 1 through 4, 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:

- (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.

6. 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 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 is FORMALLY REPRIMANDED.

The Board ORDERS that Respondent complete an additional FOUR (4) hours of continuing education in emergency medicine within one year of the date of this Order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days after one year of the date of this order. If Respondent fails to provide documentation of completion within forty-five (45) days of one year of the date of this order, Respondent's license shall be suspended until the continuing education penalty is completed and documentation is received by the Board.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of four thousand dollars (\$4000.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent's license shall be suspended until the penalty is paid.

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 order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provision of the 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, Findings of Fact and Conclusions of Law herein set forth, 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 hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be

