

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

DOCKET NUMBER 1988-29  
GARY W. CROUCH, D.V.M.  
LICENSE NUMBER 2668

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Gary Crouch, his attorney Mr. Bennie Ray, 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. Crouch, will be granted a continuance at his option.

Dr. Crouch 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 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:

Failure to maintain adequate records on Controlled Substances; failure to utilize Triplicate Prescriptions as required by law and prescribing/administering Ritalin when not therapeutically indicated.


RECOMMENDED DISCIPLINARY ACTION:

1. One (1) year suspension, all probated, effective immediately.
2. Surrender Schedule II & IIN DEA and DPS Drug Certificates to be reinstated at the discretion of the Board.
3. Pay a Civil Penalty in the sum of \$500.00.

CONDITIONS:

1. Submit quarterly reports certifying continued compliance with the Orders during the probationary period, with the first report due November 4, 1988.
2. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.
3. ~~If Jurisprudence Examination is required. Put in~~ "Take and pass the State Board Jurisprudence Examiantion as scheduled by the Board staff."
4. Obtain twenty-five (25) hours of Continuing Education in Pharmacology.

  
GARY W. CROUCH, D.V.M.

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

  
Witness

The foregoing Agreed Settlement, entered into between Dr. Gary W. Crouch, the Board Secretary, Dr. Fred Soifer and Board 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 August 4, 1988 ORDERED that all penalties and conditions as stated therein be complied with the same as if the Board had heard evidence and testimony and as a result of such hearing had issued Findings, Conclusions and Orders.

W. L. Anderson, D.V.M.  
W. L. "DUB" ANDERSON, D.V.M., PRESIDENT

August 4, 1988  
Date

Jim F. Humphrey  
JIM F. HUMPHREY, Vice-President

"  
Date

Fred K. Soifer, D.V.M.  
FRED K. SOIFER, D.V.M., Secretary

"  
Date

Larry M. Dubuison, D.V.M.  
LARRY M. DUBUISSON, D.V.M., Member

"  
Date

Olivia R. Eudaly  
OLIVIA R. EUDALY, Member

"  
Date

MIKE LEVI, Member

"  
Date

ROBERT D. LEWIS, D.V.M., Member

"  
Date

Mary E. Mainster, D.V.M.  
MARY E. MAINSTER, D.V.M., Member

"  
Date

Edward S. Murray, D.V.M.  
EDWARD S. MURRAY, D.V.M., Member

"  
Date

DOCKETED COMPLAINT NO. 1988-29

TEXAS STATE BOARD OF VETERINARY | TEXAS VETERINARY MEDICAL  
MEDICAL EXAMINERS | LICENSE NO. 2688  
vs. | 1988 RENEWAL CERTIFICATE  
GARY W. CROUCH, D.V.M. | NUMBER 1276

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared MAX BLANTON, who after being duly sworn, did depose and say:

"I, MAX BLANTON, 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 DR. GARY W. CROUCH, Animal Medical Clinic, Brownsville, Cameron County, Texas, Texas Veterinary License Number 2688, 1988 Renewal Certificate Number 1276, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, MAX BLANTON, do hereby present the following complaint against GARY W. CROUCH, D.V.M., who is hereinafter called Respondent.

I.

The Respondent has failed to maintain, at his place of business, adequate records on NUMORPHAN, aka Oxymorphone, a Schedule II Controlled Substance, ordered on the following DEA Form 222:

<u>QUANTITY</u>	<u>STRENGTH</u>	<u>DATE ORDERED</u>	<u>DATE SHIPPED</u>	<u>ORDER NUMBER</u>
2 x 10cc	1.5 mg.	8/4/83	8/4/83	M34200941
1 x 10cc	1.5 mg.	11/16/83	11/16/83	M34200942
3 x 10cc	1.5 mg.	4/6/84	4/6/84	M34200928
2 x 10cc	1.5 mg.	6/27/86	6/27/86	M34200934

80 cc

II.

The Respondent has failed to maintain, as his place of business, adequate records on Dilaudid, aka Hydromorphone Hydrochloride, a Schedule II Controlled Substance, ordered on the following DEA Form 222.

<u>QUANTITY</u>	<u>STRENGTH</u>	<u>DATE ORDERED</u>	<u>DATE SHIPPED</u>	<u>ORDER NUMBER</u>
1 x 30	4 mg.	4/6/84	4/6/84	M34200928
1 x 10	4 mg.	2/21/86	Unknown	M34200925
1 x 10	2 mg.	6/27/86	6/27/86	M34200934

50

### III.

The Respondent has failed to maintain, at his place of business, adequate records on Ritalin, aka Methylphenidate Hydrochloride, a Schedule II Controlled Substance, ordered on the following DEA Form 222.

<u>QUANTITY</u>	<u>STRENGTH</u>	<u>DATE ORDERED</u>	<u>DATE SHIPPED</u>	<u>ORDER NUMBER</u>
1 x 100	20 mg.	8/4/83	8/4/83	M34200941
1 x 100	20 mg.	5/17/86	5/17/86	M34200933
1 x 20	20 mg.	10/2/86	10/2/86	M34200935

250

### IV.

On or about May 5, 1988, TOM CHESHIRE, Investigator, Texas State Board of Veterinary Medical Examiners, inspected the patient and drug records of the Repondent. Respondent prescribed, dispensed and/or administered Controlled Substances for use in/on horses for racing/training purposes when not necessary or required for the care of animals.

### V.

Respondent failed to utilize Triplicate Prescription forms when prescribing, dispensing, or administering the Schedule II Controlled Substances listed in Paragraphs I, II, and III of this Complaint, Respondent violated the Controlled Substances Act, Art. 4476-15, V.A.C.S., Subchapter 3, Section 3.09, and the Controlled Substances Rules and Regulations of the Texas Department of Public Safety, Subsections 13.45 and 13.46.

### VI.

Respondent's failure to maintain adequate records to substantiate the use of the Controlled Substances listed in Paragraphs I, II, and III of this Complaint, violates Rule 30, Rule of Professional Conduct. Rule 30 states:

Rule 30 - Controlled Substances Record Keeping

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 the Drug(s)
- F. Diagnosis
- G. Balance on Hand

VII.

Respondent administered/prescribed the Ritalin listed in Paragraph III of this Complaint as a training and/or racing aid for horses. Utilization of the Ritalin is not therapeutically indicated, necessary, or needed for the care of animals. Such use constitutes a violation of Rule 33, Rules of Professional Conduct. Rule 33 states:

Rule 33 - Controlled Substances

It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession for a veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person, 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.

VIII.

Respondent's failure to utilize Triplicate Prescription forms as indicated in Paragraph V of this Complaint, violates Rule 5 of the Rules of Professional Conduct. Rule 5 states:

Rule 5 - Adherence to the Law

No veterinarian shall render any service or advice involving disloyalty to the law. A veterinarian must also observe and advise his client to observe the statute law.

IX.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Respondent's veterinary license under

the Texas Veterinary Licensing Act, Article 7465a, V.A.T.C.S., Section 14 (c), and (e) which states in part:

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; or

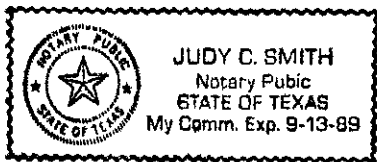
(e) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law."


The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 21st day of July, 1988.

Further, Affiant sayeth not.

  
\_\_\_\_\_  
MAX BLANTON, Chief Investigator

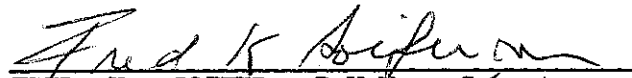
SUBSCRIBED and SWORN TO before me by the said MAX BLANTON this the 21st day of July, 1988.



  
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JUDY C. SMITH, Notary Public in and for the State of 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. Gary W. Crouch, D.V.M. under Docket Number 1988-29, this the 21st day of July, 1988.

  
FRED K. SOIFER, D.V.M., Secretary  
Texas State Board of Veterinary Medical  
Examiners