

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
RANDAL K. DANIELS, D.V.M.	§	MEDICAL EXAMINERS

**AGREED ORDER**

On this date March 22, 2010, came to be considered by the Texas Board of Veterinary Medical Examiners (Board) the matter of the license of Randal K. Daniels, D.V.M. (Respondent) Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on February 17, 2010. The Respondent was not represented by counsel. 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. Respondent, Randal K. Daniels, D.V.M. of Carrollton, Texas holds Texas veterinary license 5172.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN. Title 4 (Act). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; TEX. GOV'T CODE ANN. §§ 2001.051 - .054; and the Rules of the Texas Board of Veterinary Medical Examiners (Board Rules) (22 TEX. ADMIN. CODE, Chapter 575).
3. Based on information received from the United States Department of Justice, Drug Enforcement Administration (DEA), an investigation was opened by the Board regarding the diversion of controlled substances for self medication. On June 24, 2009, Respondent surrendered his DEA controlled substances registration. On June 29, 2009, the Texas Department of Public Safety (DPS) revoked his DPS controlled substances registration due to his voluntary surrender of his DEA registration.

4. On October 7, 2009, Herbert C. Munden, M.D. of Austin, Texas, informed the Board of the noncompliance with the Board's Peer Assistance Program by Respondent, by his failure to follow through with the drug screening program.

5. Respondent stated that the diversion was purely a matter of convenience and cost that compelled him to obtain the controlled substances, specifically, Vicodin, from his veterinary supplier.

6. Respondent has failed to fully comply with the Board's Peer Assistance Program.

### **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 Finding of Facts 1 through 6, Respondent has violated Section 801.402 (3) of the Veterinary Licensing Act, Texas Occupations Code, GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION, which states a licensee is subject to disciplinary action for being chronically or habitually intoxicated, chemically dependent, or addicted to drugs.

4. Based on Conclusions of Law 1 and 2, 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.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Randal K. Daniels, D.V.M., be FORMALLY REPRIMANDED.

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent enter into a five year Peer Assistance Contract under the Board's Peer Assistance Program and to follow any recommendations of the Peer Assistance Program Coordinator. Respondent agrees to random drug screening to commence by February 22, 2010. In addition, if Respondent has more than one missed call in a six month period, one missed drug screening in a six month period, or tests positive without a legitimate prescription for any drug Respondent tests positive for, under the Respondent's Peer Assistance Contract, further and immediate disciplinary action may be taken by the Board and is considered a violation of this Board Order.

OR, instead of entering the Peer Assistance Program, Respondent may voluntarily place his license in inactive status by March 1, 2010. If Respondent, within five years of the date of this order, decides to renew his license as active, Respondent shall appear before the Board to present satisfactory evidence to establish he is free of any illegal controlled substances, which may include submitting to random drug screening.

The Board further ORDERS that:

- 1 Respondent shall abide by the Board's 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 provisions of the Licensing 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, and Findings of Fact and Conclusions of Law set forth herein, 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 formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he had the right to be represented by legal counsel in this matter.

**RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.**

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, RANDAL K. DANIELS, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING THIS ORDER, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Randal K. Daniels  
Randal K. Daniels, D.V.M.

23 February, 2009  
Date

STATE OF TEXAS §  
COUNTY OF DALLAS §

BEFORE ME, on this day, personally appeared Randal K. Daniels, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 23 day of February, 2010.



Natasha Matthews  
Notary Public

*Hello Nicole -  
I want to renew my license in "active" status.  
Thanks,  
Kent*

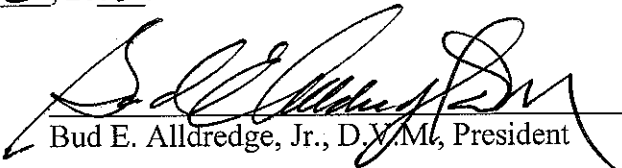
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Agreed Order 2010-50  
Randal K. Daniels, D.V.M.

TEXAS STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

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SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL  
EXAMINERS on this the 22 day of March, 2010.



Bud E. Alldredge, Jr., D.V.M., President