



2012, my renewal did not get done on time. From that time until I was able to do surgery again I did not think about the renewal. In October of 2012 I did send the renewal in as I was close to being able to do surgery again...I waited until I received the renewal to resume using controlled substances.”

5. On April 5, 2013, Board Investigator Hudson conducted a compliance inspection at Respondent’s clinic, the Highway 6 Veterinary Clinic (“Clinic”) in Alvin, Texas. At the time of the inspection, Respondent was unable to produce a controlled substance log.

6. On April 29, 2013, Board Investigator Dennis Barker conducted a compliance inspection at the Clinic. Investigator Barker examined random patient records at the Clinic and discovered that Respondent had used controlled substances during the period when his DPS controlled substance registration was expired. The patient records showed that Respondent used Ketamine on June 15, 2012 to sedate a dog in order to remove a fish hook from its nostril, and that Respondent administered Ketamine to a cat on July 6, 2012 as anesthesia for spay surgery.

7. During the April 29, 2013 inspection by Board Investigator Barker, Respondent was again unable to produce a controlled substance log.

#### **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 Fact 1 through 6, Respondent has violated Rule 573.43, CONTROLLED SUBSTANCES REGISTRATION, of the Board’s Rules of Professional Conduct, which states that a licensee may not prescribe, dispense, deliver or order delivered, any controlled substance, unless he is currently registered with the DPS.

3. Based on Findings of Fact 1 through 6, Respondent has violated Rule 573.75, DUTY TO COOPERATE WITH BOARD, of the Board’s Rules of Professional Conduct, by falsely stating in a letter to the Board that Respondent had not used controlled substances while his DPS controlled substance registration was expired, when Respondent in fact had used controlled substances in his veterinary practice at least twice while his controlled substance registration was expired.

4. Based on Findings of Fact 1 through 7, Respondent has violated Rule 573.50, CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND, of the Board’s Rules of Professional Conduct, by failing to maintain controlled substance records at Respondent’s place of business for all scheduled drugs listed in the Texas Controlled Substances Act in his possession.

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

6. Based on Conclusions of Law 1 through 5, 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

7. Based on Conclusions of Law 1 through 4, 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 the Act and 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 receive a FORMAL REPRIMAND.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of TWO THOUSAND DOLLARS (\$2,000.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent's license may be suspended until the penalty is paid, and any payment by the Respondent to the Board to renew his license will be applied toward the payment of any administrative fee owed to the Board, and further enforcement action may be taken.

The Board further ORDERS that Respondent shall take and pass the Texas veterinary jurisprudence examination within 90 days from the date of this Agreed Order.

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 represented by an attorney of Respondent's choice at his expense in any hearing before the Board.

**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 date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

**I, THOMAS EVANS, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, 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.**

  
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THOMAS EVANS, D.V.M.

DATE

July 3, 2013

STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

Brazoria

Thomas Evans, D.V.M.  
Agreed Order 2013-120  
Page 5

BEFORE ME, on this day, personally appeared Thomas Evans, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 3rd day of July, 2013.



[Signature]  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 16 day of July, 2013.

[Signature]  
Bud E. Alldredge, Jr., D.V.M.  
President of the Board