

IN THE MATTER OF THE LICENSE OF § TEXAS STATE BOARD OF  
 PATRICK GRIFFIN, D.V.M. § VETERINARY MEDICAL EXAMINERS

**RECEIVED**  
 NOV 15 1999  
 State Board of Veterinary  
 Medical Examiners

### AGREED ORDER

On this the 17<sup>th</sup> day of February, 2000, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Patrick Griffin, D.V.M. (Respondent). Pursuant to the Veterinary Licensing Act ("Act") § 801.408 and Board Rule 575.27, Respondent appeared at an Informal Conference held on September 29, 1999, in response to a letter of invitation from the Board. The Board was represented at the Informal Conference by the 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 Agreed Order. In waiving an adjudicative hearing, Respondent acknowledges understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon 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. Patrick Griffin, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 5186, 1999 renewal certificate number 5690. Respondent is not subject to prior disciplinary action by the Board.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.
3. On or about April 19, 1999, an Investigator employed by the Board, Mike Carroll, performed a compliance inspection of Patrick Griffin, D.V.M., at Griffin Veterinary Hospital in Temple, Texas.

4. During the compliance inspection, Investigator Carroll examined Respondent's controlled substances log. Respondent did not make records in a controlled substances log of the following purchases of controlled substances:

Purchased from the Butler Company		
Controlled Substance	Date Purchased	Quantity
<u>Telazol Inj. 100 mg/ml</u>	10-17-97	30 ml
<u>Torbutrol Tablets 1 mg</u>	11-19-97	100
<u>Torbutrol Tablets 10 mg</u>	11-1-97	100
	3-4-98	100
	11-10-98	100
	12-14-98	100
<u>Torbutrol Tablets 5 mg</u>	11-19-97	100
	3-30-98	100
	12-4-98	100
<u>Diazepam Inj. 5 mg/ml</u>	3-4-98	30 ml
	11-10-98	20 ml

Purchased from Burns Veterinary Supply		
Controlled Substance	Date Purchased	Quantity
<u>Telazol Inj. 100 mg/ml</u>	8-16-94	30 ml
	12-10-96	5 ml
	8-12-98	10 ml
	12-8-98	5 ml
	12-29-98	15 ml
	5-19-99	30 ml
<u>APAP W/Codeine Tablets 60 mg</u>	3-1-94	500
<u>Hydrocodone W/APAP Tablets 5 mg</u>	6-16-98	500
<u>Phenobarbital Tablets 1½ Gr.</u>	7-15-97	1000
<u>Winstrol-V Tablets 2 mg</u>	1-21-99	500
<u>Torbugesic - SA Inj.</u>	4-1-99	10 ml

4. During the compliance inspection, Investigator Carroll examined Respondent's controlled substances log. Respondent did not make records in a controlled substances log of the following purchases of controlled substances:

Purchased from the Butler Company		
Controlled Substance	Date Purchased	Quantity
<u>Telazol Inj. 100 mg/ml</u>	10-17-97	30 ml
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<u>Torbutrol Tablets 10 mg</u>	11-1-97	100
	3-4-98	100
	11-10-98	100
	12-14-98	100
<u>Torbutrol Tablets 5 mg</u>	11-19-97	100
	3-30-98	100
	12-4-98	100
<u>Diazepam Inj. 5 mg/ml</u>	3-4-98	30 ml
	11-10-98	20 ml

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	12-10-96	5 ml
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	12-29-98	15 ml
	5-19-99	30 ml
<u>APAP W/Codeine Tablets 60 mg</u>	3-1-94	500
<u>Hydrocodone W/APAP Tablets 5 mg</u>	6-16-98	500
<u>Phenobarbital Tablets 1½ Gr.</u>	7-15-97	1000
<u>Winstrol-V Tablets 2 mg</u>	1-21-99	500
<u>Torbugesic - SA Inj.</u>	4-1-99	10 ml

Controlled Substance	Date Purchased	Quantity
<u>Torbutrol Tablets 5 mg (continued)</u>	4-22-99	100
	4-30-99	100
	5-19-99	100
<u>Diazepam Inj. 5 mg/ml</u>	2-6-97	10 ml
	8-20-97	10 ml
	11-28-97	20 ml
	6-15-98	20 ml
	8-12-98	20 ml
	1-19-99	10 ml
<u>Torbutrol Inj.</u>	11-5-98	10 ml
<u>Equipoise Inj. 50 mg/ml</u>	7-7-94	50 ml
	4-22-98	50 ml
	7-28-98	50 ml
	12-1-98	50 ml
<u>Phentermine Hcl. Capsules 30 mg</u>	4-7-97	1000
	1-6-98	1000
	1-13-99	1000
	5-19-99	1000

5. Respondent did not make records in a controlled substances log of any disbursement of the controlled substances listed in Findings of Fact 4 on or about the time of disbursement.
6. On or about April 19, 1999, and during the compliance inspection, Investigator Carroll examined Respondent's patient records. Included in this examination were the records of "Cookie" (last seen on April 15, 1999), "Ki-Ki" (last seen on April 15, 1999), "Adare" (last seen on April 15, 1999) and "Pepper" (last seen on March 27, 1999). In each and every one of these patient records the route of administration of anesthetics and drugs is not specified, and the descriptions or lack of descriptions of procedures performed are not of sufficient detail to substantiate the examination, diagnosis and treatment actually performed.
7. On or before March 1, 1999, Respondent, submitted an application to renew his license to practice veterinary medicine for the 1999 calendar year.
8. On or about April 19, 1999, and during the compliance inspection, Investigator Carroll attempted to examine Respondent's records of continuing education for 1998. Respondent was

unable to produce any records of continuing education hours completed in 1998.

#### Conclusions of Law

1. Respondent is required to comply with the provisions of the Act and Board Rules.
2. Based on Findings of Fact 3 through 5, Respondent has violated Rule 573.50 - Controlled Substance Record Keeping of Drugs on Hand, of the Rules of Professional Conduct.
3. Based on Findings of Fact 6, Respondent has violated Rule 573.52 - Patient Record Keeping, of the Rules of Professional Conduct.
4. Based on Findings of Fact 7 and 8, Respondent has violated Rule 573.64, Continuing Education Requirements, of the Rules of Professional Conduct
5. Based on Findings of Fact 3 through 8 and Conclusions of Law 1 through 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:

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;

Section 801.401 provides:

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 a civil penalty.

6. Based on Findings of Fact 3 through 5, Respondent has violated Section 801.404 of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

FAILURE TO MAINTAIN RECORDS. The board may suspend or revoke a license issued under this chapter or place on probation a license holder if the license holder fails to maintain records as required by Section 801.359.

Section 801.359 (a) provides:

CONTROLLED SUBSTANCES RECORDS. (a) The board shall require each veterinar-

ian to maintain a recordkeeping system for controlled substances as required by Chapter 481, Health and Safety Code.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that the license to Practice Veterinary Medicine of Patrick Griffin, D.V.M., be SUSPENDED for a period of one (1) year, commencing on the date of the Board's approval of this Agreed Order. The Board further ORDERS that an Administrative Penalty of one thousand dollars (\$1,000.00) is assessed against Respondent for the conduct alleged in Findings of Fact 3 through 5, and an additional Administrative Penalty of two hundred fifty dollars (\$250.00) is assessed against Respondent for the conduct alleged in Findings of Fact 7 through 8, for a total Administrative Penalty of one thousand two hundred fifty dollars (\$1,250.00), payable within forty-five days (45) of the Board's approval of this Agreed Order.

SAID LICENSE SUSPENSION IS STAYED, and Respondent is placed on PROBATION, for the entire period of suspension, provided that Respondent fully complies with the following terms and conditions of probation:

1. Respondent timely remits the Administrative Penalty.
2. Respondent shall submit reports to the Board office each quarter, beginning 90 days after the Board approves this order, consisting of copies of his controlled substance log and all invoices of purchases of controlled substances for that quarter, for a period of two (2) years from the date this order is approved by the Board.
3. Respondent shall submit to the Board, for a period of six months, copies of ten (10) different patient records of patients seen that month, that comply with Rule 573.52. Respondent shall submit the first 10 records within 30 days of the date this order is approved by the Board, and every 30 days thereafter.
4. 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.
5. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this order.

Failure to comply with any provision of the terms and conditions of probation will automatically suspend Respondent's license for the remainder of the period of probation from the date that the condition of probation was violated. Respondent agrees in this event to

voluntarily surrender his license. If Respondent fails to immediately surrender his license and/or continues to practice veterinary medicine after being notified by the Board to cease and desist, Respondent agrees that his acts shall constitute the unauthorized practice of veterinary medicine.

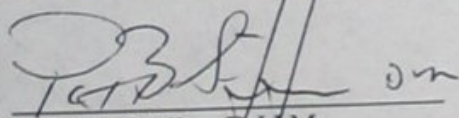
Respondent, Patrick Griffin, D.V.M., by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action of the Board.

Respondent, Patrick Griffin, D.V.M., 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 is entitled to be represented by an attorney of Respondent's choice at his expense. Respondent has voluntarily represented himself.

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. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE, OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

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

I, PATRICK GRIFFIN, 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 THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

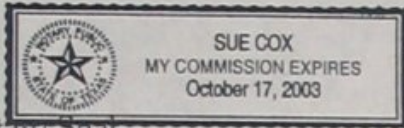
  
Patrick Griffin, D.V.M.  
Respondent

11 / 12 / 97, 1999  
DATE

STATE OF TEXAS §  
COUNTY OF BELL §

BEFORE ME, on this day, personally appeared PATRICK GRIFFIN, 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 12 day of NOVEMBER, 1999



Notary Seal

Sue Cox  
Notary Public

This agreed order has been entered between Dr. Patrick Griffin and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.

Ron Allen  
RON ALLEN  
Executive Director, TSBVME

November 15, 1999  
DATE

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the \_\_\_ day of \_\_\_\_\_, 2000.

Howard M. Head, DVM  
HOWARD HEAD, D.V.M.  
President

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL  
MEDICAL EXAMINERS § LICENSE NO. 5186  
vs. § 1999 RENEWAL CERTIFICATE  
PATRICK GRIFFIN, D.V.M. § NUMBER 5690

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:

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State Board of Veterinary  
Medical Examiners

On or about April 27, 1999, 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 Patrick Griffin, D.V.M., Griffin Veterinary Hospital, 406 North 3rd., Temple, Texas, 76501, Veterinary License Number 5186, 1999 Renewal Certificate Number 5690, 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 Patrick Griffin, D.V.M.

I.

Patrick Griffin, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 5186, 1999 renewal certificate number 5690. Respondent is not subject to prior disciplinary action by the Board.

II.

The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.

III.

On or about April 19, 1999, an Investigator employed by the Board, Mike Carroll, performed a compliance inspection of Patrick Griffin, D.V.M., at Griffin Veterinary Hospital in Temple, Texas.

IV.

During the compliance inspection, Investigator Carroll examined Respondent's controlled substances log. Respondent did not make records in a controlled substances log of the following purchases of controlled substances:

Purchased from the Butler Company		
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	3-4-98	100
	11-10-98	100
	12-14-98	100
<u>Torbutrol Tablets 5 mg</u>	11-19-97	100
	3-30-98	100
	12-4-98	100
<u>Diazepam Inj. 5 mg/ml</u>	3-4-98	30 ml
	11-10-98	20 ml

Purchased from Burns Veterinary Supply		
Controlled Substance	Date Purchased	Quantity
<u>Telazol Inj. 100 mg/ml</u>	8-16-94	30 ml
	12-10-96	5 ml
	8-12-98	10 ml
	12-8-98	5 ml
	12-29-98	15 ml
	5-19-99	30 ml
<u>APAP W/Codeine Tablets 60 mg</u>	3-1-94	500
<u>Hydrocodone W/APAP Tablets 5 mg</u>	6-16-98	500
<u>Phenobarbital Tablets 1½ Gr.</u>	7-15-97	1000
<u>Winstrol-V Tablets 2 mg</u>	1-21-99	500
<u>Torbugesic - SA Inj.</u>	4-1-99	10 ml

<u>Torbutrol Tablets 10 mg</u>	11-28-97	100
	12-30-97	100
	1-30-98	100
	4-22-98	100
	5-26-98	100

Controlled Substance	Date Purchased	Quantity	
	6-24-98	100	
	7-15-98	100	
	7-29-98	100	
	8-24-98	100	
	9-8-98	100	
	10-8-98	100	
	10-22-98	100	
	11-5-98	100	
	12-7-98	100	
	1-12-99	100	
	2-2-99	100	
	2-17-99	100	
	4-1-99	100	
	4-9-99	100	
	4-30-99	100	
	5-19-99	100	
	<u>Torbutrol Tablets 5 mg</u>	12-17-97	100
		1-16-98	100
2-19-98		100	
5-13-98		100	
6-15-98		100	
7-1-98		100	
9-8-98		100	
9-28-98		100	
12-7-98		100	
1-26-99		100	
2-17-99		100	
4-1-99		100	
<u>Torbutrol Tablets 5 mg (continued)</u>	4-22-99	100	
	4-30-99	100	
	5-19-99	100	
<u>Diazepam Inj. 5 mg/ml</u>	2-6-97	10 ml	

Controlled Substance	Date Purchased	Quantity
	8-20-97	10 ml
	11-28-97	20 ml
	6-15-98	20 ml
	8-12-98	20 ml
	1-19-99	10 ml
<u>Torbutrol Inj.</u>	11-5-98	10 ml
<u>Equipoise Inj. 50 mg/ml</u>	7-7-94	50 ml
	4-22-98	50 ml
	7-28-98	50 ml
	12-1-98	50 ml
<u>Phentermine Hcl. Capsules 30 mg</u>	4-7-97	1000
	1-6-98	1000
	1-13-99	1000
	5-19-99	1000

V.

Respondent did not make records in a controlled substances log of any disbursement of the controlled substances listed in Findings of Fact 4 on or about the time of disbursement.

VI.

On or about April 19, 1999, and during the compliance inspection, Investigator Carroll examined Respondent's patient records. Included in this examination were the records of "Cookie" (last seen on April 15, 1999), "Ki-Ki" (last seen on April 15, 1999), "Adare" (last seen on April 15, 1999) and "Pepper" (last seen on March 27, 1999). In each and every one of these patient records the route of administration of anesthetics and drugs is not specified, and the descriptions or lack of descriptions of procedures performed are not of sufficient detail to substantiate the examination, diagnosis and treatment actually performed.

VII.

On or before March 1, 1999, Respondent, submitted an application to renew his license to practice veterinary medicine for the 1999 calendar year.

VIII.

On or about April 19, 1999, and during the compliance inspection, Investigator Carroll attempted to examine Respondent's records of continuing education for 1998. Respondent was unable to produce any records of continuing education hours completed in 1998.

IX.

Respondent is required to comply with the provisions of the Act and Board Rules.

X.

Based on paragraphs III through V, Respondent has violated Rule 573.50 - Controlled Substance Record Keeping of Drugs on Hand, of the Rules of Professional Conduct.

XI.

Based on paragraph VI, Respondent has violated Rule 573.52 - Patient Record Keeping, of the Rules of Professional Conduct.

XII.

Based on paragraphs VII and VIII, Respondent has violated Rule 573.64, Continuing Education Requirements, of the Rules of Professional Conduct

XIII.

Based on paragraphs III through VIII, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

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- (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 a civil penalty.

XIV.

Based on ~~Findings of Fact~~ <sup>Paragraphs III V</sup> X through Y, Respondent has violated Section 801.404 of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

FAILURE TO MAINTAIN RECORDS. The board may suspend or revoke a license issued under this chapter or place on probation a license holder if the license holder fails to maintain records as required by Section 801.359.

Section 801.359 (a) provides:

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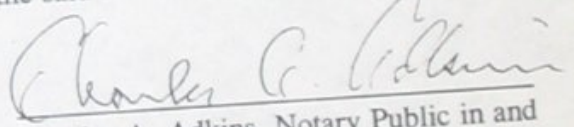
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 9TH day of DECEMBER 1999.

Further, Affiant sayeth not.

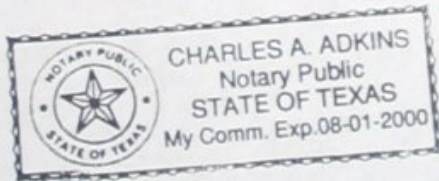


Mike Carroll, Affiant

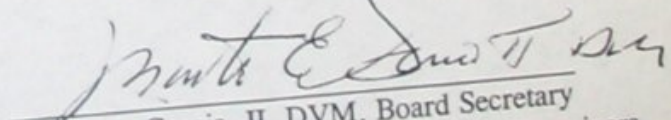
SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 9TH day of DECEMBER, 1999.



Charles A. Adkins, Notary Public in and for Texas



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. Patrick Griffin, D.V.M. under Docketed Number 2000-02 this the 17th day of December 1999.

  
Martin E. Garcia, II, DVM, Board Secretary  
Texas State Board of Veterinary Medical Examiners