

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS  
1946 South IH 35, Suite 306  
Austin, TX 78704  
(512) 447-1183

DOCKET NUMBER 1989-4  
EDWARD D. HAMILTON, D.V.M.  
LICENSE NO. 3581

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Hamilton 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. Hamilton, will be granted a continuance at his option.

Dr. Hamilton 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 drug inventory records on Schedule II drugs, Ritalin, Dilaudid, Morphine and Numorphan. Failure to maintain patient records and failure to utilize Triplicate Prescriptions.

RECOMMENDED DISCIPLINARY ACTION:

1. A two (2) year suspension, all probated, effective June 15, 1989.
2. Pay a Civil Penalty in the amount of \$1,000.00.

CONDITIONS:

1. Surrender DEA/DPS Controlled Substances Certificate for Schedule II and IIN to be reinstated at the discretion of the Board. (Surrendered 3/6/89)
2. Obtain 20 hours of Continuing Education during each year of the probation.
3. Take and pass the State Board Jurisprudence Examination as scheduled by the Board staff no later than August 31, 1989.

4. Submit quarterly reports certifying continued compliance with the Orders during the probationary period, with the first report due September 1, 1989. REPORT TO INCLUDE SCHEDULED DRUG PURCHASES RECORDS.

5. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.

*E. D. Hamilton*

Edward D. Hamilton, D.V.M.

*Donald B. Wilson 6/5/89*

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

*Karen R. Hamilton*

Witness

Neenah Bond  
25% COTTON FIBER

The foregoing Agreed Settlement, entered into between Dr. Edward D. Hamilton, Board Secretary, Dr. Robert D. Lewis 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 June 15th, 1989 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 and Orders.

Executed this the 15th day of June, 1989.

Jim F. Humphrey  
Jim F. Humphrey, President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Fred K. Soifer, D.V.M., Vice-President

\_\_\_\_\_  
Date

Robert D. Lewis  
Robert D. Lewis, D.V.M., Secretary

6-15-1989  
Date

W. L. Anderson, D.V.M.  
W. L. "Dub" Anderson, D.V.M., Member

6-15-89  
Date

Larry M. Dubuisson, D.V.M.  
Larry M. Dubuisson, D.V.M., Member

6/15/89  
Date

Olivia R. Eudaly  
Olivia R. Eudaly, Member

6-15-89  
Date

Mike Levi  
Mike Levi, Member

\_\_\_\_\_  
Date

Mary E. Mainster, DVM  
Mary E. Mainster, D.V.M., Member

6-15-89  
Date

Edward S. Murray, DVM  
Edward S. Murray, D.V.M., Member

15 JUN 89  
Date

DOCKETED COMPLAINT NO. 1989-4

TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS  
vs.  
EDWARD D. HAMILTON, D.V.M.

( ) TEXAS VETERINARY MEDICAL  
( ) LICENSE NO. 3581  
( ) 1989 RENEWAL CERTIFICATE  
( ) NUMBER 2439

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public 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. EDWARD D. HAMILTON, Sourlake Veterinary Clinic, Route 9, Box 1000, Sourlake, Hardin County, Texas, Texas Veterinary License Number 3581, 1989 Renewal Certificate Number 2439, 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 EDWARD D. HAMILTON, D.V.M., who is hereinafter called Respondent.

I.

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

<u>QUANTITY RECEIVED</u>	<u>STRENGTH</u>	<u>ORDER DATE</u>	<u>SHIPMENT DATE</u>	<u>DEA 222 ORDER NO.</u>
1 x 100	20 mg.	05/29/86	05/29/86	P25000752
1 x 100	20 mg.	08/22/86	08/22/86	P215000753
1 x 100	20 mg.	10/24/86	10/24/86	P25000755

II.

Respondent failed to maintain, at his place of business, adequate drug inventory records for the Schedule II Controlled Substance Dilaudid, aka Hydromorphone Hcl, ordered on the following DEA Forms 222:

<u>QUANTITY RECEIVED</u>	<u>STRENGTH</u>	<u>ORDER DATE</u>	<u>SHIPMENT DATE</u>	<u>DEA 222 ORDER NO.</u>
6 x 20 ml	20 mg.	09/17/84	09/26/84	P25000770
4 x 20 ml	20 mg.	04/17/84	04/18/84	P25000758
6 X 20 ml	20 mg.	02/22/85	02/28/85	P25000751
3 x 20 ml	20 mg.	10/17/86	10/17/86	P25000754

III.

Respondent failed to maintain, at his place of business, adequate drug inventory records for the Schedule II Controlled Substance Morphine, aka Morphine Sulfate ordered on the following DEA Forms 222:

<u>QUANTITY RECEIVED</u>	<u>STRENGTH</u>	<u>ORDER DATE</u>	<u>SHIPMENT DATE</u>	<u>DEA 222 ORDER NO.</u>
6 ml	1/4 grain	02/22/85	02/28/85	P2500751

IV.

Respondent failed to maintain, at his place of business, adequate drug inventory records for the Schedule II Controlled Substance Numorphan, aka Oxymorphone ordered on the following DEA Forms 222:

<u>QUANTITY RECEIVED</u>	<u>STRENGTH</u>	<u>ORDER DATE</u>	<u>SHIPMENT DATE</u>	<u>DEA 222 ORDER NO.</u>
2 x 10 ml		08/22/86	08/22/86	P25000753
2 x 10 ml		10/13/86	10/13/86	P25000769
3 x 20 ml		01/15/87	01/23/87	P25000756
1 x 10 ml		02/23/87	03/02/87	P25000757
4 x 10 ml		04/17/87	05/04/87	P25000759
6 x 10 ml		08/04/87	08/13/87	P25000761

V.

On or about December 15, 1987, Max Blanton, Chief Investigator, State Board of Veterinary Medical Examiners, inspected the patient records corresponding to the Controlled Substances reflected in Paragraphs I, II, III and IV and found the Respondent has failed to maintain patient records reflecting the use of these drugs.

VI.

Respondent failed to utilize Triplicate Prescriptions, as required by the Texas Controlled Substances Act, when dispensing and/or prescribing the Controlled Substances listed in Paragraphs I, II, III and IV.

VII.

By failing to maintain, at his place of business, adequate drug inventory records for the Schedule II Controlled Substances listed in Paragraphs I, II, III and IV, the Respondent has violated Article 7465a, V.A.C.S., Section 7(b), Veterinary Practice Act which states:

Article 7465a, Section 7(b), Veterinary Practice Act -

The Board may require its licensees to maintain a record-keeping system for certain controlled substances prescribed by the Board that includes the quantities and date of purchase, quantities and date dispensed, quantities and date administered, balance on hand, the name and address of the client and patient receiving the drugs, and the reason for dispensing or administering the drugs to such patient. The records are subject to review by law enforcement agencies and by representatives of the Board. A failure to keep such records shall be grounds for

revoking, cancelling, suspending, or probating the license of any practitioner of veterinary medicine.

VIII.

By failing to maintain adequate drug inventory records at his place of business for the Schedule II Controlled Substances listed in Paragraph I, II, III and IV, the Respondent has violated Rule 30 of the Rules of Professional Conduct which states:

Rule 30 -

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

IX.

Through failure to maintain patient records to substantiate use of the Controlled Substances listed in Paragraphs I, II, III and IV of this Complaint, the Respondent has violated Rule 32 of the Rules of Professional Conduct which states:

Rule 32 -

Individual records will include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, names and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

Patient records shall be maintained for a period of three years and are the responsibility and property of the employing veterinarian.

XI.

By failing to utilize Triplicate Prescriptions, as required by the Texas Controlled Substances Act, when dispensing and/or prescribing the Controlled Substances listed in Paragraphs I, II, III and IV, the Respondent has violated Rule 5 of the Rules of Professional Conduct which states:

Rule 5:

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.

XII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Hamilton's veterinary License under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.C.S., Section 14(c) and (e) which state:

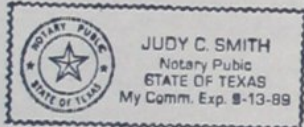
Article 7465a, Section 14(c) and (e), Veterinary Licensing Act -  
" . . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee, . . . if it finds that an applicant or licensee:  
(c) has engaged in dishonest or illegal practices 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 27th day of March, 1989.

Further, Affiant sayeth not.

Max Blanton  
MAX BLANTON, Affiant

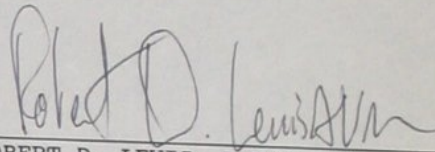
SUBSCRIBED and SWORN TO before me by the said MAX BLANTON, this the 27th day of March, 1989.



Judy C. Smith  
JUDY C. SMITH  
Notary Public in and for 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. Edward D. Hamilton, D.V.M., under Docket Number 1989-4, this the 27<sup>th</sup> day of March, 1989.



ROBERT D. LEWIS, D.V.M., Secretary  
Texas State Board of Veterinary  
Medical Examiners

Neenah Bond

75% COTTON FIBER