

DOCKET NO. 2013-19

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
CHARLES JAMESON, D.V.M.	§	MEDICAL EXAMINERS

AGREED ORDER

On this the 25th day of March, 2013 came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Charles Jameson, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on January 9, 2013. Respondent attended the informal conference and was represented by counsel, Will Hughes. 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, Charles Jameson, D.V.M. of League City, Texas, holds Texas veterinary license 3097.
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).

Agreed Order 2013-19
Charles Jameson, D.V.M.

Page 1

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3. Respondent signed a contract to begin working with Furry Friends Animal Hospital ("Furry Friends") on May 22, 2012 and reported to the Board that he began working as a veterinarian at Furry Friends on May 16, 2012.
4. Furry Friends is owned by Blue Horizon Venture, LLC, a management services company that is not owned by a veterinarian licensed in Texas.
5. Under the terms of the contract between Respondent and Furry Friends, Furry Friends provided the "supplies used by [Respondent] in the practice of veterinary medicine." This language allows Furry Friends to own the prescription drugs used by Respondent in his veterinary practice, and to control or intervene in the selection or use of type or quality of medical supplies and pharmaceuticals to be used in the practice of veterinary medicine.
6. The contract between Respondent and Furry Friends also prohibited Respondent from working as a veterinarian in Harlingen, Texas, offering to treat any former or existing client of Furry Friends, and from attempting to influence any client of Furry Friends to terminate his or her relationship with Furry Friends for a period of two years after the end of the contract.

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 573.21, DIRECT RESPONSIBILITY TO CLIENT, of the Board's Rules of Professional Conduct, which states that a veterinarian shall avoid all relationships which could result in interference or intervention in the licensee's practice by a non-licensed person or entity.
3. Based on Findings of Fact 1 through 6, Respondent has violated Rule 573.73, MANAGEMENT SERVICES ORGANIZATIONS IN VETERINARY PRACTICE, of the Board's Rules of Professional Conduct, which states that a veterinarian may not contract with a management services organization that controls or interferes in the veterinarian's practice of veterinary medicine by means including but not limited to controlling or intervening in a veterinarian's selection or use of type or quality of medical supplies and pharmaceuticals to be used in the practice of veterinary medicine, owning drugs, or determining the fees to be charged by the veterinarian, placing limitations or conditions upon communications that are clinical in nature with the veterinarian's clients.
4. Based on Findings of Fact 1 through 6, Respondent has violated Section 801.352 of the Veterinary Licensing Act, which prohibits a veterinarian from being exploited by a person who is not a veterinarian and intervenes in the veterinarian's practice of veterinary medicine or between the veterinarian and the veterinarian's client.

5. Based on Findings of Fact 1 through 6 and Conclusions of Law 1 through 4, Respondent has violated Sections 801.402 (4) and (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:...

(4) engages in dishonest or illegal practices in, or connected with, the practice of veterinary medicine or the practice of equine dentistry;...

(6) engages in practice 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: (a)

- (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.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

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 an **INFORMAL REPRIMAND**.

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, the laws of the State of Texas, and the laws of 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 Agreed 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, CHARLES JAMESON, 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.



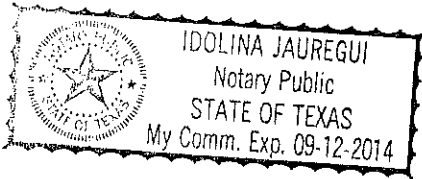
CHARLES JAMESON, D.V.M.

02-07-13
DATE

STATE OF TEXAS §
COUNTY OF Cameron §

BEFORE ME, on this day, personally appeared Charles Jameson, 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 7th day of February, 2013.



Idolina Jauregui
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 25th of March, 2013

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