

4. Catherine Fryer, D.V.M., a veterinarian who was formerly employed by Dr. Jarrett on a part-time basis from April 1992 through May 1993, wrote in a letter to the Board dated May 9, 2001 that she observed Margaret Wright performing cat neuters, and that this occurred when the surgery schedule was extremely busy.
5. On April 24, 2001, Dr. Jarrett signed a written statement saying that he taught Ms. Wright to conduct neutering procedures on cats. He also confirmed that he instructed Kathy Hughey and Lisa LeMoine on how to neuter cats. According to Dr. Jarrett, the technicians were under his supervision when they performed the surgery.
6. Dr. Jarrett ceased the practice of allowing technicians to perform cat neuters in April, 2000.

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 5, Dr. Jarrett has violated Rule 573.10 - SUPERVISION OF NON-LICENSED EMPLOYEES, of the Board's Rules of Professional Conduct, paragraphs (e) and (f), which states:
 - (e) Responsibility for Acts of Non-Licensed Employees. A licensee may determine a non-licensed employee's qualifications necessary to perform routine patient care and treatment. The licensee is directly responsible for all actions of non-licensed employees acting under his/her directions or authorization. A licensee failing to properly supervise a non-licensed employee or improperly delegating care and/or treatment responsibilities may be subject to disciplinary action by the Board.
 - (f) Prohibited Services. An unlicensed individual shall not perform the following health care services: surgery; invasive dental procedures; diagnosis and prognosis of animal diseases and/or conditions; or prescribing drugs and appliances.
3. Based on Findings of Fact 1 through 5, Dr. Jarrett has violated Rule 573.11, DISCOURAGEMENT OF UNAUTHORIZED PRACTICE, of the Board's Rules of Professional Conduct, which states:

A licensed veterinarian shall be professionally and legally responsible for the unauthorized practice of veterinary medicine by unlicensed employees within the scope of their employment. An employee's unauthorized practice of veterinary medicine without a

license constitutes grounds for the Texas State Board of Veterinary Medical Examiners to take action against the licensed veterinarian.

4. Based on Conclusions of Law 1 through 3, Dr. Jarrett is subject to disciplinary action by the Board under Sec. 801.402 (6), Texas Occupations Code, because he has engaged in "practices or conduct that violates the board's rules of professional conduct . . ."
5. Based on Conclusions of Law 1 through 4, Dr. Jarrett may be disciplined by the Board in the manner provided for in Sec. 801.401, Texas Occupations Code.

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

The Board ORDERS that the Respondent be officially REPRIMANDED.

The Board further ORDERS that a CIVIL PENALTY of two thousand dollars (\$2000.00) be assessed against Respondent, said CIVIL PENALTY being payable within forty-five (45) days of the Board's approval of this Agreed Order.

The Board further ORDERS that the Respondent take and pass the Board's JURISPRUDENCE EXAMINATION within 45 days of the date of this Agreed Order.

The Board further ORDERS that the Respondent perform public service in the following manner:

1. Respondent shall during the six-month period following the date of this Agreed Order make a five to ten-minute oral presentation to the local or county veterinary medical associations named below on the subject of the illegal and unethical practice of cat neutering by unlicensed persons and the experiences of Respondent that are related thereto.
2. Transportation and other expenses related to performance of the public services shall be paid by Respondent.
3. Respondent shall give presentations at the following local veterinary medical associations:
 - a. Harris County Veterinary Medical Association
 - b. Dallas County Veterinary Medical Association

- c. Bexar County Veterinary Medical Association
- d. Capital Area Veterinary Medical Association (Travis County)
- e. Tarrant County Veterinary Medical Association
- f. El Paso County Veterinary Medical Association

- 4. If for any reason Respondent is unable to arrange to speak at one or more of these local associations, Respondent may substitute another local association where the principal city or county served by the association is larger than 100,000 population.
- 5. Prior to making the oral presentations, Respondent shall submit his comments in writing to the Board for review and comment.
- 6. If for good cause Respondent needs additional time beyond the six months for performing this public service, Respondent shall request additional time from the Board.

It is further ORDERED 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 provisions 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 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.

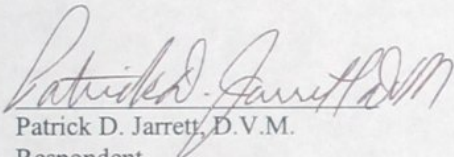
RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED

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 Board of Veterinary Medical Examiners.

I, PATRICK D. JARRETT, 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.

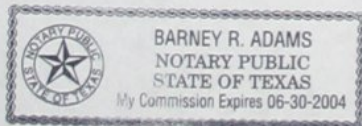

Patrick D. Jarrett, D.V.M.
Respondent

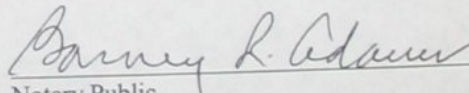
11/29, 2001
DATE

STATE OF TEXAS §
COUNTY OF PARKER §

BEFORE ME, on this day, personally appeared Patrick D. Jarrett, 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.

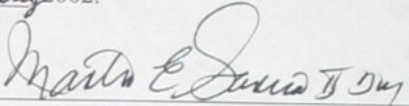
Given under the hand and seal of office this 29th day of November, 2001




Notary Public

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SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 21 day of February 2002.



Martin E. Garcia, D.V.M.
President