

DOCKETED COMPLAINT NO. 1990-3

TEXAS STATE BOARD OF VETERINARY	( )	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	( )	LICENSE NO. 3778
vs.	( )	1989 RENEWAL CERTIFICATE
SANDRA C. JOHNSON, D.V.M.	( )	NUMBER 3070

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared JOSEPH J. RIZZO, who after being duly sworn, did depose and say:

I, JOSEPH J. RIZZO, 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 SANDRA C. JOHNSON, D.V.M., East Side Veterinary Clinic, 718 N. Buckner, Dallas, Dallas County, Texas, Texas Veterinary License Number 3778, 1989 Renewal Certificate Number 3070, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, JOSEPH J. RIZZO do hereby present the following complaint against SANDRA C. JOHNSON, D.V.M., who is hereinafter called Respondent.

I.

On January 9, 1989, the Texas Board of Veterinary Medical Examiners received a written and signed complaint from J. Dickson Bain, D.V.M., dated January 6, 1989, in which he alleged that, Sandra Johnson, D.V.M., his associate at the Hillside Veterinary Clinic, was taking home Tenuate-Dospan, Chloral Hydrate and Valium without keeping records of their disposal. Dr. Bain further stated in his complaint that when confronted regarding the above-described schedule drugs, Dr. Johnson stated that the employees were not writing up the Valium prescriptions, the Tenuate was going to her aunt and the Chloral Hydrate was going to Dr. Johnson's mother.

When questioned at a later date by Investigator J. J. Rizzo, Investigator for the Texas Board of Veterinary Medical Examiners, Dr. Bain stated that Dr. Johnson had told him that she had dispensed the Tenuate to her aunt for her own personal use and the Chloral Hydrate to her mother for a colon/rectal problem she was suffering.

II.

Hillside Veterinary Clinic drug invoices revealed that Dr. Johnson had ordered the following controlled substances from the Interstate Drug Exchange, Inc:

<u>Order Date</u>	<u>Drug</u>	<u>Strength</u>	<u>Amount</u>	<u>Schedule</u>
3/8/88	Tenuate-Dorspan	75 mg.	200	IV
3/7/88	Chloral Hydrate	7 1/2 gr.	100	IV
7/7/88	Chloral Hydrate	7 1/2 gr.	100	IV
9/6/88	Tenuate-Dospan	75 mg.	100	IV

The controlled substances were ordered by Dr. Johnson during the period that she operated the Hillside Veterinary Clinic.

On June 28, 1989, the Respondent admitted to Investigator Rizzo that on one occasion in 1988 she delivered the Tenuate-Dospan to her aunt for her own personal use.

III.

On June 28, 1989, an inspection of the Interstate Drug Exchange, Inc. Invoices in Dr. Johnson's clinic by Investigator Rizzo disclosed that she had ordered an additional amount of Chloral Hydrate, as follows:

<u>Order Date</u>	<u>Drug</u>	<u>Strength</u>	<u>Amount</u>	<u>Schedule</u>
3/16/89	Chloral Hydrate	7 1/2 gr. (500 mg.) Capsules	200	IV

When asked by Investigator Rizzo to account for the disposal of the Chloral Hydrate, ordered on 3/16/89, in her drug inventory log, Dr. Johnson replied that she did not maintain a log, but that she recalled dispensing the Chloral Hydrate to a client in Kemp, Texas for the purpose of sedating cattle. Upon request, Dr. Johnson pulled a client/patient record for Vera and Darrell Friedrich, Rt 9, Box 268, Kemp, Texas, which contained no information, and told Investigator Rizzo that she had dispensed the Chloral Hydrate to those clients. When Investigator Rizzo noted "mom" handwritten above Vera Friedrich's name, he asked Dr. Johnson if Vera is her mother to which Dr. Johnson replied, "No.", she is a friend....everyone calls her "mom".

Investigator Rizzo reviewed the Respondent's file in the office of the TSBVME on November 30, 1989 and determined that the Respondent's mother is in fact, Vera Friedrich.

IV.

On September 26, 1989, the TSBVME received two invoices from the Respondent. One of the invoices, dated 4-9-89, indicated the client's name was "Vera Friedrich/Darrell Cherry" and described "100 ct Chloral Hydrate.....10-15 capsules rectally per 500 to 700 lbs. for sedation" and "ck #1667" written on the invoice. The other invoice, dated 5-28-89, bore the name of "Friedrich" and "Chloral Hydrate", along with "ck #2414". Neither of the invoices contained information relating to identity of patient, patient history, or details necessary to substantiate diagnosis and treatment.

V.

On November 21, 1989, TSBVME Investigator Mike Carroll personally interviewed Darrell Cherry and Vera Friedrich at their home in Kemp, Texas. Mr. Cherry denied owning any cattle in 1989; denied any knowledge of any animal receiving treatment from Dr. Johnson; denied having received the invoices dated 4-9-89 and 5-28-89 and denied paying any monies or writing any checks to Dr. Sandra Johnson.

Vera Friedrich stated Dr. Sandra Johnson is her daughter; that she (Vera) has not owned any cattle; that she did not receive any Chloral Hydrate from her daughter; that she has not paid the Respondent any monies or written her any checks for Chloral Hydrate or for any treatment of animals.

After being advised of the results of Investigator Carroll's interview with Vera Friedrich and Darrell Cherry on November 21, 1989, Investigator Rizzo telephoned the Respondent the same day for the purpose of clarifying the discrepancies and inconsistencies in the statements given by Vera Friedrich and Darrell Cherry.

Dr. Johnson stated that she did not tell Investigator Rizzo on 6/28/89 that Vera Friedrich was not her mother; that he must have misunderstood her. She said that she performed treatment on cattle with Chloral Hydrate that she thought were owned by her mother and Darrell. She said she did not provide Darrell Cherry with the invoices, but did receive payment for the treatment from him in the form of two checks.

#### VI.

On November 21, 1989, Investigator Rizzo telephoned Darrell Cherry and Vera Friedrich in an attempt to further clarify and explain the inconsistencies. When contacted, Darrell Cherry stated he believed the Respondent treated cattle owned by James Dougherty, a friend of his, but that he did not know what problem the cattle had or how Dr. Johnson treated them. He said he and Vera were out of town the days Dr. Johnson treated the cattle, so he has no further information regarding the incident. He said he did not pay for the treatment and does not know if Dougherty did or not. He added that Dougherty has moved from the area and no one knows of his whereabouts.

#### VII.

On December 5, 1989, Investigator Rizzo received a letter from the Respondent who stated that she had recently learned that Darrell Cherry had no connection with the livestock that she treated with Chloral Hydrate in 1988 and 1989.

With regards to the March and July, 1988 orders of Chloral Hydrate, she stated that Howard Dougherty was the actual owner of four horses and twelve head of cattle that she treated for worms with injectable Levamisole in September of 1988. She further stated that in late October or early November of 1988, she agreed to treat two of the horses for upper respiratory infection and also to remove a growth from one of the cow's upper eye lid. She stated that she then ordered the Chloral Hydrate for better restraint technique.

She further stated that on the Sunday following Thanksgiving, 1988 she rectally administered 100 mg of Chloral Hydrate per pound to all four horses and to one cow, and then administered a 30 cc dose of Procaine Penicillin to all five animals, along with intranasal vaccine to the four horses.

With regards to the 200 capsules of Chloral Hydrate she purchased from Interstate Drug Exchange, Inc. on March 16, 1989, she stated she administered the Chloral Hydrate rectally on Sunday, April 9, 1989 to the four horses so that their feet could be trimmed and cleaned and that on Sunday, May 28, 1989, she used Chloral Hydrate rectally to

sedate Dougherty's cattle so that she could palpate them for pregnancy. Respondent has no patient records or billing records that support her claim that she rectally administered the 400 capsules of Chloral Hydrate to Howard Dougherty's horses and cattle in 1988 and 1989, and, further, Dr. Johnson cannot substantiate a valid veterinary/client/patient relationship..

#### VIII.

Through her actions as described in Paragraphs I, II, III, V and VII, the respondent has failed to maintain patient records and controlled substance records. She has also failed to properly document or establish a veterinary/client/patient relationship to justify the ordering, prescribing, dispensing or possessing of Schedule IV controlled substances Chloral Hydrate or Tenuate-Dorspan, in violation of the rules of Professional conduct, Rule 573.41, 573.50 and 573.52, which state:

##### 573.41 USE OF PRESCRIPTION DRUGS

(a.) It is unprofessional conduct for a licensed veterinarian to prescribe or dispense, deliver, or order delivered any prescription drug without first having established a veterinary/client/patient relationship by having personally examined the individual animal, herd, or a representative segment or a consignment lot thereof and determined that such prescription drug is therapeutically indicated following said examination. Prescription drugs include all controlled substances in Schedules I thru V and Legend Drugs which bear the federal legends, recognized as such by any law of the State of Texas or of the United States.

(b.) It shall be unprofessional and a violation of the Rules of Professional Conduct for a licensed veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person prescription drugs, that are not necessary or required for the medical care of animals, or where the use or possession of such drugs would promote addiction thereto. Prescription drugs are defined in subsection (a.) of this section.

##### 573.50 CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND

Texas veterinarians shall maintain at their place of business records of all scheduled drugs listed in the Texas Controlled Substances Act, in their possession. These records shall be maintained for a minimum of five (5) years. The form for keeping records of those drugs shall contain the following information in addition to the name of the drug:

1. Date of acquisition,
2. Quantity purchased,
3. Date administered, dispensed, or prescribed,
4. Quantity administered, dispensed, or prescribed,
5. Name of client and patient receiving the drug(s),
6. Diagnosis and
7. Balance on hand.

## 573.52 PATIENT RECORD KEEPING

(a.) Individual records will be maintained at the place of business and include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, name and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

(b.) Patient records shall be current and maintained on the business premises for a period of three years and are the responsibility and property of the employing veterinarian.

(c.) When appropriate, licensees may substitute the words "herd", "flock" or other collective term in place of the word "patient" in subsections (a.) and (b.) of this section. Records to be maintained on these animals may be kept in a daily log, or the billing records, provided that the treatment information that is entered is adequate to substantiate the identification of these animals and the medical care provided. In no case does this eliminate the requirement to maintain drug records as specified by state and federal law and Board rules.

### IX.

The Texas State Board of Veterinary Medical Examiners has authority to take disciplinary action against DR. JOHNSON's veterinary license under the Texas Veterinary Licensing Act, Article 7465a, V.A.C.S., Section 14(a)(3), (5), and (12) which states in part:

#### Art. 7465a, Sec. 14(a) (3), (5) and (12), Veterinary Licensing Act

".....the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation or reprimand a licensee....if it finds that an applicant or licensee:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(5) 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;

(12) has ordered prescription drugs or controlled substances for the treatment of an animal without first establishing a valid veterinarian-patient-client relationship;"

### X.

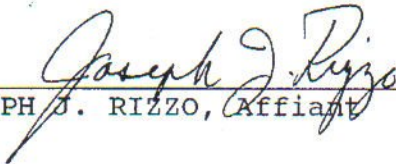
The Texas State Board of Veterinary Medical Examiners has authority to take disciplinary action against DR. JOHNSON's veterinary license under the Texas Veterinary Licensing Act, Article 7465a, V.A.C.S., Section 7(b) which states in part:

**Article 7465a, Section 7(b), Veterinary Licensing Act**

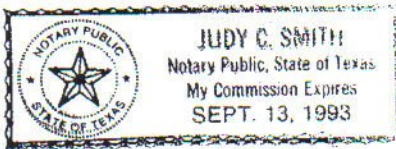
The Board shall require its licensees to maintain a record-keeping system for controlled substances as prescribed by the Texas Controlled Substances Act, (Article 4476-15, Vernon's Texas Civil Statutes). The records are subject to review by law enforcement agencies and by representatives of the Board. A failure to keep such records shall be grounds for revoking, cancelling, suspending, or probating the license of any practitioner of veterinary medicine,

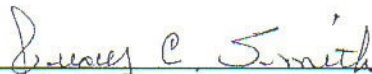
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 21<sup>st</sup> day of December, 1989.

Further, Affiant sayeth not.

  
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JOSEPH J. RIZZO, Affiant

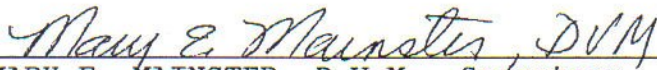
SUBSCRIBED and SWORN TO before me by the said JOE RIZZO, this the 21<sup>st</sup> day of December, 1989.



  
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JUDY C. SMITH  
Notary Public in and for Texas

My Commission Expires: September 13, 1993

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. SANDRA C. JOHNSON, D.V.M. under Docketed Number 1990-3, this the 28<sup>th</sup> day of December, 1989.

  
\_\_\_\_\_  
MARY E. MAINSTER, D.V.M., Secretary  
Texas Board of Veterinary Medical Examiners

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS  
1946 South IH 35, Box 113  
Austin, TX 78704

DOCKET NUMBER 1990-3  
SANDRA C. JOHNSON, D.V.M.  
LICENSE NUMBER: 3778

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Johnson 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 will be granted a continuance at her option.

Dr. Johnson 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, she 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:**

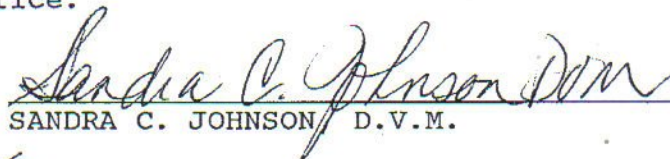
Failure to maintain patient and controlled substances records. Failure to establish a veterinary/client/patient relationship when ordering, prescribing, and dispensing Schedule IV Controlled Substances.

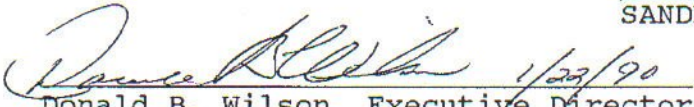
**RECOMMENDED DISCIPLINARY ACTION:**

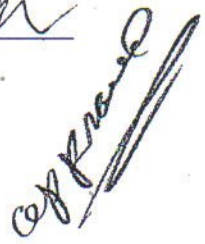
1. A one (1) year suspension, all probated, effective immediately.
2. Pay a Civil Penalty in the sum of \$500.00.
3. Submit invoices and inventory records of schedule drugs during year of probation.
4. Obtain (20) hours of Continuing Education during the probationary period.

**CONDITIONS:**

1. Submit quarterly reports certifying continued compliance with the Order/Agreement during the probationary period, with the reports due April 1, 1990, July 1, 1990, October 1, 1990, January 1, 1991.
2. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.
3. Take and pass the State Board Jurisprudence Examination prior to June 1, 1990 at the Board's central office.

  
SANDRA C. JOHNSON, D.V.M.

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



The foregoing Agreed Settlement, entered into between Dr. Sandra C. Johnson, the Board Secretary, Dr. Mary E. Mainster and Board Executive Staff and having been presented to the Texas Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board,, on February 1, 1990 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 has issued Findings, Conclusions and Orders.

Executed this 1st day of February, 1990.

Fred K. Scifer, DVM  
Fred K. Scifer, President

February 1, 1990  
Date

Robert D. Lewis, D.V.M.  
Robert D. Lewis, D.V.M., Vice-President

"  
Date

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

"  
Date

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

"  
Date

Olivia R. Eudaly  
Olivia R. Eudaly, Member

"  
Date

Al F. Hopkins, Jr., D.V.M., Member

"  
Date

Jim F. Humphrey  
Jim F. Humphrey, Member

"  
Date

Mike Levi  
Mike Levi, Member

"  
Date

Guy A. Sheppard, D.V.M., Member

"  
Date



Swiss Avenue Bank  
SWISS AVENUE - P.O. BOX 20184 - DALLAS, TEXAS 75226  
Member F.D.I.C.

NO. 76735

DATE JANUARY 30, 1990

REMITTER: SANDY JOHNSON, D.V.M.

TO THE ORDER OF TEXAS STATE BOARD OF MEDICAL EXAMINERS

\$ 500.00\*\*\*

PAY

SWISS AVENUE BANK

DOLLARS

MW

NOTICE TO CUSTOMERS  
THE PURCHASE OF AN INDEMNITY BOND WILL BE REQUIRED  
BEFORE ANY OFFICIAL CHECK OF THIS BANK WILL BE REPLACED OR  
REFUNDED IN THE EVENT IT IS LOST, MISPLACED OR STOLEN.

CASHIER'S CHECK



AUTHORIZED SIGNATURE

SAB 5143 (7/85)

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