

4. Respondent hospitalized Girly Prospect from October 25, 2011 to October 27, 2011. Girly Prospect recovered well, and was discharged on October 27, 2011 with no remaining signs of esophageal obstruction or colic.
5. On September 20, 2012, Respondent received a fax from Heartland Veterinary Pharmacy, requesting that she write prescriptions for Girly Prospect for Phenylbutazone and Banamine.
6. Respondent declined to write the prescriptions for Heartland Veterinary Pharmacy, but told Mr. Noteboom that she would dispense the drugs for Girly Prospect herself and charge him the same prices that Heartland Veterinary Pharmacy had offered. Mr. Noteboom purchased two tubes of Phenylbutazone and four tubes of Banamine from Respondent for Girly Prospect on October 2, 2012.
7. Prior to prescribing and dispensing Phenylbutazone and Banamine on October 2, 2012, Respondent had not examined Girly Prospect since October 25, 2011.
8. None of the tubes of either Banamine or Phenylbutazone was labeled with information required on the labels of all medication dispensed by a veterinarian, including but not limited to: the veterinarian's name, address and telephone number, the date of delivery or dispensing, the patient and client name, the species of the animal, and the name, strength and quantity of the drug dispensed.
9. Respondent's patient record for her treatment of Girly Prospect does not include any reference to Respondent prescribing and dispensing Phenylbutazone and Banamine to Girly Prospect on September 20, 2012, including but not limited to any details necessary to substantiate examination, diagnosis or treatment.

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 9, Respondent violated Rule of Professional Conduct 573.52, VETERINARIAN PATIENT RECORD KEEPING, by failing to note in the individual patient record for that she prescribed and dispensed Phenylbutazone and Banamine to Girly Prospect on September 20, 2012, or any details necessary to substantiate the related examination, diagnosis and treatment.
3. Based on Findings of Fact 1 through 8, Respondent violated Rule of Professional Conduct 573.40, LABELING OF MEDICATIONS DISPENSED, by failing to record required information on the labels of containers for medication dispensed, including but not limited to the veterinarian's name, address and telephone number, the date of delivery or dispensing, the patient and client name, the species of the animal, and the name, strength and quantity of the drug dispensed.

4. Based on Findings of Fact 1 through 9, Respondent has violated Rule of Professional Conduct 573.41, USE OF PRESCRIPTION DRUGS, by prescribing and dispensing prescription drugs without maintaining a veterinarian-client-patient relationship and determining that the prescription drug is therapeutically indicated for the health and/or well-being of the animal.

5. Based on Findings of Fact 1 through 9, Respondent has violated §801.351 of the Veterinary Licensing Act, Occupations Code, by failing to maintain a veterinarian-client-patient relationship by examining the patient prior to prescribing and dispensing drugs.

6. Based on Findings of Fact 1 through 9 and Conclusions of Law 1 through 5, Respondent has violated Section 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...illegal practices in, or connected with, the practice of veterinary medicine...

(6) engages in practices or conduct that violates the board's rules of professional conduct.

7. Based on Conclusions of Law 1 through 6, 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.

8. Based on Conclusions of Law 1 through 6, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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 a FORMAL REPRIMAND.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of FIVE HUNDRED DOLLARS (\$500.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent's license may be suspended until the penalty is paid, and any payment by the Respondent to the Board to renew her license will be applied toward the payment of any administrative fee owed to the Board, and further enforcement action may be taken.

The Board further ORDERS 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 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.

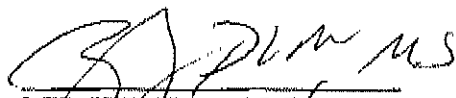
Respondent, by signing this Agreed Order, acknowledges her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that she will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate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

Respondent, by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she 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, MISTY C. JORDAN, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND 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.

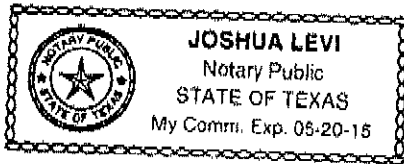

MISTY C. JORDAN, D.V.M.

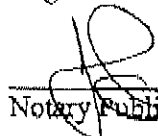
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STATE OF TEXAS §
COUNTY OF Tarrant §

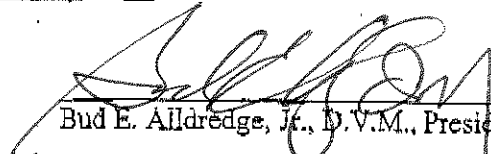
BEFORE ME, on this day, personally appeared Misty Jordan, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 8 day of August, 2013




Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 22nd October, 2013


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