

JUL 25 2013

IN THE MATTER § TEXAS STATE BOARD OF
 OF THE LICENSE OF §
 JAMES KELLY, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this, the 22 day of October, 2013, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of James Kelly, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on June 25, 2013 to consider alleged violations of the Veterinary Licensing Act and the Board's rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a conference under Section 801.2056 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

Upon the recommendation of the staff 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, James Kelly, D.V.M. of Kingswood, Texas, holds Texas veterinary license 2426.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice that may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.
3. Respondent is the owner of VitalPet Preston Forest ("Clinic").
4. Judd Fisher's dog Libby had been a patient of the Clinic for seven years when Mr. Fisher requested patient records for Libby.
5. Mr. Fisher received only two years of records for Libby within 15 days of his request. Mr. Fisher did not receive the complete patient record for Libby until more than a month after his request.

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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, Respondent has violated Rule 573.54, PATIENT RECORDS RELEASE AND CHARGES, of the Board's Rules of Professional Conduct, by failing to furnish a copy of the complete patient record within 15 days of the request.
3. Based on Conclusions of Law 1 and 2, Respondent has violated Section 801.402 (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:

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

4. Based on Conclusions of Law 1 through 3, 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:

- (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

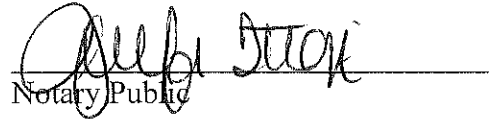
NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent receive an INFORMAL REPRIMAND.

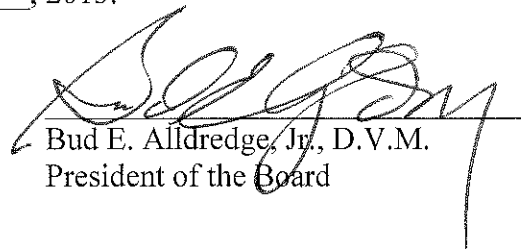
The Board further ORDERS that:

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.

James Kelly, D.V.M.
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Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 26 day of October, 2013.


Bud E. Alldredge, Jr., D.V.M.
President of the Board