

DOCKET NO. 2008-60

IN THE MATTER	§	TEXAS STATE BOARD OF
	§	
OF THE LICENSE OF	§	VETERINARY
	§	
DALLAS N. KUEHL, D.V.M.	§	MEDICAL EXAMINERS

**AGREED ORDER**

On this, the 19<sup>th</sup> day of June, 2008, came on to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of DALLAS N. KUEHL, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on April 9, 2008 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 their understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to them.

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. 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.
2. As the result of a compliance inspection by mail, the Board determined that Dallas N. Kuehl, D.V.M., Houston, Texas, could not show proof of continuing education (CE) obtained for seventeen hours during calendar year 2004. On October 12, 2007, written notification was sent to Dr. Kuehl requesting any additional documentation regarding continuing education for that time period or any response on the other allegations. No further communication was received from Dr. Kuehl.
3. Dr. Kuehl did not request a hardship extension for the hours missed in 2007.
4. Also, as a result of the compliance inspection by mail, the Board determined that Dr. Kuehl failed to maintain his Controlled Substance Log Book, according to Board Rule 573.50. The record provided failed to state the date of acquisition of the controlled substance, the quantity purchased, and quantity administered for each patient.

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5. As a result of the compliance inspection by mail, the Board determined that Dr. Kuehl failed to maintain his physical business address with the Board. According to Dr. Kuehl, he works at The Greater Good Veterinary Service located at 11915 Katy Freeway, Katy, Texas.

6. In addition, as a result of the compliance inspection by mail, the Board determined that Dr. Kuehl failed to have DEA and DPS controlled substance registrations for his physical business address, where he actually practices. The DEA requires that its registration show the address where the controlled substances are actually controlled. The DPS requires that its registrations show the address where controlled substances are actually administered or dispensed. Dr. Kuehl has DEA and DPS registrations for his home address, 3926 Drake, Houston, TX.

### **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 Facts 1 through 3, Respondent has violated Rule 573.64, CONTINUING EDUCATION REQUIREMENTS, of the Board's Rules of Professional Conduct, which requires a veterinarian to annually acquire seventeen hours of acceptable CE.
3. Based on Findings of Fact 4, Respondent has violated Rule 573.50 CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND, of the Board's Rules of Professional Conduct, which requires a veterinarian to keep records of the controlled substances on hand and is required to note in the record, the date of acquisition of the controlled substance, the quantity purchased, and quantity administered for each patient.
4. Based on Findings of Fact 5, Respondent has violated Rule 573.75 NOTIFICATION OF LICENSEE ADDRESSES, of the Board's Rules of Professional Conduct, which requires a veterinarian to report to the Board the veterinarian's physical business address.
5. Based on Findings of Fact 5 and 6, Respondent has violated Rule 573.4 ADHERENCE TO THE LAW, of the Board's Rules of Professional Conduct, which requires a veterinarian to commit any act that is in violation of the laws of the State of Texas, other states, or of the United States, if the act is connected with the veterinarian's practice of medicine.
6. Based on Conclusions of Law 1 through 5, 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.

7. Based on Conclusions of Law 2 through 5, 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, be FORMALLY REPRIMANDED.

The Board further ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of ONE THOUSAND DOLLARS (\$1,000.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent's license shall be suspended until the penalty is paid.

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 order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provision of the Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges their understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that they 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 their right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that they are entitled to be represented by an attorney of Respondent's choice at their expense in any hearing before the Board.

**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, DALLAS N. KUEHL, 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.**

Dallas N. Kuehl, D.V.M.  
Dallas N. Kuehl, D.V.M.

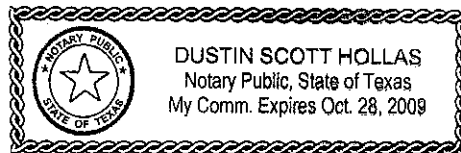
5-5-08  
Date

STATE OF TEXAS  
COUNTY OF Harris

BEFORE ME, on this day, personally appeared Dallas N. Kuehl, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that they executed the same for the purposes stated therein.

Given under the hand and seal of office this 5 day of May, 2008.

[Signature]  
Notary Public



SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 14<sup>th</sup> day of June, 2008.

[Signature]  
Bud E. Attledge, Jr., D.V.M.  
President of the Board