

DOCKET NO. DK2019-129

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
JOHN MONTALBANO, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners ("Board") considered the matter of the license of John Montalbano, D.V.M. ("Respondent").

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT

1. Respondent, John Montalbano, D.V.M., of Harlingen, Texas, holds Texas veterinary license 11256.
2. On June 12, 2019, TBVME conducted an on-site inspection of The Country Vet, a veterinary clinic owned by Respondent.
3. The investigation revealed out of date and incomplete logs for controlled substances.
4. The Euthanasia log had not been updated since April 19, 2018. Existing entries were missing prescribing veterinarian, person administering and reason for administration information.
5. The Buprenorphine log had not been updated since January 4, 2018. Existing entries were missing prescribing veterinarian, person administering and reason for administration information.
6. The Ketamine log had not been updated since September 1, 2018. Existing entries were missing prescribing veterinarian, person administering and reason for administration information.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules. Respondent received notice as required by law.
2. Respondent has violated Board Rule 573.50, Controlled Substances Records Keeping for Drugs on Hand, of the Board's Rules of Professional Conduct.

3. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting licensed veterinarians from engaging in practices or conduct that violates the board's rules of professional conduct.
4. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
5. Pursuant to Board Rule 575.25, Respondent's violations are Class B violations, and Respondent is subject to disciplinary action under that Rule.

TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

1. REPRIMAND

- a. Respondent is hereby formally reprimanded by the Board. This informal reprimand may be published in the Board's newsletter and reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database.

2. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of two thousand dollars (\$2,000.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701. Partial payments will not be accepted.
- b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent's license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter may be referred to the Attorney General for collection, pursuant to Texas Occupations Code, Section 801.458.

3. FOLLOW UP REPORT TO THE BOARD

4. ADHERENCE TO THE LAW AND BOARD RULES

- a. Respondent shall abide by the Board's Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.
- b. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.

- c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

Certification and signature page follows.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

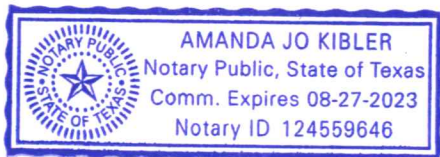
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this 14 day of January, 2020.

John Montalbano
John Montalbano, D.V.M.

Sworn and subscribed before me this 14 day of January, 2020.

SEAL:



[Signature]
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 23rd day of September, 2020.

Received

JAN 21 2020

Texas State Board of
Veterinary Medical Examiners

CK \$ 2000.00

Agreed Order DK2019-129
John Montalbano, D.V.M.

Jessica Quillivan, DVM
Jessica Quillivan, D.V.M., Presiding Board Member