DOCKET NO. 2006-65

IN THE MATTER OF

§ TEXAS STATE BOARD OF

THE LICENSE OF

§

PATRICK GRIFFIN, D.V.M.

§ VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 12th day of October, 2006, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of PATRICK GRIFFIN, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on August 31, 2006. The Respondent appeared without counsel. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon the recommendation of the Enforcement 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. On May 8, 2006, the Board opened a complaint against Patrick Griffin, D.V.M., Holland, Texas, for his failure to cooperate with the Board in providing a narrative response and patient records pertaining to two complaints filed against him by Carol Geisselbrecht, Temple, Texas.
- 2. On December 1, 2005, Ms. Geisselbrecht filed complaints (cases 06-085 and 06-086) against Dr. Griffin. On December 9, 2005, and February 13, 2006, the Board sent a letter to Dr. Griffin requesting a response to Ms. Geisselbrecht's allegations. Dr. Griffin did not respond. On February 13th, Board Investigator Dennis Barker attempted to call Dr. Griffin at his listed work number, but the number had been disconnected. He then attempted to call his home telephone number, but no one answered and no answering machine was available. On April 18, 2006, the Board sent a certified letter to Dr. Griffin, and on April 21, 2006 an acknowledgment of receipt was received signed by Kayla Griffin, 13313 Mills Lane, Holland, Texas. On April 21, 2006, Investigator Barker attempted to call Dr. Griffin at his home telephone number, but no one answered and no answering machine picked up. Finally, on May 3, 2006, Investigator Barker was able to call and leave a message on Dr. Griffin's answering service. Dr. Griffin returned the call the same day.

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3. Dr. Griffin reported in the telephone call that he was working in Abilene, Texas as a relief veterinarian, and all his mail was being forwarded to his ex-wife living in Holland, Texas. He said that his records pertaining to cases 06-085 and 06-086 were in storage, but he would forward a written response along with copies of medical records when he returned to Holland to retrieve his mail. Nothing was received from Dr. Griffin. At the informal conference, Dr. Griffin reported for the first time that the patient records were unavailable because the bank, which had foreclosed on his clinic in Temple, had destroyed the records retained there.

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 the above paragraphs, Dr. Griffin has violated Rule 573.74, DUTY TO COOPERATE WITH BOARD, of the Board's Rules of Professional Conduct, which requires a veterinarian to cooperate fully with a Board investigation and respond within 21 days of receipt to requests for information concerning complaints against the veterinarian.
- 3. Based on Conclusions of Law 1 and 2, 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 PATRICK GRIFFIN, D.V.M., be FORMALLY REPRIMANDED.

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

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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 provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that he 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 his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he is not 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. 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 effective date of this Agreed Order shall be the date it is adopted by the Board.

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I, PATRICK GRIFFIN, 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.

Patrick Griffin DVM	1-4-07
Patrick Griffin, D.V.M.	Date
STATE OF TEXAS &	ind by PG*
STATE OF TEXAS \$ COUNTY OF \$	
BEFORE ME, on this day, personally appeared the person whose name is subscribed to the foreshe executed the same for the purposes stated the	going document, and acknowledged to me that
Given under the hand and seal of office this	day of, 2006.
	Notary Public
SIGNED AND ENTERED by the TEXAS STATEXAMINERS on this the 12th day of October, 2	
	Robert Lastovica, D.V.M., President
* Significant of order for No.	
in telephone call on 1	Griffin authorized by him -4-07 14M