DOCKET NO. 2006-54

IN THE MATTER

TEXAS STATE BOARD OF

OF THE LICENSE OF

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WOODROW ISBELL, 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 WOODROW ISBELL, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.27, an informal conference was held on July 26, 2006 to consider alleged violations of the Veterinary Licensing Act and the Board's rules by Respondent. 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 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 provided 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. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board's rules. All jurisdictional requirements have been satisfied.
- 2. On October 31, 2005, an investigator from the United Stated Food and Drug Administration (FDA), provided information to the Board that suggested that Woodrow Isbell, D.V.M., a Texas veterinarian residing in Arkansas, may have provided prescription drugs to a country store operator in Ben Franklin, Texas without having established a valid veterinarian-client-patient relationship. Based on that information, the Board opened a case against Dr. Isbell.
- 3. On July 13, 2005, the FDA issued a warning letter to Blair Freeman, Ben Franklin, Texas, for submitting for slaughter a cow that contained residual gentamicin, an antibiotic. Investigation revealed that Blair Freeman's grandfather, Randy Freeman, operated a country store selling both prescription and non-prescription drugs that were obtained from Walco International, Inc., Texarkana, Texas. Prescriptions for gentamicin were authorized by Dr. Isbell and invoiced to

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Randy Freeman. Drug prescriptions would only be appropriate if there was a valid veterinarianclient-patient (VCP) relationship between Dr. Isbell and Randy Freeman, who owns a beef cattle operation.

- 4. Although Dr. Isbell affirmed that he had known Randy Freeman for approximately 15 years and had made numerous trips to his working pens, it is not clear that a valid VCP existed during the time that many of the prescriptions were authorized. In addition, the relatively large number of gentamicin prescriptions to Randy Freeman from Dr. Isbell indicates that usage is more than required from a normal-sized beef cattle operation. Dr. Isbell made only one on-site visit to Randy Freeman, on November 22, 2004. However, Dr. Isbell's records indicate that over 200 bottles of gentamicin were shipped to Randy Freeman prior to Dr. Isbell's on-site visit (and before a VCP relationship was established). No more gentamicin was scripted by Dr. Isbell after the end of 2004.
- 5. Based on allegation 4, Dr. Isbell has violated §801.402 (13) of the Veterinary Licensing Act and thus is subject to discipline under 801.401 of the Act

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 findings of fact, Respondent has violated §801.402 (13) of the Veterinary Licensing Act, Occupations Code, which states that a veterinarian cannot order a prescription drug or controlled substance for the treatment of animals without first establishing a veterinarian-client-patient relationship.
- 3. Based on Conclusion of Law 2, Respondent is subject to disciplinary action by the Board under §801.401 of the Veterinary Licensing Act.

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

The Board ORDERS that Respondent 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 officers and other employees and agents investigating Respondent's compliance with this order.

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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 his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, 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 hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense in any proceeding 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.

D E C E I V E D
AUG 2 1 2006

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COUNTY OF miller

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

I, WOODROW ISBELL, 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.

Woodrow Stell, DVM.	3/17/06
Woodrow Isbell, D.V.M.	DATE
STATE OF Arkansas	

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

Given under the hand and seal of office this 17 day of august, 2006

CECIL E. SMITH

NOTARY PUBLIC - ARKANSAS

MILLER COUNTY - #1234818

My Comm. Expires April 25, 2944 Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 12th day of October, 2006.

Robert L. Lastovica, D.V.M.

President of the Board