

Randy Freeman. Drug prescriptions would only be appropriate if there was a valid veterinarian-client-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.

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.

