

# Newsletter

# OKLAHOMA STATE BOARD OF VETERINARY MEDICAL EXAMINERS

201 NE 38<sup>th</sup> Terr., Suite 1 Oklahoma City, OK 73105 (405) 524-9006 fax (405) 524-9012 staff@okvetboard.com

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## FROM THE BOARD PRESIDENT

by Jim P. Lee, DVM

As 2012 draws to a close, the board staff has been receiving many inquiries regarding various elements of the Veterinary Practice Act and other regulatory agencies which governs the practice of veterinary medicine (i.e. Pharmacy board, Bureau of Narcotics, OK Tax Commission, etc.)

- 1) Effective November 1, 2012 Tramadol became a scheduled IV drug in Oklahoma if you continue to dispense Tramadol from your practice, you must report that exchange to OBN's PMP at point of sale.
- 2) The Pharmacy Board has received complaints regarding scripts for insulin syringes and insulin preparations make sure when you prescribe, that you clearly define whether you are prescribing U-100 or U-40 insulin and syringes.
- 3) A statutory element of the Oklahoma Tax Commission is that professional licensees must be tax compliant in order to renew their licenses. Veterinarians who are in violation of this statute have been fined as much as \$2,000, and had their license renewal delayed.
- 4) Annually, the board audits 10% of all licensed veterinarians/technicians regarding the required continuing education hours make sure you have easily retrievable documentation of all your continuing education hours in the event you are audited.
- 5) Multiple inquiries have been made to the board regarding what a Registered Veterinary Technician and assistants can do under direct and indirect supervision please refer to 775:10-7-9.1 and 775:25-1-4 in the Practice Act to help delineate these responsibilities

Also, please note that the term "Veterinary Technician" is reserved for those individuals who have successfully completed the requisite course work, graduated from an accredited program, and passed the required National and State exams - to refer to an assistant as a technician invalidates the technicians education and training and is a violation of the Veterinary Practice Act.

As always - it is a privilege to serve on the Oklahoma State Board of Veterinary Medical Examiners! We have an incredible staff without which we could not perform our duties. I am truly blessed to be surrounded by the wonderful people at the board office, our Assistant Attorney General, and the other Board members. I wish them and you a Merry Christmas and a very Happy New Year!

# CENTENNIAL CELEBRATION

In 2013 the Oklahoma State Board of Veterinary Medical Examiners will be celebrating its centennial anniversary - If you have anything that you would like to share with or contribute to the celebration, such as antiquated veterinary paraphernalia, early 20th century items such as a Board issued wall license, certificates or any other interesting items please contact the Board office. Please look for upcoming notices of the 2013 date of celebration.

Download the latest version of the OKLAHOMA VETERINARY PRACTICE ACT (effective 11/1/12) www.okvetboard.com



## **OUR SINCERE THANKS!**

We would like to thank both Dr Jeff Tidwell and Dr. Paul Sells who completed their terms as Board Members on May 9, 2012.

The Board and staff acknowledge their commitment to the Board's mission and greatly appreciated their leadership, devotion and many contributions as a Board member. We will all miss their valuable knowledge. THANK YOU DR. JEFF TIDWELL and DR. PAUL SFLLS!!

# NEWEST BOARD MEMBERS

Dr. Lawrence McTague and Dr. Clint Gardner are our newest Board members. Both were appointed by Governor Fallin (and confirmed by the Senate) for a five year term. Dr. McTague is a 1971 Oklahoma State graduate and is a mixed animal practitioner in the Ardmore area, he was appointed from Congressional District 4. Dr. Clint Gardner is a 1999 Oklahoma State graduate and a mixed animal practitioner from the Pryor area, he was appointed from Congressional District 2. We welcome them both aboard.

#### **DISCIPLINED DOCTORS\***

April 2012 - December 2012

# Ralph Grogan, DVM:

After numerous attempts to contact Dr. Grogan it was determined he failed to properly and timely comply with the income tax laws of the State of Oklahoma. Pursuant to an administrative hearing by the Board on June 8th Ralph Grogan, DVM failed to file an answer or appear. As a result his Veterinary License Renewal application was denied, thereby revoking his license to practice veterinary medicine, effective immediately.

He was further ordered to pay Board costs for the investigation in the amount of \$1,000.00 and pay a fine of \$500.00 for failing to cooperate in the Board's investigation in this matter.

#### William Frazee, DVM:

After numerous attempts to contact Dr. Frazee it was determined he failed to properly and timely comply with the income tax laws of the State of Oklahoma, but subsequently found compliant. Pursuant to an administrative hearing by the Board on June 8th Dr. William Frazee answered and appeared. As a result his Veterinary License Renewal application was approved, effective immediately.

He was further ordered to pay Board costs for the investigation in the amount of \$1,000.00 and pay a fine of \$1,000.00 for failing to cooperate in the Board's investigation in this matter.

#### Lea H. Smith, DVM:

After numerous attempts to contact Dr. Smith it was determined she failed to properly and timely comply with the income tax laws of the State of Oklahoma, but subsequently found compliant. Pursuant to an administrative hearing by the Board held on August 17th Lea H. Smith, DVM answered and appeared. As a result Dr. Lea H. Smith's Veterinary License Renewal application was approved, effective immediately.

She was further ordered to pay Board costs of the investigation in the amount of \$500.00 and pay a fine of \$500.00 for failing to cooperate in the Board's investigation in this matter, all of which shall be payable within one year from the date of Order but if not paid prior to the next license renewal period, her license to practice veterinary medicine will not be renewed.

#### Alyson Fryer-Houska, DVM:

After an assessment was completed by Palmetto Addiction Recovery Center, she was diagnosed with drug dependence. The violations of the Veterinary Act were: habitual use of CDS and self-medicating with CDS.

Pursuant to an Agreed Order and approved by the Board on August 17th, Dr. Alyson Fryer-Houska was placed on probation for ten years. Terms of the probation include: suspended from the practice of veterinary medicine for the time spent in rehabilitation at Palmetto; abstain from consuming any substance without a physicians approval; actively participate in an aftercare program at least 3 times per week; immediately surrender her license(s) to order and prescribe controlled dangerous substances ("CDS"); randomly submit biological specimens; during the first twelve (12) months of probation, shall not work more than 40 hours per week; pay \$10,000.00, consisting of a \$9,000.00 fine and \$1,000.00 in costs, a portion of the fine in the amount of \$5,000.00 was deferred until August 18, 2022, at which time such payment will be waived conditioned upon full compliance with the Agreed Order and pay an administrative probation fee of \$50.00 per month.

#### Vaughn McDowell, DVM:

On numerous occasions, failure to properly establish a valid client patient relationship prior to prescribing or dispensing prescription drugs. Such conduct was unprofessional, negligent and potentially harmful to public health, welfare and safety while practicing veterinary medicine; and violated numerous provisions of the Veterinary Practice Act, including failure to properly record, keep, manage and maintain patient records.

Pursuant to an Agreed Order heard and approved by the Board on August 17, Dr. Vaughn McDowell was placed on probation for a period of three years. Terms of the probation include: taking the Board's jurisprudence exam within one year; during the first year of probation, submit copies of three large animal patient/client records per month and maintain client usage reports received from drug distributors for all prescription drugs ordered and send the reports in monthly; appear before the Board at least once annually; pay a \$15,000.00 fine (includes \$2,500.00 for costs of investigation), with \$5,500 payable within ten days and remaining \$7,500 will be payable in increments of \$2,500 each year at annual probation appearance; during the period of probation, pay a probation administration fee of \$50.00 per month; payment of a portion of the fine in the amount of \$2,000.00 was deferred until August 18, 2015, at which time such payment will be waived conditioned upon timely compliance with the other terms of Agreed Order.

#### L. Eugene Parker, Jr., DVM:

According to records furnished to the Board by the United States Department of Agriculture Animal Plant Health Inspection Services, between March 14, 2011 and April 14, 2011, Dr. Parker submitted a total of 187 brucellosis blood samples apparently taken from three (3) separate cervidae herds to the Oklahoma Department of Agriculture Food and Forestry's ("ODA") laboratory for testing. Subsequently the blood samples were forwarded by the ODA to the USDA National Veterinary Service Laboratory ("NVSL") for serum screening, which at the time was the standard practice to help verify the accuracy of the testing. The serum screening conducted by NVSL indicated a total of sixty-eight (68) identical matched blood samples. In addition, certain blood samples were sent to the Veterinary Genetics Laboratory in Davis, California for DNA typing, which resulted in confirming identification of twelve (12) identical matches of the blood samples tested.

The laboratory results indicate Dr. Parker apparently did not either actually or properly take blood from each of the animals to be tested but on numerous occasions' substituted the blood of one animal for the blood of another animal. Therefore, faulty blood samples were substituted for testing and failed to meet the requirements of certain standards of veterinary accreditation, which also constitutes violations of the Veterinary Practice Act.

The investigation into the activities of and veterinary services performed by Dr. Parker on the three cervidae herds indicate numerous acts of unprofessional behavior were allegedly committed in the practice of veterinary medicine. In failing to properly and accurately test animals for diseases Dr. Parker's conduct was unprofessional, negligent and faulty while practicing veterinary medicine. Dr. Parker did not admit or deny the allegations made against him, but was adamant in claiming that he bled all of the animals for which he submitted blood samples to the ODA. He had no explanation for the matching of blood samples reported by the testing laboratories, except that use of the same syringe for pulling blood from the animals could have contributed to the matching blood samples and/or that the testing laboratories mixed up the blood samples, but he does take responsibility for his actions in failing to use clean syringes when pulling blood from the animals.

Pursuant to an Agreed Order heard and approved by the Board on December 7, 2012 Dr. L. Eugene Parker, Jr. was placed on probation for a period of three years. Terms of probation include: license to practice veterinary medicine suspended for a period of 6 months to begin 12/7/12; take and successfully pass the Board's jurisprudence exam within the first two years of probation; appear before the Board at least once annually; pay a \$15,000.00 fine, with \$3,500.00 payable on or before 12/31/12 and \$11,500.00 payable on or before 07/01/13; pay \$3,000 for cost of investigation payable on or before 12/31/12; and pay a probation fee of \$50.00 per month; with payment of a portion of the fine in the amount of \$5,000.00 due on or before 07/01/13; monthly administrative fee deferred until 12/08/15, said payments will be waived conditioned upon compliance with the other terms of the Agreed Order. However, if a violation of any term(s) of the Agreed Order occurs the balance of fine in the amount of \$5,000.00 and the cumulative administrative fee will be immediately due and payable.

\*Further details of Board actions can be obtained by contacting the Board office.

Oklahoma State Board of Veterinary Medical Examiners 201 N.E. 38th Terrace, Suite 1 Oklahoma City, OK 73105 PRSRT STD US POSTAGE PAID OKLA CITY, OK PERMIT #2177