

5. On September 23, 2013, the Texas Department of Public Safety (DPS) notified the Board that Respondent's DPS controlled substance registration expired on November 30, 2012, and was terminated on May 31, 2013. DPS has since issued a new controlled substances registration with a June 30, 2014, expiration. According to records obtained from Forest Lane Animal Clinic in Garland, Texas and Lake Country Animal Hospital in Frisco, Texas, Respondent was utilizing controlled substances while working at the clinics without having a current DPS controlled substance registration.
6. Respondent was sent a written request for information regarding his DPS controlled substances registration on September 25, 2013. He was required to respond in writing within 21 days. Respondent responded on November 20, 2013, after the 21-day deadline. In Respondent's response he stated he did not utilize controlled substances during the time period his license was expired.

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 Finding of Fact 1 through 4, Respondent has violated Rule 573.78, DEFAULT ON STUDENT LOAN/CHILD SUPPORT PAYMENTS, of the Board's Rules of Professional Conduct, which states that when the Office of the Attorney General has notified the Board to not renew a licensee's license for failure to pay child support, the licensee is subject to disciplinary action by the Board.
3. Based on Findings of Fact 1, 2 and 5, Respondent has violated Rule 573.43 CONTROLLED SUBSTANCES REGISTRATION, of the Board's Rules of Professional Conduct, which states that a licensee may not prescribe, dispense, deliver or order delivered, any controlled substance, unless he is currently registered with the DEA and the DPS.
4. Based on Findings of Fact 1, 2, and 6, Respondent has violated Rule 573.75, DUTY TO COOPERATE WITH THE BOARD, which state that a licensee must respond within 21 days of receipt of requests for information regarding complaints.
5. Based on Conclusions of Law 1 through 4, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(6) engages in practices or conduct that violates the board's rules of professional

conduct.

6. Based on Conclusions of Law 1 through 5, 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: (a)

- (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.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

7. Based on Conclusions of Law 2 through 6, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that JOEL B. AKIN, D.V.M., be FORMALLY REPRIMANDED.

The Board further ORDERS that Respondent's license be SUSPENDED for two years, with said SUSPENSION STAYED and Respondent placed on PROBATION for the entire period of SUSPENSION.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of two thousand dollars (\$2000.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent's license may be suspended until the penalty is paid.

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.

Received

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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 hearing 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. 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.

I, JOEL B. AKIN, 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.



JOEL B. AKIN, D.V.M.

3/31/2014

DATE

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STATE OF TEXAS
COUNTY OF Collin

BEFORE ME, on this day, personally appeared JOEL B. AKIN, 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 31st day of March, 2014



Taylor Paige Lunn

Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 3 day of June, 2014.

Bud E. Aldredge, Jr.

Bud E. Aldredge, Jr., D.V.M.
President of the Board