

DOCKETED COMPLAINT NO. 1999-01

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 5079
vs.	§	1998 RENEWAL CERTIFICATE
BOYD BIEN, D.V.M.	§	NUMBER 1595

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Charles Adkins, who after being duly sworn, did depose and say:

On or about September 22, 1998, Charles Adkins, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Boyd Bien, D.V.M., BovaGen, 1539 Vista del Monte, San Antonio, Texas, 78216, Veterinary License Number 5079, 1998 Renewal Certificate Number 1595, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Charles Adkins, do hereby present the following complaint against Boyd Bien, D.V.M.

I.

On or before March 1, 1997, Boyd Bien, D.V.M., submitted his application to practice veterinary medicine for the 1997 license year.

II.

On or before March 1, 1998, Dr. Bien submitted his application to renew his license to practice veterinary medicine for the 1998 calendar year.

III.

During a compliance inspection by the Board, Dr. Bien was not able to produce records to substantiate that he obtained the necessary hours of continuing education in 1996 and 1997.

IV.

Dr. Bien was given the opportunity to submit documentation to the Board. Dr. Bien submitted documentation of having obtained 12 hours of continuing education in 1996 and 1997, which amount does not meet the requirements set by rule.

V.

Based on paragraphs I through IV, Dr. Bien violated Rule 573.64 - Continuing Education Requirements of the Rules of Professional Conduct.

VI.

Based on paragraph V, Dr. Bien also violated Section 14 (a) (5) of the Veterinary Licensing Act, article 8890.

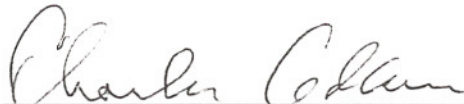
ARTICLE 8890, SECTION 14

(a) . . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee . . . if it finds that a licensee:

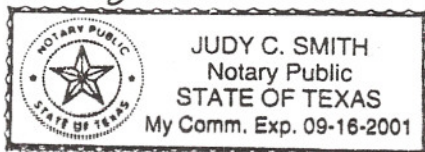
(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law;

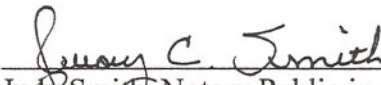
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 23rd day of FEBRUARY, 1999.

Further, Affiant sayeth not.

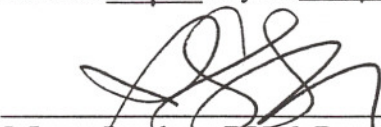

Charles Adkins, Affiant

SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 23rd day of February, 1999




Judy Smith, Notary Public in and for Texas

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Boyd Bien, D.V.M. under Docketed Number 1999-01, this the 4th day of MARCH, 1999.


J. Lynn Lawhon, DVM, Board Secretary
Texas State Board of Veterinary Medical
Examiners

IN THE MATTER OF THE LICENSE OF § TEXAS STATE BOARD OF
 §
BOYD BIEN, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 7th day of February, 1999, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Boyd Bien, D.V.M., ("Respondent" or "Dr. Bien"), pursuant to the Veterinary Licensing Act ("Act") § 18F and Board Rule 575.27. On December 17, 1998, Respondent chose not to appear at an Informal Conference in response to a letter of invitation from the Board. Dr. Bien submitted a signed Waiver of Conference form dated December 5, 1998. The Board was represented at the Informal Conference by the 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 Agreed Order. In waiving an adjudicative hearing, Respondent acknowledges understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon 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. Boyd Bien, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 5079, 1998 renewal certificate number 1595. Respondent is not subject to prior disciplinary action by the Board.
2. 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 Rules. All jurisdictional requirements have been satisfied.
3. On or before March 1, 1997, Boyd Bien, D.V.M., submitted his application to practice veterinary medicine for the 1997 license year.

4. On or before March 1, 1998, Dr. Bien submitted his application to renew his license to practice veterinary medicine for the 1998 calendar year.
5. During a compliance inspection by the Board, Dr. Bien was not able to produce records to substantiate that he obtained the necessary hours of continuing education in 1996 and 1997.
6. Dr. Bien was given the opportunity to submit documentation to the Board. Dr. Bien submitted documentation of having obtained 12 hours of continuing education in 1996 and 1997, which amount does not meet the requirements set by rule.

Conclusions of Law

1. Respondent is required to comply with the provision of the Act and Board Rules.
2. Section 14 (a) of the Act authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings of non-compliance with the Act or Board Rules.
3. Based on Findings of Fact 3 through 6, Dr. Bien has violated Rule 573.64 - Continuing Education Requirements of the Rules of Professional Conduct.
4. Based on Conclusion of Law 3, Respondent is subject to disciplinary action by the Board under the Act §14(a) (5) and 13(g).

NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Dr. Bien receive an OFFICIAL REPRIMAND under the following terms and conditions:

1. Respondent shall pay an administrative penalty in the amount of \$250.00, payable within forty-five (45) days of the Board's approval of the Agreed Order.
2. 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.
3. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this order.

4. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Act or the Board Rules, may result in further disciplinary action.

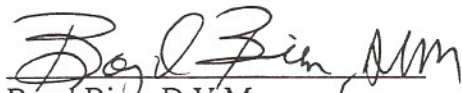
Respondent, Boyd Bien, D.V.M., by signing this Agreed Order, agrees to its terms, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action of the Board.

Respondent, Boyd Bien, D.V.M., by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order.

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 State Board of Veterinary Medical Examiners.

I, BOYD BIEN, 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 THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

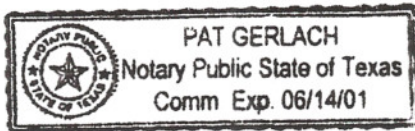

Boyd Bien, D.V.M.
Respondent

1-11, 1999
DATE

STATE OF TEXAS §
COUNTY OF Bryan §

BEFORE ME, on this day, personally appeared BOYD BIEN, 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 11 day of January, 1999.



Notary Seal

Pat Gerlach
Notary Public

This agreed order has been entered between Dr. Boyd Bien and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.

Ron Allen
RON ALLEN
Executive Director, TSBVME

January 19, 1999
DATE

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 4 day of Feb., 1999.

Robert I. Hughes, Jr.
ROBERT I. HUGHES, JR., D.V.M.
President