TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 306
Austin, Texas 78704

DOCKET NUMBER 1995-13
MARTY R. BRINKLEY, D.V.M.
LICENSE NUMBER 6965

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Marty R. Brinkley, the Executive Director of the Texas State Board of Veterinary Medical Examiners, and in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement, the defendant, Dr. Brinkley, will be granted a continuance at his option.

Dr. Brinkley does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that: (1) the Board may treat the allegations of fact and law as true; and (2) the findings shall have the same force and effect as if evidence and argument were presented in support of the allegations. Respondent understands and intends that by so stating, he is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES: Dr. Brinkley performed an unauthorized declaw of a cat.

RECOMMENDED DISCIPLINARY ACTION: Reprimand

CONDITIONS:

1. Take and pass the State Board Jurisprudence Examination.

2. Abide by the Laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.

MARTY R. BRINKLEY, D.V.M.

RON ALLEN, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Signature: 

Date: 6/2/95

Signature: 

Date: May 22, 1995
The foregoing Agreed Settlement, entered into between Dr. Marty Brinkley, Board Secretary, and the Board Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 8th day of June, 1995, ORDERED that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Finding and Order issued.

Executed this the 8th day of June, 1995.

Alton F. Hopkins, Jr., D.V.M., President

John A. Wood, D.V.M., Vice-President

James N. Gomez, D.V.M., Secretary

Robert I. Hughes, Jr., D.V.M., Member

Sharon O. Matthews, Member

Michael J. McCulloch, D.V.M.

Joyce G. Schiff, Member

Guy A. Sheppard, D.V.M., Member

Clark S. Willingham, Member

6/8/95
Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Matthew Wendel, who after being duly sworn, did depose and say:

On or about September 9, 1994, Matthew Wendel, 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 Marty R. Brinkley, D.V.M., 12801 Midway Road, Dallas, Texas 75244, Veterinary License Number 6965, 1995 Renewal Certificate Number 3829, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Statde Board of Veterinary Medical Examiners, I, Matthew Wendel, do hereby present the following complaint against Marty R. Brinkley, D. V. M.

I.

On or about the morning of August 19, 1994, Melissa Martin went to Pet Vet Hospital - Midway, 12801 Midway Road, Suite 200, Dallas, Texas 75228, to have her one year old Japanese Bobtail cat, Champion Windcastle Merineko, "Meri", spayed.
II.

On or about August 19, 1994, Dr. Marty Brinkley performed a feline spay and declaw on Meri, the cat owned by Melissa Martin.

III.

On or about the evening of August 19, 1994, Melissa Martin went to the Pet Vet Hospital - Midway to pick up her cat Meri. At that time she was informed that a feline spay and declaw was performed on her cat, Meri.

IV.

By performing a declaw on Meri, an unauthorized treatment, when only a spay was requested, Dr. Marty Brinkley violated Rule of Professional Conduct 573.22 - Professional Standard of Humane Treatment, and Section 14 (a) (5) and (11) 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 a law;

(11) has performed or prescribed unnecessary or unauthorized treatment;
ARTICLE 8890, SECTION 14B

(a) If a person violates this act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess an administrative penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 13th day of April, 1995.

Further, Affiant sayeth not.

Matthew Wendel, Affiant

SUBSCRIBED and SWORN TO before me by the said Matthew Wendel this the 13th day of April, 1995.

Charles A. Adkins, 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. Marty R. Brinkley, D.V.M. under Docketed Number 1995-13 this the 19th day of April, 1995.

James N. Gomez, DVM, Board Secretary

Texas State Board of Veterinary Medical Examiners