

1988-3  
DOCKETED COMPLAINT NO. 1988-3

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS		LICENSE NO. 2879
vs		1987 RENEWAL CERTIFICATE
HENRY LEE CHENAULT, D.V.M.		NUMBER 3070

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 1st day of October, 1987, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at 1946 South IH35, 4th floor Conference Room, Austin, Travis County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint as well as for consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said HENRY LEE CHENAULT, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present to-wit:

DR. ED B. AVERY, President	of Pearsall, TX
DR. EDWARD S. MURRAY, Vice-President	of Spur, TX
DR. W. L. "DUB" ANDERSON, Secretary	of Addison, TX
MR. JIM F. HUMPHREY, Member	of Henrietta, TX
MR. MIKE LEVI, Member	of Spicewood, TX
DR. MARY E. MAINSTER, Member	of San Antonio, TX
DR. FRANK E. MANN, JR., Member	of Wharton, TX
DR. FRED K. SOIFER, Member	of Houston, TX

At 9:00 a.m., the appointed hour, the President of the Board, DR. ED. B. AVERY ordered the case to proceed at which time it was ascertained that HENRY LEE CHENAULT, D.V.M. was present in person. The Board then proceeded and on the same day, October 1, 1987, all of the above members of said Board being present and participating with the exception of the Secretary of the Board, makes the following findings to-wit:

FINDINGS OF FACT

I.

HENRY LEE CHENAULT, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 2879, 1987 Renewal Certificate Number 3070.

II.

Dr. Chenault received notice of this hearing on or about September 23, 1987.

III.

HENRY LEE CHENAULT, D.V.M. has allowed his employee, Katie Marquis, to perform the following surgical procedures at his veterinary clinic: spays, neuters and declaws.

IV.

A thorough search of the records of the Texas Board of Veterinary Medical Examiners reveals that Katie Marquis is not licensed to practice veterinary medicine in the State of Texas.

V.

The Texas Veterinary Licensing Act, Article 7465a, Vernon's Annotated Texas Statutes, Section 2(b), states:

Section 2(b):

Any person shall be deemed in the "Practice of Veterinary Medicine" who represents himself as engaged in the practice of veterinary medicine; or uses any words, letters, or titles in such connection or under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine, or any person who performs a surgical or dental operation or who diagnoses, treats, immunizes or prescribes any drug, medicine, application of veterinary appliance for any physical ailment, injury, deformity, or condition of domestic animals, for compensation."

VI.

The Texas Veterinary Licensing Act, Article 7465a, Vernon's Annotated Texas Statutes, Section 4 states:

Article 7465a, Section 4, V.A.C.T.S.:

No Person shall practice, offer, or attempt to practice veterinary medicine in this State without first having obtained a valid license to do so from the Texas Board of Veterinary Medical Examiners.

CONCLUSIONS OF LAW

I.

By allowing Katie Marquis, an unlicensed individual employed by Dr. Chenault, to perform the surgery described in Paragraph III, HENRY LEE CHENAULT, D.V.M. has violated Rule 14 of the Rules of Professional Conduct duly promulgated by the Board which states:

Rule No. 14:

A licensed veterinarian shall not promote, aid, or abet the practice of veterinary medicine by an unlicensed person, or any illegal or unethical act on the part of any veterinarian.

II.

By allowing Katie Marquis, an unlicensed individual employed by Dr. Chenault to perform the surgery described in Paragraph III of this complaint, HENRY LEE CHENAULT, D.V.M. has violated Rule 15-A of the Rules of Professional Conduct duly promulgated by the Board which states in part:

Rule No. 15-A:

General - A licensed veterinarian shall not allow an unlicensed person to . . . perform the following health care services: surgery, diagnosis and prognosis of animal diseases; prescribing of drugs, medicine, and appliances for domestic animals.

III.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Chenault's veterinary license under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.C.S., Section 14(e) and (f) which state:

Article 7465a, Section 14(e) and (f), V.A.T.C.S.:

". . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee, . . . if it finds that an applicant or licensee:

(e) 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;

(f) has permitted or allowed another to use his license or certificate to practice veterinary medicine in this state, for the purpose of treating, or offering to treat, sick, injured or afflicted animals.

ORDERS

Dr. Chenault did not contest the allegations but instead accepted a Negotiated Settlement. A majority of the Board voted to accept the Negotiated Settlement (attached) and ORDERED that the Texas Veterinary License No. 2879 heretofore issued to HENRY LEE CHENAULT, D.V.M. by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS be and the same is HEREBY SUSPENDED for a period of one (1) year, all probated. Dr. Chenault agrees to pay a civil penalty in the amount of \$1,000.00 and perform fifty (50) hours of community service and twenty (20) hours of continuing education during the period of his probation. Further Dr. Chenault agrees to participate in the State Board Jurisprudence Examination within ninety (90) days of the hearing. Dr. Chenault is to abide by the laws and rules of the State of Texas as they relate to the practice

of veterinary medicine and submit quarterly reports to the Board certifying compliance with this order. The reports are due on the following dates:

Jan. 1, 1988

April 1, 1988

July 1, 1988

October 1, 1988

The foregoing Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the FINDINGS AND ORDERS of the Board, a quorum and a majority of the members of such Board being present and participating in such hearing, deliberations and decision, and such FINDINGS AND ORDERS are made on the \_\_\_\_\_ day October, 1987, in Austin, Travis County, Texas.

The Secretary of the Board is hereby ordered to prepare the Board's Findings and Orders in appropriate form and submit to the members of the Board for their signatures and to mail a copy of same to the Respondent at his last known address.

Executed this \_\_\_\_\_ day of October, 1987.

Ed B Avery, D.V.M.  
ED B. AVERY, D.V.M., President \_\_\_\_\_  
Date \_\_\_\_\_

Edward S. Murray, D.V.M.  
EDWARD S. MURRAY, D.V.M., Vice-President \_\_\_\_\_  
Date \_\_\_\_\_

W. L. "DUB" Anderson, D.V.M.  
W. L. "DUB" ANDERSON, D.V.M., Secretary \_\_\_\_\_  
Date \_\_\_\_\_

Jim F. Humphrey  
JIM F. HUMPHREY, Member \_\_\_\_\_  
Date \_\_\_\_\_

Mike Levi  
MIKE LEVI, Member \_\_\_\_\_  
Date \_\_\_\_\_

Mary E. Mainster, D.V.M.  
MARY E. MAINSTER, D.V.M., Member \_\_\_\_\_  
Date \_\_\_\_\_

Frank E. Mann, Jr., D.V.M.  
FRANK E. MANN, JR., D.V.M., Member \_\_\_\_\_  
Date \_\_\_\_\_

Fred K. Soifer  
FRED K. SOIFER, D.V.M., Member \_\_\_\_\_  
Date \_\_\_\_\_

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS  
1946 South IH-35, Box 113  
Austin, TX 78704  
(512) 447-1183

DOCKET NUMBER 1988-3 - HENRY LEE CHENAULT, D.V.M.  
LICENSE NUMBER: 2879

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Chenault and the Texas State Board of Veterinary Medical Examiners staff 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. Chenault will be granted a continuance at his option.

Dr. Chenault does not contest the allegations set forth in the Complaint and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. 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:

Allowing an assistant to practice veterinary medicine without a license.


RECOMMENDED DISCIPLINARY ACTION:

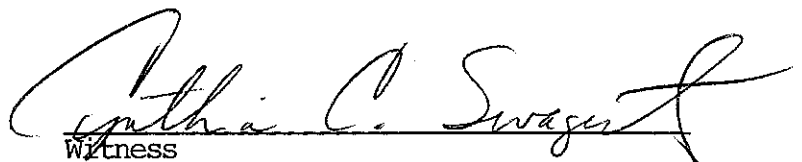
1. One (1) year suspension, all probated.

CONDITIONS:

1. Payment of a civil penalty in the amount of one thousand (\$1,000) dollars.
2. Perform fifty (50) hours of community service. The details to be arranged with the Executive Director.
3. Submit quarterly reports to the Board certifying compliance with this order.
4. Abide by the laws and rules of the State of Texas as they relate to the practice of veterinary medicine.

  
HENRY LEE CHENAULT, D.V.M.

  
Donald B. Wilson, Executive Director  
TEXAS BOARD OF VETERINARY MEDICAL  
EXAMINERS

  
Witness

*Added: [Signature] 20 hours of CE and J.C.  
to Jurisprudence Exam*

DOCKETEE COMPLAINT NO. 1888-3

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS		LICENSE NO. 2879
vs		1987 RENEWAL CERTIFICATE
HENRY LEE CHENAULT, D.V.M.		NUMBER 3070

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared THOMAS CHESHIRE, who after being duly sworn, did depose and say:

"I, THOMAS CHESHIRE being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one HENRY LEE CHENAULT, D.V.M., Harwood Village Animal Clinic, 508-M Harwood, Bedford, Tarrant County, Texas, Texas Veterinary License Number 2879, 1987 Renewal Certificate Number 3070, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, THOMAS CHESHIRE do hereby present the following complaint against HENRY LEE CHANAULT, D.V.M, who is hereinafter called Respondent.

I.

HENRY LEE CHENAULT, D.V.M. has allowed his employee, Katie Marquis, to perform the following surgical procedures at his veterinary clinic: spays, neuters and declaws.

II.

A thorough search of the records of the Texas Board of Veterinary Medical Examiners reveals that Katie Marquis is not licensed to practice veterinary medicine in the State of Texas.

III.

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the belief that the person using them is engaged in the practice of veterinary medicine, or any person who performs a surgical or dental operation or who diagnoses, treats, immunizes or prescribes any drug, medicine, application of veterinary appliance for any physical ailment, injury, deformity, or condition of domestic animals, for compensation."

IV.

The Texas Veterinary Licensing Act, Article 7465a, Vernon's Annotated Texas Statutes, Section 4 states:

Article 7465a, Section 4, V.A.C.T.S.:

No Person shall practice, offer, or attempt to practice veterinary medicine in this State without first having obtained a valid license to do so from the Texas Board of Veterinary Medical Examiners.

V.

By allowing Katie Marquis, an unlicensed individual employed by Dr. Chenault, to perform the surgery described in Paragraph I, HENRY LEE CHENAULT, D.V.M. has violated Rule 14 of the Rules of Professional Conduct duly promulgated by the Board which states:

Rule No. 14:

A licensed veterinarian shall not promote, aid, or abet the practice of veterinary medicine by an unlicensed person, or any illegal or unethical act on the part of any veterinarian.

VI.

Allowing Katie Marquis, an unlicensed individual employed by Dr. Chenault to perform the surgery described in Paragraph I of this complaint, HENRY LEE CHENAULT, D.V.M. has violated Rule 15-A of the Rules of Professional Conduct duly promulgated by the Board which states in part:

Rule No. 15-A:

General - A licensed veterinarian shall not allow an unlicensed person to . . . perform the following health care services: surgery, diagnosis and prognosis of animal diseases; prescribing of drugs, medicine, and appliances for domestic animals.

VII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Chenault's veterinary license under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.C.S., Section 14(e) and (f) which state:

Article 7465a, Section 14(e) and (f), V.A.T.C.S.:

". . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee, . . . if it finds that an applicant or licensee:

(e) 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;



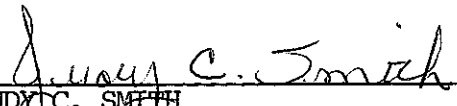
(f) has permitted or allowed another to use his license or certificate to practice veterinary medicine in this state, for the purpose of treating, or offering to treat, sick, injured or afflicted animals.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 10th day of September, 1987.

Further, Affiant sayeth not.

  
\_\_\_\_\_  
THOMAS CHESHIRE, Affiant

SUBSCRIBED and SWORN TO before me by the said THOMAS CHESHIRE, this the 10th day of September, 1987.

  
\_\_\_\_\_  
JUDY C. SMITH  
Notary Public in and for Texas

My Commission Expires: September 12, 1989.

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. HENRY LEE CHENAULT, D.V.M. under Docket Number 1988-4, this the 14th day of September, 1987.

W. L. Anderson, D.V.M.  
W. L. "Dub" Anderson, D.V.M., Secretary  
Texas State Board of Veterinary Medical  
Examiners