

DOCKET NO. 2002-10

IN THE MATTER § TEXAS STATE BOARD OF
OF THE LICENSE OF §
JAMES "BUCK" CLARK, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this, the 21st day of February, 2002 came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of License No. 8987 of James "Buck" Clark, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, Respondent was invited to an informal conference held on December 13, 2001. Respondent did not appear. The Board was represented at the conference by the Board's 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 compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

Upon the 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. On January 30, 2001 Brent Wilkins, D.V.M., of the Dallas Veterinary Surgical Center, reported to the Board by telephone that James "Buck" Clark, D.V.M., of Aubrey, Texas had practiced veterinary medicine at the Dallas Veterinary Surgical Center (DVSC) without having a Texas veterinary license, since July, 2000.
2. By letter dated May 20, 2001 Scott Bertrand, D.V.M., DVSC, informed the Board that the duties of interns at the DVSC do not include primary case responsibility and prescribing medication, but do include assisting with the induction of anesthesia, assisting the primary surgeon in surgery, and performing postoperative care upon receiving instructions from the surgeon.
3. On July 11, 2000 Mr. Ron Allen, Executive Director of the Board, sent a letter to the DVSC and other clinics that have intern programs, reminding them that interns must be licensed by the Board. Prior to the start of Dr. Clark's internship, he was informed by the DVSC that he must

have a Texas license but no one at the DVSC asked to see the license. At Dr. Clark's request, the Board on April 20, 2000 sent him a packet with instructions for applying for a provisional and a regular license. Dr. Clark acknowledged receipt of the information but reportedly believed that the Texas licensing requirements had changed and that he no longer needed a license as an intern.

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. The duties performed by Dr. Clark while at the DVSC constitute the practice of veterinary medicine as defined by Section 801.002, DEFINITIONS, of the Veterinary Licensing Act, Texas Occupations Code.
3. Based on Findings of Fact 1 through 3, Dr. Clark has violated Section 801.251, LICENSE REQUIRED, of the Veterinary Licensing Act, Texas Occupations Code, which provides that "... a person may not practice, or offer or attempt to practice, veterinary medicine unless the person holds a license issued under this Chapter ..."
4. Based on Findings of Fact 1 through 3 and Conclusion of Law 3, Dr. Clark is subject to disciplinary action according to Section 801.402, GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION of the Veterinary Licensing Act, Texas Occupations Code, because he has "engaged in illegal practices in, or connected with, the practice of veterinary medicine ..."
5. Based on Conclusion of Law 4, Dr. Clark may be disciplined in the manner set out in Section 801.401, DISCIPLINARY POWERS OF BOARD, of the Veterinary Licensing Act, Texas Occupations Code, which may include revocation or suspension of a license, probation of a person whose license has been suspended, a reprimand, or a civil penalty.

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

The Board **ORDERS** that Respondent be officially **REPRIMANDED**.

The Board further **ORDERS** that Respondent's veterinary license be **SUSPENDED** for a period of one year from the date of this Order. Beginning with the fourth month of suspension, the suspension is **STAYED** and Respondent is placed on probation for the remaining nine (9) months.

The Board further **ORDERS** that:

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**State Board of Veterinary
Medical Examiners**

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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.
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 formal 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. Respondent has voluntarily represented himself.

RESPONDENT WAIVES AND 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 Board of Veterinary Medical Examiners.

I, JAMES "BUCK" CLARK, 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.

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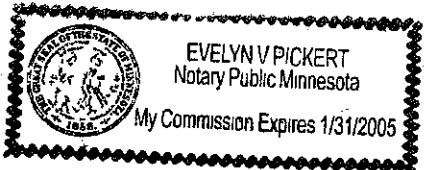
[Signature]
James "Buck" Clark, D.V.M.

1/14/02
DATE

STATE OF MINNESOTA
COUNTY OF Ramsey

BEFORE ME, on this day, personally appeared James "Buck" Clark, 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 14 day of January, 2002



[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 21 day of February, 2002

[Signature]
Martin E. Garcia, D.V.M.
President of the Board