DOCKET NO. 2002-13

IN THE MATTER OF § TEXAS STATE BOARD OF
THE LICENSE OF §
LEWIS H. HANKS, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 13th day of June, 2002 came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of Lewis H. Hanks, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on January 17, 2002. The Respondent attended with counsel. 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 issues. 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 provided 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 herein.

Findings of Fact

1. In written and oral testimony given presented at the January 17, 2002 informal conference, Dr. Hanks acknowledged that he made entries in the patient records on the following dates for the dogs belonging to the complainants Donald Jones and Senem Guney of Austin:

   "Persus"

   26 October 93
   14 January 97
   21 January 97
   23 March 97
   24 March 97 (patient record entry has date of 24 March 96, an error)
   28 March 98 (patient record entry date is 29 March 98)
   7 April 98
   12 October 98 (patient record entry date is 14 October 98)
   25 April 99
"Simone"

23 July 98 (patient record entry has date of 23 June 98)
25 April 99

2. The patient records of “Persus” and “Simone” do not indicate the name of the veterinarian making each entry. In particular, the patient record entries listed in finding of fact 1 do not have the name of the veterinarian making each entry.

3. The patient record entry for 24 March 97 for “Persus” says as follows:

<table>
<thead>
<tr>
<th>U/S (Heart)</th>
<th>ΔD – 86%</th>
<th>BP – 120</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vasotec #30 (2.5 mg)</td>
<td></td>
<td>HT1</td>
</tr>
</tbody>
</table>

The entry does not contain a specific diagnosis or other details to substantiate the medication prescribed. Dr. Hanks testified that the vasotec was prescribed for hypercontractibility of “Persus’s” left heart ventricle.

4. In a letter dated May 23, 2001, Dr. Hanks noted that once vasotec therapy began, the cat’s urinary problems all but stopped. Vasotec was refilled for “Persus” on a regular basis until at least May, 2000. Dr. Hanks’ treatment apparently resolved the patient’s urinary problems and aggressiveness.

5. There is no evidence that Dr. Hanks’ diagnosis, treatment or protocol was inappropriate or improper, or failed to comply with applicable standards of professional care or ethics in any respect.

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 Findings of Fact 1 through 3, Respondent has violated Rule 573.62, PATIENT RECORD KEEPING, of the Board’s Rules of Professional Conduct, which states as follows:

(a) Individual records will be maintained at the veterinarian’s place of business and include, but are not limited to:
   (1) other details necessary to substantiate the examination, diagnosis, and treatment provided, and/or surgical procedure performed.
   (12) any signed acknowledgment required by §§573.12, 573.14, 573.15, and
573.16. Each entry in the patient record shall identify the veterinarian who performed or supervised the procedure recorded.

3. Based on Conclusions of Law 1 and 2, 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.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Lewis Hanks, D.V.M., be INFORMALLY REPRIMANDED.

The Board further ADOPTS the following terms and conditions:

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 provisions of the Veterinary Licensing 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 Agreed Order. Respondent acknowledges that he has to right to be represented by legal counsel in this matter.

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 effective date of this Agreed Order shall be the date it is adopted by the Board.

I, LEWIS H. HANKS, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND 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.

[Signature]
Lewis H. Hanks, D.V.M.

10 April 2002
Date

STATE OF TEXAS §
COUNTY OF Travis §

BEFORE ME, on this day, personally appeared Lewis H. Hanks, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 10th day of April, 2002.

[Susan E. Jennings]
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 15th day of June, 2002.

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