TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS  

VS.  

WILLIAM H. LOCKARD, D.V.M.  

TEXAS VETERINARY MEDICAL LICENSE NO. 4210  
TEXAS VETERINARY MEDICAL RENEWAL CERTIFICATE (1982) NUMBER 1920  

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD  

On the 6th day of November, 1982, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Amfac Hotel, DFW Regional Airport, Tarrant County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint, as well as for the consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and the Respondent, DR. WILLIAM H. LOCKARD having appeared in person and through his Attorney, THE HONORABLE NORMAN DARGIN and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present to-wit:  

DR. JOHN E. WILKINS, JR., President of Greenville, TX  
DR. BILLY E. TRIMMER, Vice-President of San Antonio, TX  
DR. DEMARIOUS K. FREY, Secretary of Corpus Christi, TX  
DR. DAN J. ANDERSON, Member of Fort Worth, TX  
DR. ED B. AVERY, Member of Pearsall, TX  
MR. JOE J. BALLARD, JR., Member of Fort Worth, TX  
DR. EDWARD S. MURRAY, Member of Spur, TX  
MR. JAY PUMPHREY, Member of Fort Worth, TX  

WHEREUPON the President of the Board, DR. JOHN E. WILKINS, JR. ordered the case to proceed at which time the Board proceeded to hear the evidence presented by the State and by DR. WILLIAM H. LOCKARD in his behalf. After such hearing, the Board proceeded to consider the evidence, and after due consideration and deliberation of all of the evidence that had been presented, THE TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on the same day, Saturday, November 6, 1982, all of the above members of said Board being present and participating, with the exception of one abstaining member, make the following findings, to-wit:  

FINDINGS OF FACT  

1. The Board finds that all statutory requisites to its jurisdiction have been met.  
2. The Board finds that DR. WILLIAM H. LOCKARD is a licensed veterinarian in the State of Texas, and holds Texas License Number 4210, 1982 Renewal Certificate Number 1920.  
3. The Board finds that Notice of Hearing and complaint were sent to DR. WILLIAM H. LOCKARD in accordance with the law.
4. The Board finds that on or about August 19, 1982, that RANDY ALLEN did purchase 100 tablets of the drug Filaribits from Mr. Ed's Pet Store, 3307-3309 Northeast 28th Street in Fort Worth, Tarrant County, Texas, and received a receipt for the purchase and professional services from DR. WILLIAM H. LOCKARD.

5. That on or about September 8, 1982, RANDY L. HULING did purchase 100 tablets of the drug Filaribits from Mr. Ed's Pet Store, 3307-3309 Northeast 28th Street, in Fort Worth, Tarrant County, Texas, and received a receipt for the purchase and professional services of DR. WILLIAM H. LOCKARD.

6. That the drug Filaribits is available only to or by order of a licensed veterinarian.

7. That the drug Filaribits is a heartworm preventative for dogs which have been tested and found to be free of heartworm disease.

8. That heartworm disease is detected only by laboratory test.

9. That Filaribits contain a compound which will cause death if administered to a dog with heartworms.

CONCLUSIONS OF LAW

1. That WILLIAM H. LOCKARD, D.V.M. has failed to exercise the same degree of care, skill and diligence in treating patients as are ordinarily used by average members of the veterinary medical profession in good standing in the locality or community in which he practices, in violation of Rule 11 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners and in violation of Article 7455a, Section 14(e), Texas Revised Civil Statutes.

ORDERS OF THE BOARD

The Board hereby issues a REPETITION to DR. WILLIAM H. LOCKARD for negligently failing to control the sale of the drug Filaribits from his veterinary clinic by and through his employees.

The Executive Secretary of the Board is ordered to prepare the Board's Findings and order an appropriate form and submit the same to the President of the Board for signature and transmit a copy to DR. WILLIAM H. LOCKARD and to his attorney, THE HONORABLE NORMAN BARGIN.

MADE the 6th day of November, 1982, and ENTERED the 33rd day of November, 1982, which is the effective date of this Order.

JOHN H. WILKINS, JR., D.V.M.
President
Texas Board of Veterinary Medical Examiners
CAUSE NUMBER 1982-4

TEXAS STATE BOARD OF
VETERINARY MEDICAL
EXAMINERS

VS

WILLIAM H. LOCKARD, D.V.M.

STATE OF TEXAS

COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for Travis
County, Texas, on this day personally appeared E. RANDAL ALLEN, who after
being by me duly sworn, did depose and say:

"I, E. RANDAL ALLEN, being an employee of the Texas Board of Veterinary
Medical Examiners, did in the course of such employment, make certain investi-
gations into the professional conduct of one DR. WILLIAM H. LOCKARD, Texas
Veterinary License Number 4210, 1982 Renewal Certificate Number 1920, a
licensed practitioner of veterinary medicine in the State of Texas.

As an employee of the Texas Board of Veterinary Medical Examiners, I, E.
RANDAL ALLEN, do hereby present to the Executive Secretary of the Texas Board
of Veterinary Medical Examiners, the following complaint against DR. WILLIAM
H. LOCKARD, who is hereinafter called Respondent.

I.

On August 19, 1982, I entered MR. ED's PET STORE at 3311 Northeast 28th
Street, Fort Worth, Tarrant County, Texas. I asked the woman clerk at the
counter for some Filaribits. The clerk went into the back of the store and
came back with a 100 tablet container of Filaribits and wrote a receipt. I
paid for the Filaribits, took the receipt, a copy of which is attached hereto
and marked as Exhibit 'A' and made apart hereof for all intents and purposes.
The clerk asked me from my dog's name, and my telephone number.

II.

The receipt which is marked Exhibit 'A' and attached hereto is entitled
William H. Lockard, D.V.M., 3309-3307 Northeast 28th Street, Fort Worth, Texas
76111. It is in the form of a veterinary bill and contains a $2.00 charge for
services rendered: professional services and a $12.75 charge for drugs dis-
pensed. The veterinary clinic of DR. WILLIAM H. LOCKARD is adjacent to MR.
ED's PET STORE. There is a door through a common wall between DR. LOCKARD's
office and MR. ED's PET STORE on Northeast 28th Street, Fort Worth, Texas.

III.

On August 8, 1982 RANDY L. HULING, Investigator for the Texas State Board
of Medical Examiners traveled to MR. ED's PET STORE located at 3307 Northeast
28th Street, Fort Worth, Tarrant County, Texas. RANDY L. HULING then purchased
from a white male in MR. ED's PET STORE a bottle of 100, 180 mg. Filaribit
Tablets. The white male clerk at the pet shop went from the pet shop into DR.
WILLIAM H. LOCKARD's veterinary clinic before he returned with the bottle of
Filaribits. A receipt, which is marked Exhibit 'B' and made apart hereof for
all intents and purposes is attached, being the same received by RANDY L. HULING for the 100 tablet bottle of Filaribits he purchased from MR. ED's PET STORE. The receipt is entitled William H. Lockard, D.V.M., 3309-3307 Northeast 28th Street, Fort Worth, Texas 76111. This receipt lists charges of $2.00 for professional services and $12.75 for the purchase of Filaribits.

IV.

Filaribits are a heartworm preventative product manufactured by Norden Laboratories and contains the drug Diethylcarbamazine Citrate. Each bottle of Filaribits contains the caution 'U.S. Federal Law restricts this drug to use by or on the order of a licensed veterinarian.' Should Filaribits be given to a dog that has heartworms, that dog will suffer serious complications or death. Filaribits are a heartworm preventative intended for dogs which have been tested and found to be free of heartworm disease. Heartworm disease is determinable only by laboratory tests and may not be readily apparent to a lay person.

V.

By selling or allowing to be sold from his veterinary clinic or through MR. ED's PET STORE, Filaribits to the public without the benefit of examining the dog for which they are intended to determine whether or not that dog has heartworms, DR. WILLIAM H. LOCKARD has violated Rule 11 of the Rules of Professional Conduct duly promulgated by the Board of Veterinary Medical Examiners which was in full force and effect during all times mentioned herein. Said rule is authorized by the Veterinary Licensing Act, Article 7465a, Section 8(a), Vernon's Annotated Texas Statutes and Section 14(e). By his above mentioned conduct, DR. LOCKARD has failed to exercise the same degree of care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by the average members of the veterinary medical profession in good standing in the locality or community in which they practice in violation of Rule 11 of the Rules of Professional Conduct duly promulgated by the Board and in force and effect at all times mentioned herein, authorized by Article 7465a, Section 8a.

WHEREFORE, PREMISES CONSIDERED, I, E. RANDAL ALLEN, do suggest and request that the Texas Board of Veterinary Medical Examiners do take immediate action to revoke, suspend, or reprimand the license of DR. WILLIAM H. LOCKARD, Texas Veterinary License Number 4210 and 1982 Renewal Certificate 1920, of Fort Worth, Tarrant County, Texas, in accordance with the provisions of the laws of the State of Texas.

The foregoing complaint is submitted to the Executive Secretary of the Texas Board of Veterinary Medical Examiners on this the ___ day of October, 1982."

E. RANDAL ALLEN, Affiant
SUSCRIBED and SWORN TO before me by said E. RANDAL ALLEN this the ___ day of October, 1982.

JUDY C. SMITH
Notary Public in and for Travis County, Texas

My Commission Expires:
September 13, 1985

Filed this ___ day of October, 1982, Texas Board of Veterinary Medical Examiners.

ROGER D. SHIFMAN, Executive Secretary