DOCKETED COMPLAINT NO. 1987-1

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
vs.
CRAIG A. McFARLAND, D.V.M.

TEXAS VETERINARY MEDICAL
LICENSE NO. 3127
1986 RENEWAL CERTIFICATE
NUMBER 0297

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 8th day of December, 1986, the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Hilton Hotel in College Station, Brazos 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 Respondent, the said CRAIG A. McFARLAND, D.V.M., having appeared in person and without Attorney and having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present, to-wit:

DR. EDWARD S. MURRAY, President
DR. ED B. AVERY, Vice-President
DR. R. D. DORRIS, Secretary
DR. W. L. "DUB" ANDERSON, Member
MR. JIM HUMPHREY, Member
DR. MARY E. MAINSTER, Member
DR. FRANK E. MANN, JR., Member

of Spur, TX
of Pearsall, TX
of Stephenville, TX
of Addison, TX
of Henrietta, TX
of San Antonio, TX
of Wharton, TX

FINDINGS OF FACT

I.
CRAIG A. McFARLAND, D.V.M., is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License No. 3127 and has renewed his license each year since its issuance and on January 6, 1986, received renewal certificate number 0297.

II.
CRAIG A. McFARLAND, D.V.M. received notice of this hearing on or about November 20, 1986.

III.
On July 3, 1985, MS. KATHRYN O. VIA took her dog to DR. CRAIG A. McFARLAND's veterinary clinic to be spayed. Upon arrival on the evening of July 3, 1985 to retrieve
the dog following surgery, Ms. Via was informed that DR. McFARLAND was not on the premises. The dog was brought to them unconscious, cold to the touch, trembling and laying on a bloody towel. Ms. Via made several unsuccessful attempts during the evening of July 3, 1985 to reach Dr. McFarland concerning the dog's post-operative condition. After being unable to reach Dr. McFarland the dog was taken to the Bexar County Emergency Animal Clinic, 114 E. Rhapsody, San Antonio, Bexar County, Texas, on July 4, 1985. Dr. Russell N. Bush at the Emergency Clinic diagnosed the dog as having an intra-abdominal hemorrhage. The dog was given an IV and antibiotics were dispensed for administration at home. Ms. Via was advised to take the dog to her regular veterinarian the next day. Still unable to reach Dr. McFarland the dog was returned to the Bexar County Emergency Animal Clinic on July 5, 1986, examined by Dr. Robert D. Wilbanks, and it was revealed that there was an infection at the surgical site. Again, instructions were given to Ms. Via to take the dog to her regular veterinarian the next day for follow-up treatment and care.

IV.

On February 14, 1986 MR. DOUGLAS J. HERTZ, accompanied by MS. PEGGY KING, presented his dog to DR. CRAIG A. McFARLAND's clinic for a worming treatment. The staff on duty told him that Dr. McFarland was not on the premises. An unlicensed employee then proceeded to take the dog to a treatment room and perform the worming treatment, by administering Strongid T. Mr. Hertz was presented with a bill for services performed and paid the sum of $30.00.

V.

In accordance with a prior Board Order arising out of Docketed Complaint 1982-5, Dr. McFarland's license was suspended and probated for a period of five years. A condition of this probation is that:

"2. That DR. CRAIG A. McFARLAND will not engage in any dishonest or illegal practices in or connected with the practice of veterinary medicine within the State, nor violate the provisions of Article 7465a, Texas Revised Civil Statutes, or any of the Statutes of Texas or any other state or of the United States or any additions or amendment thereto pertaining to veterinary medicine."

CONCLUSIONS OF LAW

I.

Because of the acts stated in Paragraph III, releasing Ms. Via's dog prior to fully recovering from the anesthesia and inability to provide post-operative care and
treatment, especially in view of the complications which arose, Dr. McFarland has violated Rules 11 and 18 of the Rules of Professional Conduct duly promulgated by the Board.

Rule 11 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners which was in full force and effect at the time in question, states:

"Veterinarians shall exercise the same degree of care, skill and diligence in the treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical professional in good standing in the locality or community in which they practice, or in similar communities."

Rule 18 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners which was in full force and effect at the time in question, states:

"A licensed veterinarian shall treat all animals entrusted to him by his clients in keeping with the professional standards of humane treatment and care."

II.

Because of the acts sighted in Paragraph IV, allowing an unlicensed individual to administer worm medication in his absence from the premises, Dr. McFarland has violated Rule 14 and 15 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners which was in full force and effect at the time in question.

Rule 14 states:

"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."

Rule 15 states in part:

"A. General - A licensed veterinarian shall not allow an unlicensed person to issue certificates with the veterinarian's signature affixed thereto, or shall he permit an unlicensed person to inoculate or treat animals unless the issuance of the certificate and the inoculation or treatment are done under the direct supervision of the licensed veterinarian; provided however, an unlicensed individual shall not perform the following health care services: surgery, diagnosis and prognosis of animals diseases; prescribing of drugs, medicine, and appliances for domestic animals."
E. Definitions - 'Direct Supervision' shall mean the supervision of those tasks or procedures that do not require the presence of the veterinarian in the room where performed, but require his presence on the premises and availability for prompt consultation and treatment."

III.
Because of the acts listed in Paragraph V, failing to comply with the conditions of his license probation, DR. McFARLAND has violated Section 14(c), Article 7465a, Veterinary Licensing Act by engaging in dishonest or illegal practices in or connected with the practice of veterinary medicine. Article 7465a, Veterinary Licensing Act, Section 14(c) states in part:

"... 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: (c) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;"

ORDERS

It is hereby ORDERED that Texas Veterinary License No. 3127, heretofore issued to CRAIG A. McFARLAND, D.V.M., by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS be and the same is HEREBY SUSPENDED for a period of five (5) years, with four (4) years, nine (9) months being PROBATED. Commencement date of the ninety (90) day suspension to commence within thirty (30) days of the date this Order is made and entered. Further, CRAIG A. McFARLAND, D.V.M. shall obtain a minimum of 50 hours annual, (250 total hours) of Continuing Education as approved by the Texas Academy of Veterinary Practice during the term of his probation. CRAIG A. McFARLAND, D.V.M. will abide by the Veterinary Practice Act and Rules of Professional Conduct as duly promulgated by the Board. Further, CRAIG A. McFARLAND, D.V.M. will report quarterly to the Board Offices verifying his compliance with this Order.
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 8th day December, 1986, in College Station, Brazos 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 8th day of December, 1986.

EDWARD S. MURRAY, D.V.M., President

ED B. ACKER, etc.

ED B. AVERY, D.V.M., Vice-President

K. D. DORRIS, D.V.M., Secretary

(W. L. ANDERSON, D.V.M.

W. L. "DUB" ANDERSON, D.V.M., Member

JIM HUMPHREY, Member

(Absent)

MIKE LEVI

MARY E. MAINSTER, D.V.M., Member

FRANK E. MANN, JR., D.V.M., Member

(Absent)

FRED K. SOIFER, D.V.M., Member
DOCKETED COMPLAINT NO. 1987-1

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS vs. CRAIG A. McFARLAND, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 3127

1986 RENEWAL CERTIFICATE NUMBER 0297

COMPLAINT AFFIDAVIT FORM

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

"I, ERNIE M. CARROLL, 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 DR. CRAIG A. McFARLAND, D.V.M., Bandera Road Animal Hospital, 5721 Bandera Road, San Antonio, Bexar County, Texas, Texas Veterinary License Number 3127, 1986 Renewal Certificate Number 0297, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, ERNIE M. CARROLL, do hereby present the following complaint against CRAIG A. McFARLAND, D.V.M., who is hereinafter called Respondent.

I.

On July 3, 1985, MS. KATHRYN G. VIA took her dog to DR. CRAIG A. McFARLAND's veterinary clinic to be spayed. Upon arrival on the evening of July 3, 1985 to retrieve the dog following surgery, Ms. Via was informed that DR. McFARLAND was not on the premises. The dog was brought to them unconscious, cold to the touch, trembling and laying on a bloody towel. Ms. Via made several unsuccessful attempts during the evening of July 3, 1985 to reach Dr. McFarland concerning the dog's post-operative condition. After being unable to reach Dr. McFarland the dog was taken to the Bexar County Emergency Animal Clinic, 114 E. Rhapsody, San Antonio, Bexar County, Texas, on July 4, 1985. Dr. Russell N. Bush at the Emergency Clinic diagnosed the dog as having an intra-abdominal hemorrhage. The dog was given an IV and antibiotics were dispensed for administration at home. Ms. Via was advised to take the dog to her regular veterinarian the next day. Still unable to reach Dr. McFarland the dog was returned to the Bexar County Emergency Animal Clinic on July 5, 1986, examined by Dr. Robert D. Wilbanks, and it was revealed that there was an infection at the surgical site. Again, instructions were given to Ms. Via to take the dog to her regular veterinarian the next day for follow-up treatment and care. After explaining her inability to reach Dr. McFarland, Ms. Via was referred to Herbert L. Ernst, D.V.M., for primary care. Dr. Ernst diagnosed the primary problem as one of drainage from a ventral incision. A secondary complication was a mild respiratory infection.
II.
On February 14, 1986 MR. DOUGLAS J. HERTZ, accompanied by MS. PEGGY KING, presented his dog to DR. CRAIG A. McFARLAND's clinic for a worming treatment. The staff on duty told him that Dr. McFarland was not on the premises. An unlicensed employee then proceeded to take the dog to a treatment room and perform the worming treatment, by administering Strongid T. Mr. Hertz was presented with a bill for services performed (See Exhibit A) and paid the sum of $30.00.

III.
In accordance with a prior Board Order arising out of Docketed Complaint 1982-5 (See Exhibit B), Dr. McFarland's license was suspended and probated for a period of five years. A condition of this probation is that:

"2. That DR. CRAIG A. McFARLAND will not engage in any dishonest or illegal practices in or connected with the practice of veterinary medicine within the State, nor violate the provisions of Article 7455a, Texas Revised Civil Statutes, or any of the Statutes of Texas or any other state or of the United States or any additions or amendment thereto pertaining to veterinary medicine."

IV.
CRAIG A. McFARLAND, D.V.M. is a licensed veterinarian in the State of Texas, having received license number 3127 on August 6, 1971 from the Texas Board of Veterinary Medical Examiners. DR. McFARLAND has renewed his license each year since its issuance and on January 6, 1986, he received renewal certificate number 0297.

V.
Because of the acts stated in Paragraph I, releasing Ms. Via's dog prior to fully recovering from the anesthesia and inability to provide post-operative care and treatment, especially in view of the complications which arose, Dr. McFarland has violated Rules 11 and 18 of the Rules of Professional Conduct duly promulgated by the Board.

Rule 11 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners which was in full force and effect at the time in question, states:

"Veterinarians shall exercise the same degree of care, skill and diligence in the treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities."

Rule 18 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners which was in full force and effect at the time in question, states:

"A licensed veterinarian shall treat all animals entrusted to him by his clients in keeping with the professional standards of humane treatment and care."
VI.

Because of the acts sighted in Paragraph II, allowing an unlicensed individual to administer worm medicine in his absence from the premises, Dr. McFarland has violated Rule 14 and 15 of the Rules of Professional Conduct duly promulgated by the Texas State Board of Veterinary Medical Examiners which was in full force and effect at the time in question.

Rule 14 states:

"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."

Rule 15 states in part:

"A. General - A licensed veterinarian shall not allow an unlicensed person to issue certificates with the veterinarian's signature affixed thereto, or shall be permit an unlicensed person to inoculate or treat animals unless the issuance of the certificate and the inoculation or treatment are done under the direct supervision of the licensed veterinarian; provided however, an unlicensed individual shall not perform the following health care services: surgery, diagnosis and prognosis of animals diseases; prescribing of drugs, medicine, and appliances for domestic animals.

B. Definitions - 'Direct Supervision' shall mean the supervision of those tasks or procedures that do not require the presence of the veterinarian in the room where performed, but require his presence on the premises and availability for prompt consultation and treatment."

VII.

Because of the acts listed in Paragraph III, failing to comply with the conditions of his license probation, DR. McFARLAND has violated Section 14(c), Article 7465a, Veterinary Licensing Act by engaging in dishonest or illegal practices in or connected with the practice of veterinary medicine. Article 7465a, Veterinary Licensing Act, Section 14(c) states in part:

" . . . 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:
(c) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;"

VIII.

The Texas Veterinary Licensing Act, Article 7465a, Vernon's Annotated Texas Statutes, Section 14(c), (e) and (f) which state:

" . . . 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:
(c) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;
(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 44th day of November, 1986.

Further, Affiant sayeth not.

[Signature]
ERNIE M. CARROLL, Affiant

SUBSCRIBED and SWEORN TO before me by the said ERNIE M. CARROLL, this the 44th day of November, 1986.

[Signature]
JUDY C. SMITH, 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. CRAIG A. McFARLAND, D.V.M., under Docket Number 1987-1, this the 5th day of November, 1986.

[Signature]
R. D. DORRIS, D.V.M., Secretary
Texas State Board of Veterinary Medical Examiners
### Professional Services Rendered

<table>
<thead>
<tr>
<th>Medical Services</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office Call</td>
<td>Explanation Consultation</td>
<td>$15.50</td>
</tr>
<tr>
<td></td>
<td>Hourly Call</td>
<td>$10.50</td>
</tr>
<tr>
<td></td>
<td>Vaccination Administration</td>
<td>$25.00</td>
</tr>
<tr>
<td></td>
<td>Medication Dispense</td>
<td>$2.00</td>
</tr>
<tr>
<td></td>
<td>Vitamin B12</td>
<td>$2.50</td>
</tr>
<tr>
<td></td>
<td>Treatment</td>
<td>$8.00</td>
</tr>
<tr>
<td></td>
<td>Blood Test</td>
<td>$5.00</td>
</tr>
<tr>
<td></td>
<td>Urine Test</td>
<td>$3.00</td>
</tr>
<tr>
<td></td>
<td>Fecal Test</td>
<td>$4.00</td>
</tr>
<tr>
<td></td>
<td>Fecal Soft</td>
<td>$3.00</td>
</tr>
<tr>
<td></td>
<td>Blood Chemisty Test</td>
<td>$5.00</td>
</tr>
<tr>
<td></td>
<td>Urine Test</td>
<td>$3.00</td>
</tr>
<tr>
<td></td>
<td>Pathology</td>
<td>$6.00</td>
</tr>
<tr>
<td></td>
<td>Skin</td>
<td>$3.00</td>
</tr>
<tr>
<td></td>
<td>Gastroenterology</td>
<td>$7.00</td>
</tr>
<tr>
<td></td>
<td>Special Procedures</td>
<td>$5.00</td>
</tr>
<tr>
<td></td>
<td>Special Procedures</td>
<td>$5.00</td>
</tr>
<tr>
<td></td>
<td>Food</td>
<td>$2.00</td>
</tr>
<tr>
<td></td>
<td>Surgery</td>
<td>$5.00</td>
</tr>
<tr>
<td></td>
<td>Anesthesia</td>
<td>$3.00</td>
</tr>
<tr>
<td></td>
<td>Specialty Procedure</td>
<td>$5.00</td>
</tr>
<tr>
<td></td>
<td>Dentistry</td>
<td>$8.00</td>
</tr>
<tr>
<td></td>
<td>Prophylaxis</td>
<td>$3.00</td>
</tr>
<tr>
<td></td>
<td>Extractions</td>
<td>$2.00</td>
</tr>
<tr>
<td></td>
<td>Dental Surgery</td>
<td>$4.00</td>
</tr>
</tbody>
</table>

### Additional Services

- **H. Radiology**
  - Intestinal
  - Heartworms
- **I. Parasite Treatment**
  - Intestinal
  - Heartworms
- **J. Diets**
  - Rx Diet
  - Supplements
- **K. Non-Professional Services**
  - Bath
  - Dip
- **L. Miscellaneous**

### Remarks

- **BANDERA ROAD ANIMAL HOSPITAL**
  - 5771 BANDERA ROAD 680-0361
  - SAN ANTONIO, TEXAS 78233

- **60118**