TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 306
Austin, TX 78704

DOCKET NUMBER 1991-09
WILLIAM R. ROBERTSON, D.V.M.
LICENSE NUMBER: 2156

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Robertson, Mr. Warren Heagy, legal counsel for Dr. Robertson, 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. Robertson, will be granted a continuance at his/her option.

Dr. Robertson 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/she 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:

Failure to maintain adequate patient records and dispensing prescription drugs when not therapeutically indicated and when not necessary or required for the medical care of animals.

RECOMMENDED DISCIPLINARY ACTION:

1. One year suspension, all probated.
2. Pay a Civil Penalty in the sum of $1,000.00.

CONDITIONS:

1. Submit quarterly reports certifying continued compliance with the Orders during the probationary period.
2. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.
3. Take and pass the State Board Jurisprudence Examination as scheduled by the Board staff.
4. Obtain twenty hours of Continuing Education prior to completion of probation.

William R. Robertson

Date: Oct. 2, 1990

Donald B. Wilson, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
The foregoing Agreed Settlement, entered into between Dr. William R. Robertson, the Board Secretary, Dr. Mary E. Mainster and Board Executive Staff and having been presented to the Texas State Board of Veterinary Medical Examiners as a No contest Plea, was accepted by the Board, and the Board, on October 4, 1990, ORDERED that all penalties and conditions as stated therein be complied with the same as if the Board had heard evidence and testimony and as a result of such hearing had issued Findings and Orders.

Executed this the 4th, day of October, 1990.

Fred K. Schriefner
Fred K. Schriefner, D.V.M., President
Date 10/4/90

Robert D. Lewis, D.V.M., Vice-President
Date 10-4-90

Mary E. Mainster, D.V.M.
Mary E. Mainster, D.V.M., Secretary
Date 10-4-90

Larry M. Dubuisson, D.V.M., Member
Date 10/4/90

Mrs. Olivia R. Eudaly
Mrs. Olivia R. Eudaly, D.V.M., Member
Date 10-4-90

Alton F. Hopkins, Jr., D.V.M., Member
Date 10-4-90

Mr. Mike Levi, Member
Date 10/4/90

Guy A. Sheppard, D.V.M., Member
Date 10-4-90

Mr. Clark S. Willingham, Member
Date 10/4/90
DOCKETED COMPLAINT NO. 1991-09
TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
vs.
WILLIAM R. ROBERTSON, D.V.M.

TEXAS VETERINARY MEDICAL
LICENSE NO. 2156
1990 RENEWAL CERTIFICATE NUMBER 0460

COMPLAINT AFFIDAVIT FORM

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

On or about May 16, 1990, Matthew Wendel, 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 WILLIAM R. ROBERTSON, D.V.M., Angel Veterinary Clinic, 3800 West University Blvd., Odessa, Ector County, Texas, Veterinary License Number 2156, 1990 Renewal Certificate Number 0460, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Matthew Wendel, do hereby present the following complaint against WILLIAM R. ROBERTSON, D.V.M., who is hereinafter called Respondent.

I.

Respondent ordered, and was shipped, the prescription drug, Wyamine Sulfate, aka Mepheternine Sulfate, from Burns Veterinary Supply as indicated:

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- 660ccs Ordered and Shipped
- 160ccs Returned to Burns on June 6, 1990
- 500ccs Received

II.

Respondent dispensed the Wyamine Sulfate listed in Paragraph I, when not therapeutically indicated and when not necessary or required for the medical care of animals, in that Respondent dispensed the drugs to horse owners and trainers, for training and/or racing.

III.

Respondent failed to maintain at his place of business adequate patient records for the disposition of the drug listed in Paragraph I.
IV.

By dispensing the drug listed in Paragraph I when not therapeutically indicated and when not necessary or required for the medical care of animals, as described in Paragraph II, Respondent has violated Rule 573.41 of the Rules of Professional Conduct and the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a)(5) which states:

573.41 USE OF PRESCRIPTION DRUGS

(a.) It is unprofessional conduct for a licensed veterinarian to prescribe or dispense, deliver, or order delivered any prescription drug without first having established a veterinary/client/patient relationship by having personally examined the individual animal, herd, or a representative segment or a consignment lot thereof and determined that such prescription drug is therapeutically indicated following said examination. Prescription drugs include all controlled substances in Schedules I thru V and Legend Drugs which bear the federal legends, recognized as such by any law of the State of Texas or of the United States.

(b.) It shall be unprofessional and a violation of the Rules of Professional Conduct for a licensed veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person prescription drugs, that are not necessary or required for the medical care of animals, or where the use or possession of such drugs would promote addiction thereto. Prescription drugs are defined in subsection (a.) of this section.

Article 8890, Sec. 14(a)

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

(5) 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 law;

V.

Through failure to maintain adequate patient records, as described in Paragraph III, to substantiate the use of the Wyamine Sulfate reflected in Paragraph I, Respondent has violated Rule 573.52 of the Rules of Professional Conduct and the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a)(5) which state:

573.52 PATIENT RECORD KEEPING

(a.) Individual records will be maintained at the place of business and include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, name and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.
(b.) Patient records shall be current and maintained on the business premises for a period of three years and are the responsibility and property of the employing veterinarian.

(c.) When appropriate, licensees may substitute the words "herd", "flock" or other collective term in place of the word "patient" in subsections (a.) and (b.) of this section. Records to be maintained on these animals may be kept in a daily log, or the billing records, provided that the treatment information that is entered is adequate to substantiate the identification of these animals and the medical care provided. In no case does this eliminate the requirement to maintain drug records as specified by state and federal law and Board rules.

Article 8890, Sec. 14(a)
". . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a license . . . if it finds that . . . a licensee:

(5) 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 law;

VI.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. William R. Robertson's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a)(3) and (5) which state.

Article 8890, Sec. 14(a)
". . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a license . . . if it finds that . . . a licensee:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(5) 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 law;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 15th day of September, 1990.

Further, Affiant sayeth not.

MATTHEW WENDELL, Affiant
SUBSCRIBED and SWORN TO before me by the said MATTHEW WENDEL, this the 13th day of September, 1990.

JUDY C. SMITH
Notary Public, State of Texas
My Commission Expires
SEPT. 13, 1993

JUDY C. SMITH
Notary Public in and for Texas

My Commission Expires: September 13, 1993

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. William R. Robertson, D.V.M. under Docketed Number 1991-09, this the 13th day of September, 1990.

MARY E. MAINSTER, D.V.M.
MARY E. MAINSTER, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners
October 2, 1990

Texas State Board of Veterinary Medical Examiners

Re: Docketed Case 1991-09
William R. Robertson, D.V.M.

To the Honorable Members of the Board:

Due to health problems and diagnostic tests which are scheduled for October 3rd and October 4th, I will be unable to appear before the Honorable Board of Veterinary Medical Examiners at its scheduled meeting on October 4, 1990.

Please be advised that my attorney and I have agreed to a Negotiated Settlement as proposed by the Honorable Board, acting through its Executive Director. Copies of the Negotiated Settlement are attached hereto.

Because of my health problems and my inability to attend, I would respectfully request that Don Wilson represent me at the Board meeting and present the Negotiated Settlement on my behalf.

As stated heretofore, the Negotiated Settlement has been approved both by myself and by my attorney.

Sincerely,

William R. Robertson

WILLIAM R. ROBERTSON

SUBSCRIBED and SWORN TO Before me by the said WILLIAM R. ROBERTSON this 2nd day of October, 1990.

Notary Public, State of Texas

[Stamp]

DOROTHY KEMP
Notary Public, State of Texas
My Commission Expires
April 1, 1993