NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Romane, Mr. Grant P. Harpol, Legal Counsel for Dr. Romane, and 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. Romane, will be granted a continuance at his/her option.

Dr. Romane does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, 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 exercise honesty, integrity, and fair dealing with clients, by signing fertility test reports, attesting to the physical condition of animals he never examined.

RECOMMENDED DISCIPLINARY ACTION:

1. Official Reprimand
2. A two (2) year suspension with the entire period being probated.

CONDITIONS:

1. Take and pass the State Board Jurisprudence Examination as scheduled by the Board staff.
2. Abide by the laws and rules of the State of Texas as they pertain to the practice of veterinary medicine.

William M. Romane, D.V.M.

Buddy Matthijetz, Executive Director

Date: 1-29-98

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 306 - Austin, TX 78704
DOCKET NUMBER 1992-02 - WILLIAM M. ROMANE, D.V.M.
LICENSE NUMBER: 853
The foregoing Agreed Settlement, entered into between Dr. Romane, the Board Secretary, 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 the 29th day January, 1992, 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 29th, day of January, 1992.

RECUSED
Guy A. Sheppard, D.V.M., President

Date

ABSENT
Mr. Clark S. Willingham, Vice-President

Date

Larry M. Dubuisson, D.V.M., Secretary

Date

1-28-92

Mrs. Olivia R. Endaly, D.V.M., Member

Date

1-29-92

Alton F. Hopkins, Jr., D.V.M., Member

Date

1-29-92

ABSENT
Mr. Mike Levi, Member

Date

Robert D. Lewis, D.V.M., Member

Date

1-29-92

Mary E. Rainster, D.V.M., Member

Date

1-29-92

ABSENT
Fred K. Soifer, D.V.M., Member

Date
DOCKETED COMPLAINT NO. 1992-02

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

VS.

WILLIAM M. ROMANE, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 853

1991 RENEWAL CERTIFICATE NUMBER 0173

COMPLAINT AFFIDAVIT FORM

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

On or about May 24, 1991, Joseph J. Rizzo, 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 M. ROMANE, D.V.M., Granada Sire Services, Inc., P. O. Box 99, Wheelock, Robertson, County, Texas, Veterinary License Number 853, 1991 Renewal Certificate Number 0173, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Joseph J. Rizzo, do hereby present the following complaint against WILLIAM M. ROMANE, D.V.M., who is hereinafter called Respondent.

I.

On or about March 30, 1990, Respondent, as an employee of Granada Sire Services, signed fertility test reports, attesting to the physical condition (presence or absence of animal diseases), including internal organs, and breeding soundness, of 71 bulls owned by Mr. Leon Noack, Leon Noack Registered Herefords of Rockdale, Texas. Respondent never personally examined the bulls and relied strictly on information furnished to him by Mr. Carl D. Rugg, General Manager, Granada Sire Services, Inc. Mr. Rugg, not a licensed veterinarian, performed the fertility examinations, conducted the testing and evaluated the results, without the presence of a licensed veterinarian. The test reports were subsequently furnished to buyers of the tested bulls.

II.

By signing reports relating to the presence or absence of animal diseases in the 71 bulls, without personally examining or testing them, Respondent has violated Article 8890, Sections 14(a) (3), (5), (7), and (9) the Texas Veterinary Licensing Act and Rule 573.4 of the Rules of Professional Conduct which state in part:

Article 8890, Section 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 licensee... 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 a duly promulgated by the Board in accordance with law;

(7) has fraudulently issued a health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine that relates to the presence or absence of animal disease;

(9) has committed fraud in application or reporting of any test of animal disease;"

573.04 ADHERENCE TO THE LAW
No veterinarian shall render any service or advice involving disloyalty to the law. A veterinarian must also observe and advise clients to observe the law.

III.

By signing the reports which were subsequently provided to the owner, Mr. Leon Noack, attesting to the soundness of the 71 bulls, based strictly on the information provided to him by Mr. Carl Rugg, Respondent has violated Rule 573.21 of the Rules of Professional Conduct and the Texas Veterinary Licensing Act, Article 8890, Section 14(a)(5) which state in part:

573.21 DIRECT RESPONSIBILITY TO CLIENT
The professional services of a veterinarian shall not be controlled or exploited by any lay agency, personal or corporate, which intervenes between the client and the veterinarian. A veterinarian shall not allow a non-licensed person or entity to interfere or intervene with the veterinarian’s practice of veterinary medicine; nor shall the veterinarian submit to such interference or intervention by a non-licensed person or entity. A veterinarian shall avoid all relationships which could result in interference or intervention in the veterinarian’s practice by a non-licensed person or entity. A veterinarian shall be responsible for his/her own actions and is directly responsible to the client and for the care and treatment of the patient.

Article 8890, Section 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 a duly promulgated by the Board in accordance with law;

IV.

By signing fertility test reports which were subsequently provided to the owner for use in sale of the bulls, as a licensed veterinarian employee of Granada Sire Services, Inc.; said reports attesting to the soundness of the 71 bulls that he never examined; Respondent has
violated Rule 573.26 of the Rules of Professional Conduct and the Texas Veterinary Licensing Act, Article 8890, Section 14(a)(5) which state in part:

573.26 HONESTY, INTEGRITY, AND FAIR DEALING
Licensed veterinarians shall conduct their practice with honesty, integrity, and fair dealing to clients in time and services rendered, and in the amount charged for services, facilities, appliances, and drugs.

Article 8890, Section 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 licensee ... 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 a duly promulgated by the Board in accordance with law;

V.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Romane's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14 which states in part:

Article 8890, Section 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 licensee ... 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 a duly promulgated by the Board in accordance with law;

(7) has fraudulently issued a health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine that relates to the presence or absence of animal disease;

(9) has committed fraud in application or reporting of any test of animal disease;"

Article 8890, Section 14B
(a) If a person violates this Act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 16th day of September, 1991.

Further, Affiant sayeth not.

JOSEPH J. RIZZO, Affiant

SUBSCRIBED and SWORN TO before me by the said JOSEPH J. RIZZO this the 16th day of September, 1991.

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. WILLIAM M. ROMANE, D.V.M. under Docketed Number 1992-02, this the 13th day of September, 1991.

GUY A. SHEPPARD, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners