

DOCKET NO. 2000-25

IN THE MATTER	§	TEXAS STATE BOARD OF
OF THE LICENSE OF	§	
MARVIN URBANCZYK, JR, D.V.M.	§	VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 5th day of October, 2000, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Marvin Urbanczyk, Jr., D.V.M. (Respondent). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.27, Respondent appeared at an informal conference on June 1, 2000 in response to a letter of invitation from the Board. The Board was represented at the informal 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 without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Agreed 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 below:

Findings of Fact

1. Marvin Urbanczyk, Jr., D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 5568. Respondent is not subject to prior disciplinary action by the Board.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.
3. In or around the month of October, 1999, Respondent's surgical technician, Madelen Powell, was bitten by a dog on her distal middle finger at the base of the fingernail. At her request, Respondent sutured the wound using three skin sutures. The finger healed well and no antibiotics were administered.

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. Board Rule 573.60 (22 TAC §573.60), Prohibition Against Treatment of Humans, states:
A veterinarian shall not provide care and treatment of humans including dispensing prescription medication for personal use by a human. A licensee may render first aid or emergency care to a human if such action is without expectation of compensation in response to an emergency or disaster situation.
3. Based on Finding of Fact 3, Respondent has violated Board Rule 573.60 (22 TAC §573.60), Prohibition Against Treatment of Humans.
4. Based on Conclusions of Law 1 through 3, 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 Marvin Urbanczyk, Jr., D.V.M., be 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 Licensing Act or the Board Rules, may result in further disciplinary action.

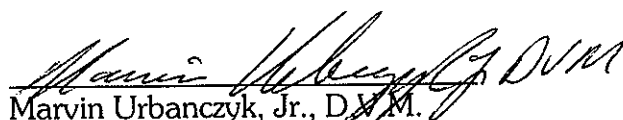
Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary 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 has been represented by 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 date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

I, MARVIN URBANCZYK, JR., D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT 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.


Marvin Urbanczyk, Jr., D.V.M.
Respondent

06-28, 2000
DATE

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STATE OF TEXAS §
COUNTY OF Wilbourn §

BEFORE ME, on this day, personally appeared Marvin Urbanczyk, Jr., D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 28th day of June, 2000.



Lynn Heard
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 5 day of October, 2000.

Howard M. Head, DVM
HOWARD M. HEAD, D.V.M.
President