DOCKETED COMPLAINT NO. 1976-3

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

VS

JACKIE A. VALERIUS, D.V.M.

TEXAS VETERINARY LICENSE NUMBER 2224
TEXAS VETERINARY MEDICAL RENEWAL CERTIFICATE (1976 NUMBER 2641)

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 14th day of December, A.D., the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Holiday Inn-Emerald Beach, Corpus Christi, Nueces, 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 business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said DR. JACKIE A. VALERIUS, having waived service of citation and accepted service in said cause by sworn instrument dated the 24th day of August 1976, and the entire membership of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present, to-wit:

DR. JOHN E. WILKINS, JR., President of Greenville, Texas
DR. DAN J. ANDERSON, Vice-President of Fort Worth, Texas
DR. WALLACE H. CARDWELL, Secretary of Elgin, Texas
DR. CHARLES W. EDWARDS, JR., Member of Marfa, Texas
DR. JAMES GANDY, Member of Brownwood, Texas
DR. FRANK E. MANN, JR., Member of Wharton, Texas

whereupon the President of the Board, DR. JOHN E. WILKINS, JR., ordered the case to proceed at which time it was ascertained that DR. JACKIE A. VALERIUS was present in person and was not represented by Counsel. Whereupon the Board then proceeded to hear the evidence presented by the State, and by the said DR. JACKIE A. VALERIUS, in his behalf. After such hearing the Board went into executive session to consider the evidence and after consideration and deliberation of all the evidence that has been presented, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, on the 14th day of December, 1976, all of the above members of said Board being present and participating, makes the following findings, to-wit:
FINDINGS OF FACT

1. The Board finds that all statutory requisites to its jurisdiction have been met.

2. That on a date prior to the 28th day of July, 1976, the said DR. JACKIE A. VALERIUS did employ an unlicensed individual by the name of ROBERT S. CLARK.

3. That on or about July 28, 1976, the said DR. JACKIE A. VALERIUS left ROBERT S. CLARK, an unlicensed individual in his clinic without proper supervision.

4. That on or about July 28, 1976 the receptionist in the veterinary clinic of DR. JACKIE A. VALERIUS did inform MR. ERNIE M. CARROLL, an investigator for the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, that DR. VALERIUS was out of the office but that "DOCTOR" CLARK, who is in fact an unlicensed person, was available to administer rabies shots to his dog.

5. That the said DR. JACKIE A. VALERIUS did permit a condition to exist in his clinic whereby the said ROBERT S. CLARK, an unlicensed person, represented himself as a veterinarian in said clinic by introducing himself as "Doctor", and by examining, diagnosing and treating animals.

6. That the said DR. JACKIE A. VALERIUS did allow the situation to develop which permitted one ROBERT S. CLARK, an unlicensed person, to administer a rabies shot to an animal presented by ERNIE M. CARROLL, an investigator for the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS.

CONCLUSIONS OF LAW

1. That by employing an unlicensed individual and allowing a condition which permitted an unlicensed individual to represent himself as engaged in practice in his clinic is a violation of Article 7465a V.A.T.S., Sections 14E and 14F, and Rules of Professional Conduct 14 and 15, duly promulgated by the Texas State Board of Veterinary Medical Examiners in accordance with the law.
2. That leaving this unlicensed individual in his clinic without proper supervision is a violation of Article 7465a, V.A.T.S., Sections 14E and 14F, and Rules of Professional Conduct 14 and 15, duly promulgated by the Texas State Board of Veterinary Medical Examiners in accordance with the law.

3. That permitting a receptionist in his veterinary clinic to introduce an unlicensed individual as a Doctor and representing that an unlicensed individual was available to perform certain veterinary services is a violation of Article 7465a, V.A.T.S., Sections 14E and 14F, and Rules of Professional Conduct 14 and 15, duly promulgated by the Texas State Board of Veterinary Medical Examiners in accordance with the law.

4. That permitting an unlicensed individual to introduce himself as Doctor and permitting said individual to examine, diagnose and treat animals is a violation of Article 7465a, V.A.T.S., Sections 14E and 14F, and Rules of Professional Conduct 14 and 15, duly promulgated by the Texas State Board of Veterinary Medical Examiners in accordance with the law.

5. That by permitting an unlicensed individual to administer rabies shots to an animal for compensation is in violation of Article 7465a, V.A.T.S., Sections 14E and 14F, and Rules of Professional Conduct 14 and 15, duly promulgated by the Texas State Board of Veterinary Medical Examiners in accordance with the law.

The Board finds that the above facts and conclusions brought out at such hearing justify and require the following orders:

**ORDERS OF THE BOARD**

It is ORDERED that the Texas Veterinary Medical License No. 2224 and 1976-77 Renewal Certificate No. 2641 heretofore issued by the Texas State Board of Veterinary Medical Examiners to DR. JACKIE A. VALERIUS be and the same are hereby SUSPENDED for a period of six (6) months from date of receipt of this ORDER, PROVIDED, HOWEVER, that the execution of this ORDER OF SUSPENSION be and it is HEREBY STAYED, and the said DR. JACKIE A. VALERIUS is placed on PROBATION for a period of six (6) months upon the following terms and conditions:
1. The said DR. JACKIE A. VALERIUS will not engage in any dishonest or illegal practice in or connected with the practice of veterinary medicine within the state nor violate any of the provisions of Article 7465a of the Revised Civil Statutes of Texas, or any of the Statutes of Texas or any additions or amendments thereto pertaining to veterinary medicine.

2. The said DR. JACKIE A. VALERIUS will observe and abide by each of the Rules of Professional Conduct promulgated by the Texas State Board of Veterinary Medical Examiners of the state of Texas for licensed veterinarians now in effect or placed in effect during the said period of suspension or any part of said period.

3. The said DR. JACKIE A. VALERIUS shall file with the Executive Secretary of the Texas State Board of Veterinary Medical Examiners every ninety (90) days during the period of this suspension and probation an affidavit stating that he has fully and faithfully complied with the terms and conditions of probation herein imposed. Said affidavit shall be transmitted to the Board office by certified U.S. mail, return receipt requested. Said affidavits shall be executed by DR. JACKIE A. VALERIUS so as to be received in the Board office each ninety (90) days. The first affidavit shall be submitted so as to be received in the Board office on or before ninety (90) days after date of receipt of this Order and the final affidavit shall be filed so as to be received ten (10) days prior to the date of termination of said Order by its terms provided the said DR. JACKIE A. VALERIUS is in full compliance with the terms and conditions of this Order.

It is further ORDERED, ADJUDGED and DECREE that upon full compliance with the terms and conditions herein set forth, and upon expiration of the term of probation, the license of the said DR. JACKIE A. VALERIUS and the annual renewal certificate then in effect shall be restored to its full privileges, free and clear of the terms and conditions of probation herein imposed; PROVIDED, HOWEVER, that in the event the said DR. JACKIE A. VALERIUS violates or fails to comply with any of the terms or conditions of this Order during said period of probation, the Board may after proper notice, set a date for hear-
ing. the alleged violation of terms of probation, and upon receipt by it of satisfactory evidence thereof, may forthwith terminate said probation, cancel and revoke said stay of execution and direct that the Order of Suspension herein made become effective immediately.

The effective date of this Order for all purposes is the date of receipt of the Order by the Defendant herein.

MADE the 14th day of December, 1976, and entered the ___ day of January, 1977.

JOHN E. WILKINS, JR., D.V.M.
President

CHARLES W. EDWARDS, JR., D.V.M.
Member

DAN J. ANDERSON, D.V.M.
Vice-President

JAMES CANDY, D.V.M.
Member

W. H. CARDWELL, D.V.M.
Secretary

FRANK E. HANN, JR., D.V.M.
Member
BEFORE ME, a Notary Public in and for Travis County, Texas, on this day personally appeared ERNIE M. CARROLL, who after being by me duly sworn upon oath deposes and says that:

The said ERNIE M. CARROLL, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of his employment make certain investigations into the professional conduct of one DR. JACKIE A. VALERIUS, Texas Veterinary Medical License No. 2224, 1976-1977 Renewal Certificate No. 2641, a practitioner of veterinary medicine in the State of Texas, and in the course of said investigation it has come to the attention of the said ERNIE M. CARROLL that on or about the dates herein-after specified that the said DR. JACKIE A. VALERIUS did commit one or more of the following acts, and/or omissions, or a combination thereof or all of same said acts and/or omissions being in violation of Article 7465a of the Civil Statutes of Texas (V.A.T.S.) and within the contemplation of Section 14 and 15 of said statute, as follows, to-wit:

1. That since January, 1976, until at least the 28th day of July, 1976, the said DR. JACKIE A. VALERIUS, either employed or associated an individual by the name of ROBERT S. CLARK and permitted him to represent himself as engaged in practice of Veterinary Medicine in the veterinary clinic owned and operated by DR. JACKIE A. VALERIUS, when in fact the said ROBERT S. CLARK was not licensed in the State of Texas.

2. That on about July 28, 1976, the said DR. JACKIE A. VALERIUS left ROBERT S. CLARK in his clinic without proper supervision at 1824 North for the purpose of practicing Veterinary Medicine in his absence even though the said ROBERT S. CLARK did not have a current Texas license.
3. That on or about July 28, 1976, the receptionist for the clinic of DR. JACKIE A. VALERIUS informed ERNIE M. CARROLL over the telephone that Dr. Valerius was out of the clinic but that Dr. Clark was available to administer rabies shots to his dog.

4. That on or about July 28, 1976, the said ROBERT S. CLARK, while in the clinic owned and operated by DR. JACKIE A. VALERIUS in Harlingen, Cameron County, introduced himself to ERNIE M. CARROLL as "Dr. Clark".

5. That on or about July 28, 1976, the said ROBERT S. CLARK, an unlicensed person, while employed or associated by DR. JACKIE A. VALERIUS in his veterinarian clinic, Harlingen, Cameron County, Texas, administered a rabies shot to a pet presented to the Clinic by ERNIE M. CARROLL, in the absence of DR. JACKIE A. VALERIUS.

The above complaint, containing five (5) counts, is submitted to the Executive Secretary of the Texas State Board of Veterinary Medical Examiners this the 23rd day of August, A.D., 1976.

ERNE M. CARROLL

THE STATE OF TEXAS
COUNTY OF TRAVIS

SWORN AND SUBSCRIBED TO BEFORE ME BY ERNIE M. CARROLL, this the 23rd day of August, A.D., 1976, to certify which witness my hand and seal of office.

Mary Pettit
Notary Public in and for Travis County, Texas