DOCKET NUMBER 1986-7
GARY L. VANNOY, D.V.M.
LICENSE NUMBER 3492

NEGOTIATED PLEA

This negotiated plea has been entered by agreement between Dr. Vannoy, his attorney Mr. Richard L. Arnett, 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 plea the defendant, Dr. Vannoy, will be granted a continuance at his option.

Dr. Vannoy 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 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.

PLEA: No Contest

FINDING: Guilty

RECOMMENDED PENALTY:

1. Two years suspension of veterinary license with the entire period being probated.

CONDITIONS:

1. Is not permitted to perform any acts associated with the U.S.D.A. (United States Department of Agriculture) Veterinary Accreditation program as defined in the U.S.D.A. Consent Agreement.

2. Abide by the Veterinary Practice Act and Rules of Professional Conduct duly promulgated by the Board.

Donald B. Wilson, Executive Secretary
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Janet Wilson, Witness
COMPLAINT NO. 1986-7

THE STATE OF TEXAS
VS.
GARY L. VANNOY, D.V.M.

BEFORE THE TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 15th day of August, 1986, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Mariott Hotel in Austin, Travis 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 Defendant, the said GARY L. VANNOY, D.V.M., 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. K. D. DORRIS, Secretary
DR. W. L. "DUB" ANDERSON, Member
MR. JIM HUMPHREY, Member
MR. MIKE LEVI, 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 Spicewood, TX
of San Antonio, TX
of Wharton, TX

FINDINGS OF FACT

I.
GARY L. VANNOY, D.V.M., is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License 3492 with offices at Ozona Veterinary Clinic, P. O. Box 760, Ozona, Crockett County, Texas.

II.
GARY L. VANNOY, D.V.M. received notice of this hearing on or about July 22, 1986.

III.
On or about April 14, 1986, the U. S. Department of Agriculture revoked the veterinary accreditation of GARY L. VANNOY, D.V.M. for a period of one year expiring March 14, 1987.
IV.

The revocation of DR. VANNOY's federal accreditation was prompted by the finding that DR. VANNOY failed to bleed all animals indicated on a U.S. Origin Health Certificate for brucellosis test. Further, that Dr. Vannoy signed a U.S. Origin Health Certificate which had not been accurately and fully completed. Further, that Dr. Vannoy failed to perform official tests in accordance with regulations and did not fulfill his responsibilities under applicable Federal programs and cooperative programs in accordance with regulations.

CONCLUSIONS OF LAW

GARY L. VANNOY, D.V.M. has violated the Rules of Professional Conduct for the veterinary profession, Rule 25, pertaining to the loss of accreditation from the U. S. Department of Agriculture because of a violation of federal brucellosis control regulations.

ORDER

DR. VANNOY entered a plea of No Lo Contendre to the charges. The Board voted unanimously to accept the No Contest Plea (attached) and ORDERED that Texas Veterinary License No. 3492 heretofore issued to GARY L. VANNOY, D.V.M., by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS be and the same is HEREBY SUSPENDED for a period of two (2) years with the entire period being PROBATED. DR. VANNOY is prohibited from performing any acts associated with the U.S.D.A.'s Veterinary Accreditation program during the term of his suspension. Further, DR. VANNOY is to abide by the Veterinary Practice Act and Rules of Professional Conduct duly promulgated by the Board.
The above Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the UNANIMOUS 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 15th day August, 1986, in Austin, Travis 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 16th day of August, 1986.

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

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

(Absent)

FRED K. SUIFER, D.V.M., Member

(Recused)

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

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

JIM F. HUMPHREY, Member

MIKE LEVI

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

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

Date

August 15, 1986

8-15-86
COMPLAINT NO. 1986-7

THE STATE OF TEXAS

vs.

GARY L. VANNIOY, D.V.M.

BEFORE THE BOARD OF VETERINARY MEDICAL EXAMINERS

STATE OF TEXAS

COMPLAINT AFFIDAVIT FORM

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

"I, ERNIE CARROLL, being an employee of THE TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, did in the course of such employment make certain investigations into the professional conduct of one GARY L. VANNIOY, D.V.M., Texas Veterinary License No. 3492, 1986 Renewal Certificate No. 1204, a licensed practitioner of veterinary medicine in the State of Texas.

As an employee of the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS, I, ERNIE CARROLL, do hereby present to the Executive Secretary of the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS, the following complaint against GARY L. VANNIOY, D.V.M., who is hereinafter called Respondent.

I.

The U. S. Department of Agriculture revoked on April 14, 1986, pursuant to a Consent Agreement, the veterinary accreditation of GARY L. VANNIOY, D.V.M. for a period of one year which expires March 14, 1987. See Exhibit A attached hereto. The revocation of Dr. Vannoy's federal accreditation was prompted by the finding that Dr. Vannoy failed to bleed all animals indicated on a U.S. Origin Health Certificate for the brucellosis test. Dr. Vannoy signed a U.S. Origin Health Certificate which had not been accurately and fully completed. Further, Dr. Vannoy failed to perform official tests in accordance with regulations and did not fulfill his responsibilities under applicable Federal programs and cooperative programs in accordance with regulations.

II.

By having his federal accreditation revoked for a period of one year, GARY L. VANNIOY, D.V.M. has violated the Rules of Professional Conduct for the veterinary profession as authorized by Article 7465a, The Veterinary Licensing Act. Rule #25, as set out below, was in full force and effect at all times mentioned herein and remains in full force and effect as follows:
"Rule 25. A licensed veterinarian whose accreditation has been or is subject to being removed by state or federal authorities may be subject to disciplinary action by the Texas State Board of Veterinary Medical Examiners on proof of the acts or omissions constituting the grounds for removal of his accreditation."

III.

Article 7465a, Section 14, Veterinary Licensing Act 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..." who "has engaged in practice 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;..."

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 22nd day of July, 1986.

Further, Affiant sayeth not.

Ernie Carroll, Affiant

THE STATE OF TEXAS
COUNTY OF TRAVIS

SWORN AND SUBSCRIBED TO BEFORE ME BY ERNIE CARROLL, this the 22nd day of July, 1986, to certify which witness my hand and seal of office.

Judy C. Smith
Notary Public in and for Texas

My commission expires September 13, 1989.

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. Gary L. Vannoy, D.V.M. under Docket Number 1986-7, this the 22nd day of July, 1986.

K. T. Boyd, D.V.M., Secretary
Texas State Board of Veterinary Medical Examiners
ORDER FOR REVOCATION OF VETERINARY ACCREDITATION

The accreditation of Dr. GARY VANNNOY, under the provisions of the regulations in Title 9, Code of Federal Regulations, Parts 160-162, "Accreditation of Veterinarians and Suspension or Revocation of Such Accreditation" is hereby revoked. Said revocation is effective in all states in which Dr. VANNNOY is an accredited veterinarian. This order is final and shall have the same force and effect as if entered after a formal hearing. This order is effective upon the date of receipt of this order by Dr. GARY VANNNOY.

[Signature]
Area Veterinarian in Charge

This is a true and certified copy of the original April 14, 1986
Date

[Signature] 5/29/86
CONSENT AGREEMENT

In response to my alleged violation(s) of the "Standards for Accredited Veterinarians" (9 CFR 161.2), occurring on or about Dec. 3, 1985:

1) I, Dr. (signature), admit that the Secretary of Agriculture has jurisdiction in this matter.

2) I hereby consent to the revocation of my veterinary accreditation in lieu of further proceedings under the Rules of Practice Governing Revocation or Suspension of Veterinarians' Accreditation (9 CFR 162.1 et seq.), to begin upon the date of my receipt of the order revoking my veterinary accreditation.

3) I understand that the order issued revoking my veterinary accreditation shall have the same force and effect as if entered after a formal hearing.

4) I understand that the order issued revoking my veterinary accreditation shall be effective in all States in which I am an accredited veterinarian upon receipt of said order.

5) I understand that effective upon my receipt of the order issued revoking my accreditation, I will not be permitted to perform any functions specified in Parts 1, 2, 3, and 11 of Subchapter A, and Subchapters B, C, and D, all of Chapter I (Animal and Plant Health Inspection Service, U. S. Department of Agriculture) of Title 9, Code of Federal Regulations, and I will not be permitted to perform functions required by cooperative State-Federal disease control and eradication programs.

6) I understand that the revocation of my veterinary accreditation will be effective for a period of not less than one (1) year.

7) I understand that at the end of one year after the effective date of the revocation of my veterinary accreditation, I may reapply for accreditation in accordance with 9 CFR 161.1(b).

This is a true and certified copy of the original

Signature

Date Signed

5/29/86

Note: Dr. Vannoy's complete signature does appear on the original and date signed is 4/14/86