TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS  
1946 South IH 35, Box 113  
Austin, TX 78704

DOCKET NUMBER 1991-10  
ROBERT DALE WILBANKS, D.V.M.  
LICENSE NUMBER: 5633

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Wilbanks, 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. Wilbanks, will be granted a continuance at his option.

Dr. Wilbanks 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 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:

Allowing unlicensed staff to practice veterinary medicine; performing procedures not authorized by clients; failure to maintain adequate records; allowing a non-licensee to perform a declaw procedure.

RECOMMENDED DISCIPLINARY ACTION:

1. Two (2) year Suspension, all Probated.

2. Pay a Civil Penalty in the sum of $2,500.00.

CONDITIONS:

1. Submit quarterly reports certifying continued compliance with the Orders during the probationary period, with the first report due April 1, 1991.

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 (20) hours of Continuing Education per year of probation and, prior to February 5, 1993.

5. Provide one hundred (100) hours of Community Service in Veterinary Medicine prior to February 5, 1993. To be coordinated with the Board staff.

6. Dr. Wilbanks understands that he may petition the Board, upon completion of one year probation, for termination of his probationary period but with all other provisions remaining unchanged.

ROBERT D. WILBANKS, D.V.M.

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

Date: 2-6-91
The foregoing Agreed Settlement, entered into between Dr. Robert D. Wilbanks, 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 6th of February, 1991, 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 6th, day of February, 1991.

Robert D. Lewis, D.V.M., President

Date

RECUSED
Mary E. Mainster, D.V.M., Vice-President

Date

Guy A. Sheppard, D.V.M., Secretary

Date

Larry M. Dubuisson, D.V.M., Member

Date

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

Date

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

Date

Mr. Mike Levi, Member

Date

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

Date

Mr. Clark S. Willingham, Member

Date
DOCKETED COMPLAINT NO. 1991-10
TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

VERSUS

ROBERT DALE WILBANKS, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 5633
1990 RENEWAL CERTIFICATE NUMBER 1892

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 March 27, 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 ROBERT DALE WILBANKS, D.V.M., Castle Hills Companion Animal Hospital, San Antonio, Bexar County, Texas, Veterinary License Number 5633, 1990 Renewal Certificate Number 1892, 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 ROBERT DALE WILBANKS, D.V.M., who is hereinafter called Respondent.

I.

During the calendar years 1988, 1989 and 1990, Respondent repeatedly allowed his employees, Scott A. Miller and Teresa M. Whitehouse, unlicensed individuals, to practice veterinary medicine, i.e. surgical procedures, including castration of cats and declaw surgeries.

II.

On or about May 26, 1989, Respondent drew blood for transfusion purposes from a Golden Retriever, owned by Dr. Jack Lipton, without Dr. Lipton’s knowledge.

III.

On or about May 22, 1989, Respondent drew blood for transfusion purposes from a Persian cat owned by Colt Bray, without Mr. Bray’s knowledge.

IV.

On or about December 9, 1989, Respondent drew blood for transfusion purposes from a six-month old Labrador Retriever puppy, owned by Ronald Goolsby, without Mr. Goolsby’s knowledge.

V.

On October 12, 1990, Respondent informed the Board’s Executive Director, Donald B. Wilson, that he had allowed his girlfriend to declaw a cat because "she wanted to try it."
VI.

Respondent failed to maintain adequate patient records describing a cat spay and declaw surgery performed in April of 1988 on Debbie Zuniga's cat.

VII.

By allowing unlicensed employees, Scott A. Miller, Teresa M. Whitehouse and his girlfriend to perform surgical procedures, including cat castrations and declaw surgeries, as described in Paragraphs I and V, Respondent has violated Rules 573.10 and 573.11 of the Rules of Professional Conduct and Article 8890, Texas Veterinary Licensing Act, Section 14(a) (3), (5) and (6) which state:

573.10 DIRECT SUPERVISION OF LAYMEN
(a.) A licensed veterinarian shall not allow an unlicensed person to issue presigned certificates with the veterinarian's signature affixed thereto. The licensee shall not permit an unlicensed person to inoculate or treat animals unless the inoculation or treatment are done under the direct supervision of the licensed veterinarian; provided however, an unlicensed individual shall not perform the following health care services: surgery; diagnosis and prognosis of animal diseases; and prescribing of drugs, medicine, and appliance for domestic animals.

(b.) "Direct Supervision" shall mean the supervision of those tasks or procedures that do not require the presence of a veterinarian in the room where performed, but require the presence of a licensee on the premises and availability for prompt consultation and treatment.

573.11 DISCOURAGEMENT OF UNAUTHORIZED PRACTICE
A licensed veterinarian shall be professionally and legally responsible for the unauthorized practice of veterinary medicine by unlicensed employees within the scope of their employment. An employee's unauthorized practice of veterinary medicine without a license constitutes grounds for the Texas State Board of Veterinary Medical Examiners to take action against the licensed veterinarian.

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;

(6) has permitted or allowed another to use his license, or certificate to practice veterinary medicine in this state;
By drawing blood for transfusion purposes from a Golden Retriever, owned by Dr. Jack Lipton without Dr. Lipton's knowledge; by drawing blood for transfusion purposes from a cat owned by Colt Bray without Mr. Bray's knowledge; and by drawing blood for transfusion purposes from a Labrador Retriever owned by Mr. Ronald Goolsby without Mr. Goolsby's knowledge, Respondent has violated Rules 573.22 and 573.26 of the Rules of Professional Conduct and Article 8890, Texas Veterinary Licensing Act, Sections 14(a) (5) and (11) which state:

573.22 PROFESSIONAL STANDARD OF HUMANE TREATMENT
Veterinarians shall exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities.

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, 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;

(11) has performed or prescribed unnecessary or unauthorized treatment;

By failing to maintain adequate patient records describing a cat spay and declaw surgery performed in April of 1988, on Debbie Zuniga's cat, Respondent has violated 573.52 of the Rules of Professional Conduct which states in part:

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

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;

(6) has permitted or allowed another to use his license, or
certificate to practice veterinary medicine in this state;

(11) has performed or prescribed unnecessary or unauthorized
treatment;

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 28th day of

Further, Affiant sayeth not.

 Matthews L. Wendel
MATTHEW WENDEL, Affiant

SUBSCRIBED and SWORN TO before me by the said MATTHEW WENDEL, this the
28th day of November, 1990.

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

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. ROBERT DALE WILBANKS, D.V.M. under Docketed Number 1991-10, this the 6th day of December, 1990.

Mary E. Mainster, D.V.M.
MARY E. MAINSTER, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners