NEGOIATED SETTLEMENT

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

Dr. Willingham 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.

SUMMARY OF CHARGES:
Allowing the practice of veterinary medicine by an unlicensed person.

RECOMMENDED DISCIPLINARY ACTION:
1. Reprimand
2. Pay a Civil Penalty in the sum of $1,000.00.

CONDITIONS:
1. Submit quarterly reports certifying continued compliance with the Orders, 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 prior to February 5, 1992.

RICHARD O. WILLINGHAM, D.V.M.

Date: 4/29/91

Ronald B. Wilson, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
The foregoing Agreed Settlement, entered into between Dr. Richard O. Willingham, 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

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

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

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

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

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

Mr. Mike Levi, Member

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

Mr. Clark S. Willingham, Member
DOCKETED COMPLAINT NO. 1991-12

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

RICHARD O. WILLINGHAM, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 3832

1990 RENEWAL CERTIFICATE NUMBER 1459

COMPLAINT AFFIDAVIT FORM

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

On or about September 12, 1990, Ernie M. Carroll, 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 RICHARD O. WILLINGHAM, D.V.M., Hopkins County Veterinary Clinic, 129 Hillcrest, Sulphur Springs, Hopkins County, Texas, Veterinary License Number 3832, 1990 Renewal Certificate Number 1459, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Ernie M. Carroll, do hereby present the following complaint against RICHARD O. WILLINGHAM, D.V.M., who is hereinafter called Respondent.

I.

During the period March 1, 1990, to August 20, 1990, Respondent routinely and repeatedly allowed his employee, Charles Townsend, an unlicensed individual, to practice veterinary medicine, to wit:

a. On or about July 25, 1990, Respondent allowed Charles Townsend to administer rabies vaccinations to a dog owned by Eddie Cavanaugh and a dog owned by Dan Wrigley.

b. On or about August 1, 1990, Respondent allowed Charles Townsend to treat dairy animal(s) owned by Lewis Russell of Cumby, Texas.

c. On or about August 7, 1990, Respondent allowed Charles Townsend to treat a horse owned by Arista Texas, Inc. of Brashear, Texas.

d. On or about August 10, 1990, Respondent allowed Charles Townsend to perform surgery on a cat owned by Gerald Brewer or Sulphur Springs, Texas.

e. On or about August 16, 1990, Respondent allowed Charles Townsend to treat and vaccinate an animal owned by Mike Korsmo of Sulphur Springs, Texas.

II.

In October, 1990, Charles Townsend made written admission to the full Board attesting to the violation of practicing veterinary medicine without a license while in the employ of the Hopkins County Veterinary Clinic during the period of March 1, 1990, through August 20, 1990.
III.

By allowing Charles Townsend, an unlicensed individual, to practice veterinary medicine as outlined in Paragraphs I a, b, c, d, and e, Respondent has violated Rules 573.5, 573.10 and 573.11 of the Rules of Professional Conduct and Article 8890 (formerly Article 7465a), Veterinary Licensing Act, Section 14a(5) which state:

573.5 AVOIDANCE OF CORRUPTION OF OTHERS
A veterinarian shall not render any service or advice directed towards the corruption of any person or persons exercising a public office or private trust, or deception, or betrayal of the public.

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, Section 14a
"... 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 as duly promulgated by the Board in accordance with law;

VIII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Willingham'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 14a
"... 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 as duly promulgated by the Board in accordance with law;

**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 **[date]** day of November, 1990.

Further, Affiant sayeth not.

[Signature]
ERNIE M. CARROLL, Affiant

SUBSCRIBED and SWORN TO before me by the said ERNIE M. CARROLL, this the **[date]** day of November, 1990.

[Signature]
JUDY C. SMITH, Notary 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. RICHARD O. WILLINGHAM, D.V.M. under Docket Number 1911-12, this the **[date]** day of December, 1990.

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