TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Box 113
Austin, TX 78704
(512) 447-1183

DOCKET NUMBER 1988-28
ROBERT L. WILSON, D.V.M.
LICENSE NUMBER 1951

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Robert L. Wilson 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 settlement the defendant, Dr. Wilson, will be granted a continuance at his option.

Dr. Wilson 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:
Failure to exercise care, skill and diligence in treating Paul Swisher's dog.

RECOMMENDED DISCIPLINARY ACTION:

1. Reprimand

CONDITIONS:

1. Obtain fifty (50) hours of Continuing Education in Small Animal Medicine and Pharmacology over a two (2) year period.

1. Submit quarterly reports certifying continued compliance with the Orders until the Continuing Education requirement is met.

2. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.

//s//
ROBERT L. WILSON, D.V.M.

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

//s//
Witness
Negotiated Agreement

1. Request

2. Continuing Education 
   Students are required to complete two years in small animal medicine and pharmacology.

3. Quarterly Request for 
   Complete

4. Submitted by the Research 
   Team pertaining to Veterinary Medicine

Dr. John Doe
8/4/88

Dr. Jane Smith
8/4/88
The foregoing Agreed Settlement, entered into between Dr. Robert L. Wilson, the Board Secretary, Dr. Fred Soifer 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 August 4, 1988 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, Conclusions and Orders.

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

Date

JIM F. HUMPHREY, Vice-President

Date

FRED K. SOIFER, D.V.M., Secretary

Date

LARRY M. DUHUISSON, D.V.M., Member

Date

(Absent)

OLIVIA R. EUDALY, Member

Date

(Absent)

MIKE LEVI, Member

Date

(Absent)

ROBERT D. LEWIS, D.V.M., Member

Date

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

Date

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

Date
DOCKETED COMPLAINT NO. 1988-28
TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS vs. ROBERT L. WILSON, D.V.M.
) )
TEXAS VETERINARY MEDICAL LICENSE NO. 1951 1988 RENEWAL CERTIFICATE NUMBER 1534
 ) )
COMPLAINT AFFIDAVIT FORM
BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared MAX BLANTON, who after being duly sworn, did depose and say:

"I, MAX BLANTON, 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 DR. ROBERT L. WILSON, Animal Clinic of Grand Prairie, Grand Prairie, Dallas County, Texas, Texas Veterinary License Number 1951, 1988 Renewal Certificate Number 1534, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, MAX BLANTON do hereby present the following complaint against ROBERT L. WILSON, D.V.M., who is hereinafter called Respondent.

I.

On or about August 27, 1987, Mr. Paul Swisher presented his 10½ year old male cocker spaniel dog "Lucky" to Repondent's clinic. The dog weighed approximately 35 lbs. at the time. "Lucky" was presented for thyroid, blood test, check eyes, shots, and current heartworm medication. Repondent gave "Lucky" an injection of penicillin for possible infection and an Azium injection and dispensed Panalog for smelly ears, and heartworm medication. "Lucky" was snorting as he breathed. Respondent noted nothing in the lungs, and a sinus problem was suspected.

"Lucky" was next presented on September 30, 1987 as being ill, limited mobility, not eating and still had a bad odor. Respondent did Thyroid test T 1, 2, 3, and 4 and dispensed Panalog.

During the period of August 27, 1987 to December 14, 1987, "Lucky" was presented to Repondent approximately twenty-five (25) times, several of which were for his breathing problems, gargling rattle in chest and a strange breath odor. Respondent's continuing diagnosis was either an allergy or upper respiratory infection. The lungs were clear. During this period, Respondent advised the owner that "Lucky" had a mild case
of pneumonia and after three (3) weeks of treatment, Respondent advised owner that "Lucky" was cured of the pneumonia.

On Monday, December 14, 1987, "Lucky" was presented as being in worse condition and having not eaten since Friday, December 11, 1987. Respondent advised the owner to continue to try to get "Lucky" to eat, gave "Lucky" an injection and advised the owner to return "Lucky" the next morning. With "Lucky" exhibiting moist rales and crackles, Respondent continued administering an oral and injectible steroids, (Aziumycin and Dexamethasone) which contributed to "Lucky's" condition growing worse.

On December 15, 1987, "Lucky" was presented to another clinic (Bedford Meadows Animal Clinic), where, through a physical examination, he was diagnosed as having pneumonia, (bacterial and fungal), and diarrhea, secondary to pneumonia and diet. Medications brought in by the owner, that were dispensed by the Respondent, were unlabeled but appeared to be Dexamethasone and Amoxicillin.

On December 17, 1987, at 3:30 a.m., "Lucky" died of cardiac and respiratory arrest while hospitalized, his weight was approximately 22 lbs.

II.

Because of the Respondent's failure to properly diagnose and treat a dog that had fulminating pneumonia and which led to the death of the dog, Respondent violated Rule 11 and Rule 18 of the Rules of Professional Conduct, Rule 11 and 18 state:

Rule 11 - Professional Degree of Care
Veterinarians shall exercise the same degree of 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.

Rule 18 - Professional Standards of Humane Treatment and Care
A licensed veterinarian shall treat all animals entrusted to him by his clients in keeping with the professional standards of humane treatment and care.

III.

Through repeated use of steroids, to wit: Aziumycin and Dexamethasone (Winstrol) in the dog that had pneumonia, Respondent increased the health risk to the dog. By use of these drugs in this incident,
Respondent was in violation of Rule 11, Rule of Professional Conduct. Rule 11 states:

Rule 11 - Professional Degree of Care
Veterinarians shall exercise the same degree of 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.

IV.

By failing to label medications dispensed by him, to wit: Dexamethasone and Amoxicillin, Respondent was in violation of Rule 34, Rules of Professional Conduct. Rule 34 states:

Rule 34 - Labeling of Medications Dispensed
It is the responsibility of the veterinarian to label all medications and/or other veterinary products dispensed. This label must include:
A. Name, address and telephone number of clinic,
B. Name of veterinarian dispensing,
C. Patient/client name,
D. Name of medication and/or other veterinary product dispensed,
E. Quantity and strength of product,
F. Directions for administration,
G. Date dispensed, and
H. Precautionary statements as required by law, i.e., not for human consumption, poisonous, etc.

V.

The Texas State Board of Veterinary Medical Examiners has authority to take disciplinary action against the Respondent's license under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.S., Sections 14(c) and (e) which states in part:

Article 7465a, Section 14(c) and (e), Veterinary Licensing Act " . . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee . . . if it finds that an applicant or licensee:
(c) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine; or
(e) 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 the law."
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 21st day of July, 1988.

Further, Affiant sayeth not.

MAX BLANTON, Chief Investigator

SUBSCRIBED and SWORN TO before me by the said MAX BLANTON this the 21st day of July, 1988.

JUDY C. SMITH, Notary Public in and for the State of 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. Robert L. Wilson, D.V.M. under Docket Number 1988-28, this the 21st day of July, 1988.

FRED K. SOIFER, D.V.M., Secretary
Texas State Board of Veterinary Medical Examiners