

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 306
Austin, TX 78704

DOCKET NUMBER 1990-12
ROBERT L. WILSON, D.V.M.
LICENSE NUMBER: 1951

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Robert L. Wilson, Mr. William R. Allensworth, legal counsel for Dr. Wilson, the Texas State Board of Veterinary Medical Examiners staff in concurrence with the Board President. 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, 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:

Failure to exercise humane care, skill and diligence in treating patients; failure to maintain adequate drug inventory records on scheduled drugs; failure to establish a veterinary/client/patient relationship prior to ordering and delivering prescription drugs, and failure to adhere to the law.

RECOMMENDED DISCIPLINARY ACTION:

1. Five years suspension, all probated but thirty (30) days. The thirty (30) days suspension to commence September 1, 1991.
2. Payment of a Civil Penalty in the amount of \$2,500.00
3. Report all scheduled drug purchases quarterly, and provide copies of drug inventory records on a six month basis.

CONDITIONS:

1. Submit quarterly reports certifying continued compliance with the Orders.
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.

Robert L. Wilson, D.V.M.
Negotiated Settlement
Page two

4. Obtain twenty (20) hours of Continuing Education during each year of the probation.

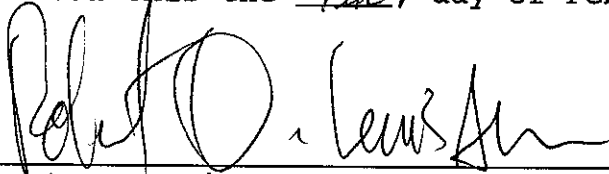
Robert L. Wilson, D.V.M.
Robert L. Wilson, D.V.M.

Donald B. Wilson 1/31/91
Donald B. Wilson, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Date: 31 Jan 91

The foregoing Agreed Settlement, entered into between Dr. Robert L. Wilson, 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 February 7th, 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 7th, day of February, 1991.



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

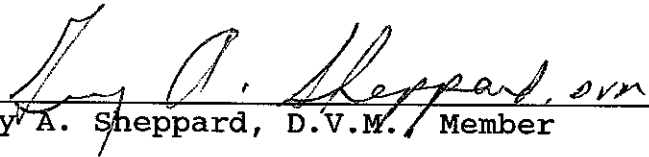
2-7-91

Date

RECUSED

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

Date



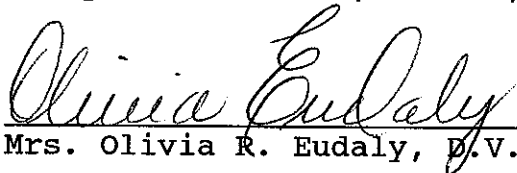
Guy A. Sheppard, D.V.M., Member

2-7-91

Date

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


Date



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

2-7-91

Date



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

2-7-91

Date

Mr. Mike Levi, Member

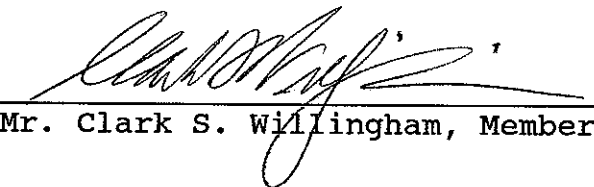
Date



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

2-7-91

Date



Mr. Clark S. Willingham, Member

2/7/91

Date

DOCKETED COMPLAINT NO. 1990-12

TEXAS STATE BOARD OF VETERINARY () TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS () LICENSE NO. 1951
vs. () 1990 RENEWAL CERTIFICATE
ROBERT LOVELL WILSON, D.V.M. () NUMBER 2566

COMPLAINT AFFIDAVIT FORM

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

On or about October 14, 1988, Joseph J. Rizzo, 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 L. WILSON, D.V.M., Animal Clinic of Grand Prairie, 614 Northeast Eighth Street, Grand Prairie, Dallas County, Texas, Veterinary License Number 1951, 1990 Renewal Certificate Number 2566, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Joseph J. Rizzo, do hereby present the following complaint against ROBERT L. WILSON, D.V.M., who is hereinafter called Respondent.

I.

On or about August 3, 1988, at approximately 8:00 a.m., Mrs. Debbie Bryant presented a full term pregnant female Yorkshire Terrier named "Rosie", who was exhibiting problems associated with delivery. The dog, owned by Mr. and Mrs. Bryant, was brought to the Respondent's clinic for examination and delivery. After examination and administration of FE and AD (Iron and Vitamins A & D), Respondent released the dog with instructions to administer honey 3 or 4 times during the day.

II.

Later in the morning, at approximately 10:00 a.m. "Rosie" delivered two amniotic sacs at which time the owner contacted the Respondent and was instructed to return the dog to his clinic if a puppy was not delivered within 30 minutes. Upon arrival, the amniotic sacs were removed from "Rosie" by Margaret Beumer, a Technician. After approximately one hour no signs of labor were exhibited. At approximately 3:00 p.m. Margaret Beumer gave 1/4 cc of Oxytocin, IM, following which one live puppy was delivered. Margaret Beumer also administered 5% Dextrose by slow drip for weakness. Margaraet Beumer administered 1/4 cc of Oxytocin, IM at 4:00, 5:00 and 6:00 p.m. The Respondent was present on the premises throughout the afternoon.

III.

At approximately 6:00 p.m. Mrs. Bryant asked if she could take "Rosie" home and Margaret Beumer responded that it would be best if she took the dog home with her, since Dr. Wilson was going to be checking in with Ms. Beumer around 8:00 p.m..

IV.

At about 8:30 p.m. the owner was notified by Margaret Beumer that she had been giving "Rosie" "stimulant" shots every 30 minutes to no avail and that Dr. Wilson was going to perform a Cesarean Section on "Rosie" to deliver any remaining puppies. In response to the call, the owner returned to Respondent's clinic and was informed by Respondent that "Margaret Ann is just finishing up" and there were three dead puppies. When entering the surgical room, Mr. & Mrs. Bryant observed Margaret Beumer sewing "Rosie" up. Upon completion, "Rosie", still under sedation, and the puppy were released. Rosie expired without ever regaining consciousness shortly after returning home, from hypertropic cardiomyopathy, according to an autopsy. The puppy died approximately 10 days later.

V.

Respondent's patient records do not adequately reflect diagnosis, treatment, medications, or dosages of medications administered to "Rosie" on August 3, 1988.

VI.

On or about April 13, 1990, Respondent failed to furnish evidence to Investigator Rizzo that he has maintained **drug inventory records**, at his place of business, as required by the Texas Controlled Substances Act, in particular, Schedule IV Anabolic Steroids as follows:

DATE REC'D. OR SHIPPED	QUANTITY	FORM	DRUG	STRENGTH	SUPPLIER
9/14/89	500	Tab	Winstrol V	2 mg.	Butler
11/06/89	500	Tab	Winstrol V	2 mg.	Frontier
11/06/89	70	cc	Testosterone E	100 mg.	Frontier
11/17/89	40	cc	Testosterone E	100 mg.	Miller's
11/30/89	500	Tab	Winstrol V	2 mg.	Miller's
11/30/89	20	cc	Winstrol V	50 mg.	Miller's
11/30/89	30	cc	Winstrol V	50 mg.	Miller's
1/02/90	120	cc	Testosterone E	100 mg.	Miller's
1/10/90	30	cc	Winstrol V	50 mg.	Miller's
1/12/90	100	cc	Winstrol V	50 mg.	Frontier
1/23/90	10	cc	Testosterone E	200 mg.	Miller's
1/23/90	3,000	Tab	Methyltestosterone	25 mg.	Butler
3/01/90	20	cc	Winstrol V	50 mg.	Miller
3/01/90	60	cc	Testosterone E	50 mg.	Miller
4/05/90	100	cc	Testosterone E	200 mg.	Imperial

VII.

On or about April 13, 1990, Respondent failed to furnish to Investigator Rizzo **patient records** that identify patients, patient history, names and dosages of anabolic steroids administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment for the Greyhounds owned by approximately 50 clients to whom he has dispensed anabolic steroids during the period of November 28, 1988 to April 5, 1990 as follows:

DATE REC'D. OR SHIPPED	QUANTITY	FORM	DRUG	STRENGTH	SUPPLIER
11/28/88	12,000	Tab	Methyltestosterone	25 mg.	Tx. Vit.
1/02/89	60	cc	Testosterone E	200 mg.	Tx. Vit.
1/10/89	1,000	Tab	Methyltestosterone	25 mg.	Tx. Vit.
1/17/89	120	cc	Testosterone E	100 mg.	Tx. Vit.
3/14/89	100	cc	Methyltestosterone	100 mg.	Key
6/01/89	30	cc	Winstrol V	50 mg.	Miller's
9/14/89	500	Tab	Winstrol V	2 mg.	Butler
11/06/89	500	Tab	Winstrol V	2 mg.	Frontier
11/06/89	70	cc	Testosterone E	100 mg.	Frontier
11/17/89	40	cc	Testosterone E	100 mg.	Miller's
11/30/89	500	Tab	Winstrol V	2 mg.	Miller's
11/30/89	20	cc	Winstrol V	50 mg.	Miller's
11/30/89	30	cc	Winstrol V	50 mg.	Miller's
1/02/90	120	cc	Testosterone E	100 mg.	Miller's
1/10/90	30	cc	Winstrol V	50 mg.	Miller's
1/12/90	100	cc	Winstrol V	50 mg.	Frontier
1/23/90	10	cc	Testosterone E	200 mg.	Miller's
1/23/90	3,000	Tab	Methyltestosterone	25 mg.	Butler
3/01/90	20	cc	Winstrol V	50 mg.	Miller
3/01/90	60	cc	Testosterone E	50 mg.	Miller
4/05/90	100	cc	Testosterone E	200 mg.	Imperial

VIII.

On or about April 13, 1989, Respondent failed to furnish patient records to substantiate a veterinary/client/patient relationship before delivering or ordering delivered the anabolic steroids described in Paragraph VI and VII or that he had personally examined the individual animal, herd, or a representative segment thereof and determined that the anabolic steroids (prescription drugs) were therapeutically indicated.

IX.

On or about April 13, 1990, Respondent failed to furnish evidence to Investigator Rizzo and Chief Investigator Ken Davis of the Food & Drug Div. of Texas Health Dept. that he had registered as a Wholesale Drug Distributor with the Commissioners of Health of the State of Texas, as required by the Texas Food, Drug and Cosmetic Act, Chapter 431, Subchapter I, Sec. 431.202, prior to ordering delivered 12,000, 25 mg. Methyltestosterone tablets to the Kansas Greyhound Association, in November of 1988.

X.

Through failure to take xrays; continually administering Oxytocin over an extended period of time; failing to perform a cesarean section in a timely manner, and releasing "Rosie" while under sedation, as described in Paragraphs I, II and IV, Respondent has violated Rule 573.22 of the Rules of Professional Conduct duly promulgated by the Board which states:

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.

XI.

Through failure to adequately maintain patient records reflecting treatment, medications and dosages of medications administered to "Rosie" on August 3, 1988, as described in Paragraphs II, IV and V, Respondent has violated Rule 573.52 of the Rules of Professional Conduct duly promulgated by the Board which states:

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.

(c.) When appropriate, licensees may substitute the words "herd", "flock" or other collective term in place of the word "patient" in subsections (a.) and (b.) of this section. Records to be maintained on these animals may be kept in a daily log, or the billing records, provided that the treatment information that is entered is adequate to substantiate the identification of these animals and the medical care provided. In no case does this eliminate the requirement to maintain drug records as specified by state and federal law and Board rules.

XII.

By allowing an unlicensed person in his employ, Margaret Beumer, to administer "stimulant shots" at her residence, without direct supervision, and close the cesarean section as described in Paragraph IV, Respondent has violated Rules 573.10 and 573.11 of the Rules of Professional Conduct 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.

XIII.

Through failure to maintain adequate **drug inventory records** on the scheduled drugs listed in Paragraph VI, Respondent has violated Rule 573.50 of the Rule of Professional Conduct duly promulgated by the Board which states:

573.50 CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND
Texas veterinarians shall maintain at their place of business records of all scheduled drugs listed in the Texas Controlled Substances Act, in their possession. These records shall be maintained for a minimum of five (5) years. The form for keeping records of those drugs shall contain the following information in addition to the name of the drug:

1. Date of acquisition,
2. Quantity purchased,
3. Date administered, dispensed, or prescribed,
4. Quantity administered, dispensed, or prescribed,
5. Name of client and patient receiving the drug(s),
6. Diagnosis and
7. Balance on hand.

XIV.

Through failure to maintain **patient records** to substantiate the medications provided to approximately 50 clients owning Greyhounds, as described in Paragraph VII, Respondent has violated Rule 573.52 of the Rules of Professional Conduct duly promulgated by the Board which states:

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.

(c.) When appropriate, licensees may substitute the words "herd", "flock" or other collective term in place of the word "patient" in subsections (a.) and (b.) of this section. Records to be maintained on these animals may be kept in a daily log, or the billing records, provided that the treatment information that is entered is adequate to substantiate the identification of these animals and the medical care provided. In no case does this eliminate the requirement to maintain drug records as specified by state and federal law and Board rules.

XV.

Through failure to establish a veterinary/client/patient relationship prior to delivering or ordering delivered the anabolic steroids, as described in Paragraph VIII, Respondent has violated Rule 573.41 of the Rules of Professional Conduct duly promulgated by the Board which states:

573.41 USE OF PRESCRIPTION DRUGS

(a.) It is unprofessional conduct for a licensed veterinarian to prescribe or dispense, deliver, or order delivered any prescription drug without first having established a veterinary/client/patient relationship by having personally examined the individual animal, herd, or a representative segment or a consignment lot thereof and determined that such prescription drug is therapeutically indicated following said examination. Prescription drugs include all controlled substances in Schedules I thru V and Legend Drugs which bear the federal legends, recognized as such by any law of the State of Texas or of the United States.

(b.) It shall be unprofessional and a violation of the Rules of Professional Conduct for a licensed veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person prescription drugs, that are not necessary or required for the medical care of animals, or where the use or possession of such drugs would promote addiction thereto. Prescription drugs are defined in subsection (a.) of this section.

XVI.

Through failure to register as a Wholesale Drug Distributor prior to ordering delivered 12,000, 25 mg. Methyltestosterone to the Kansas Greyhound Association in November, 1988, as described in Paragraphs VII and IX, and in violation of Texas Health Department law, Respondent has violated Rule 573.4 of the Rules of Professional Conduct duly promulgated by the Board which states:

573.4 ADHERENCE OF THE LAW

No veterinarian shall render any service of advice involving disloyalty to the law. A veterinarian must also observe and advise clients to observe the law.

XVII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Robert L. Wilson's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a)(3), (5), (6), (10) and (12) which state:

Article 8890, Section 14(a), 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"

(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;

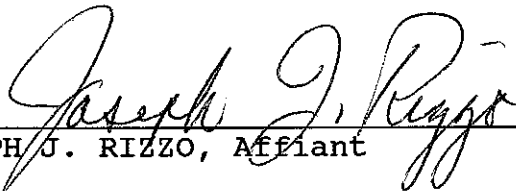
(6) has permitted or allowed another to use his license, or certificate to practice veterinary medicine in this state;

(10) has paid or received any kickback, rebate, bonus, or other remuneration for treating an animal or for referring a client to another provider of veterinary services or goods;

(12) has ordered prescription drugs or controlled substances for the treatment of an animal without first establishing a valid veterinary-patient-client relationship.

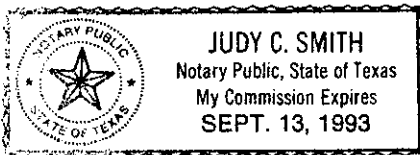
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 3rd day of May 1990.


Further, Affiant sayeth not.



JOSEPH J. RIZZO, Affiant

SUBSCRIBED and SWORN TO before me by the said JOSEPH J. RIZZO, this the 3rd day of May, 1990.





JUDY C. SMITH
Notary Public 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. Robert Lovell Wilson, D.V.M. under Docketed Number 1990-12, this the 3rd day of May, 1990.

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