

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

DOCKET NUMBER 1988-22
GARY PAUL ABER, D.V.M.
LICENSE NUMBER: 3890

NEGOTIATED SETTLEMENT

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

Dr. Aber 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/she 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:


Dispensing/administering Ritalin (Methylphenidate Hydrochloride) when not necessary or needed for the care of animals and failure to maintain adequate patient records.

RECOMMENDED DISCIPLINARY ACTION:


1. One (1) year suspension, all probated, effective immediately.
2. Surrender DEA and DPS Certificates to be reinstated at the discretion of the Board.
3. Pay a Civil Penalty in the sum of \$500.00.

CONDITIONS:

1. Submit quarterly reports certifying continued compliance with the Orders during the probationary period, with the first report due September 1, 1988.
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 Jurisprudence Exam as scheduled by Board Staff.


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


GARY PAUL ABER, D.V.M.


Witness

The foregoing Agreed Settlement, entered into between Dr. Gary P. Aber, 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 June 3, 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.
W. L. "DUB" ANDERSON, D.V.M., PRESIDENT

June 3, 1988
Date

JIM F. HUMPHREY
JIM F. HUMPHREY, Vice-President

"
Date

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

"
Date

HARRY M. DUBUISSON, D.V.M.
HARRY M. DUBUISSON, D.V.M., Member

"
Date

(Absent)
OLIVIA R. EUDALY, Member

"
Date

MIKE LEVI
MIKE LEVI, Member

"
Date

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

"
Date

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

"
Date

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

"
Date

DOCKETED COMPLAINT NO. 1988-22

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS		LICENSE NO. 3890
vs.		1988 RENEWAL CERTIFICATE
GARY PAUL ABER, D.V.M.		NUMBER 1712

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public and for Texas, on this day personally appeared THOMAS CHESHIRE, who after being duly sworn, did depose and say:

"I, THOMAS CHESHIRE, 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. GARY PAUL ABER, P. O. Box 610, Simonton, Fort Bend County, Texas, Texas Veterinary License Number 3980, 1988 Renewal Certificate Number 1712, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, THOMAS CHESHIRE do hereby present the following complaint against GARY PAUL ABER, D.V.M., who is hereinafter called Respondent.

I.

Respondent administered and/or dispensed the following dosages of Ritalin, 20 mg., (Methylphenidate Hydrochloride), a Schedule II drug, for training purposes and when not necessary or required for care of the animals: Dr. Aber used the Ritalin for working horses after the trainer "blistered or fired" the horses and Dr. Aber felt the Ritalin was necessary to get the horses back into training after the "blistering".

<u>CLIENT</u>	<u>DATE DISPENSED/ADMIN.</u>	<u>QUANTITY</u>	<u>STRENGTH</u>
RAY ROBERTS	Sept. 8, 1986	25 tabs.	20 mg.
RAYMOND MIZE	Jan. 3, 1987	<u>25 tabs</u>	20 mg.
TOTAL DISPENSED:		50 Tabs	

II.

Respondent, when requested to present records when conferenced concerning the prescriptions, was unable to produce the records to substantiate the use of the Ritalin, aka Methylphenidate Hydrochloride.

III.

By dispensing/administering the 50 tablets of 20 mg. Ritalin, (Methylphenidate Hydrochloride) for training purposes and when not necessary or needed for the care of the animals, the Respondent has violated Rule 33 of the Rules of Professional Conduct which states:

RULE 33 -

It shall be unprofessional and a violation of the Rules of Professional Conduct for the veterinary profession for a veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person, narcotic drugs, dangerous drugs, or any controlled substances that are not necessary or required for the care of animals, or where the use or possession of such drugs would promote addiction thereto. For purposes of the rule the term Narcotic Drugs, Dangerous Drugs, and Controlled substances shall mean those which are defined and recognized as such by any law of the State of Texas or of the United States.

IV.

By failing to maintain records to substantiate the use of the Ritalin, aka, Methylphenidate Hydrochloride, the Respondent has violated Rule 32 of the Rules of Professional Conduct which states:

Rule 32

Individual records will include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, names and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

Patient records shall be maintained for a period of three years and are the responsibility and property of the employing veterinarian.

V.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Aber's veterinary license under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.C.S., Section 14(e) which states:

Article 7465a, Section 14(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:
(3) 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 2nd day of May, 1988.

Further, Affiant sayeth not.



THOMAS CHESHIRE, Affiant

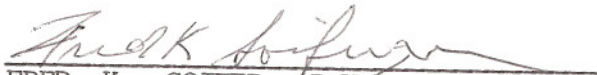
SUBSCRIBED and SWORN TO before me by the said THOMAS CHSHIRE, this the 2nd day of May, 1988.



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 Paul Aber, D.V.M. under Docketed Number 1988-4 , this the 12th day of May, 1988.


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



TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

RON ALLEN, EXECUTIVE DIRECTOR

CLARK S. WILLINGHAM, PRESIDENT
DALLAS, TEXAS

ALTON F. HOPKINS, JR., D.V.M., VICE PRESIDENT
DALLAS, TEXAS

JOHN A. WOOD, D.V.M., SECRETARY
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CENTER, TEXAS

MICHAEL J. MCCULLOCH, D.V.M., MEMBER
ODESSA, TEXAS

GUY A. SHEPPARD, D.V.M., MEMBER
SAN ANGELO, TEXAS

November 1, 1994

Will Morris, Group Supervisor
DRUG ENFORCEMENT ADMINISTRATION
10127 Marocco, Suite 200
San Antonio, Texas 78216

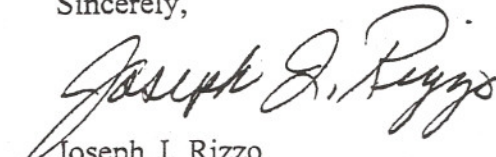
Re: Gary Paul Aber, DVM
License No: 3890

Dear Will:

For your information and appropriate action, you are advised that on October 6, 1994 the Texas State Board of Veterinary Medical Examiners met and agreed that the Board would not oppose Gary Paul Aber's requesting reinstatement of his DEA and DPS controlled substances registration certificates. Enclosed is a copy of the negotiated settlement the Board approved on June 3, 1988.

If you should have any questions, please contact me.

Sincerely,


Joseph J. Rizzo
Chief Investigator

JJR:rm

cc: Dr. Gary Paul Aber



TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

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ODESSA, TEXAS

GUY A. SHEPPARD, D.V.M., MEMBER
SAN ANGELO, TEXAS

November 1, 1994

Tracy Svehlak, Supervisor
TEXAS DEPARTMENT OF PUBLIC SAFETY
Narcotics Registration and Information
P.O. Box 4087
Austin, Texas 78773


Re: Gary Paul Aber, DVM
License No: 3890

Dear Tracy:

For your information and appropriate action, you are advised that on October 6, 1994 the Texas State Board of Veterinary Medical Examiners met and agreed that the Board would not oppose Gary Paul Aber's requesting reinstatement of his DEA and DPS controlled substances registration certificates. Enclosed is a copy of the negotiated settlement the Board approved on June 3, 1988.

If you should have any questions, please contact me.

Sincerely,


Joseph J. Rizzo
Chief Investigator

JJR:rm

cc: Dr. Gary Paul Aber