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

RECEIVED

JUN -6 94

STATE BOARD OF VETERINARY  
MEDICAL EXAMINERS

DOCKET NUMBER 1994-09  
CHARLES ATCHLEY, D.V.M. - LICENSE NUMBER 3370

**NEGOTIATED SETTLEMENT**

This negotiated settlement has been entered by agreement between Dr. Atchley, the Texas State Board of Veterinary Medical Examiners Enforcement Committee, staff, and 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. Atchley will be granted a continuance at his option.

Dr. Atchley 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 establish a veterinarian/client/patient relationship prior to ordering prescription drugs delivered, failure to determine that such prescription drugs were therapeutically indicated, and failure to maintain patient records substantiate the diagnosis and treatment.

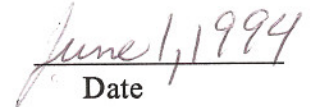
**RECOMMENDED DISCIPLINARY ACTION:**

1. Two-year suspension of license, with the entire period being probated.
2. Pay an administrative penalty in the sum of \$1,000.00 within 45 days of the issuance of the Board's Order.
3. Obtain 5 hours of continuing education in practice management to be part of the 15 hours required for 1995 license renewal.
4. Take and pass the Jurisprudence Examination as scheduled by Board staff.
5. File quarterly reports with the Board office certifying compliance with this Order.
6. Initiate and use a records keeping system that is approved by the Executive Director within 60 days after the Board's Final Order. Quarterly reporting shall include samples of records of 5 clients, and each report shall include 5 client record different from those previously submitted.

**CONDITIONS:**

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


  
\_\_\_\_\_  
CHARLES ATCHLEY, D.V.M.

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Don Allen, Executive Director  
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

The foregoing Agreed Settlement, entered into between Dr. Atchley, the Board Secretary, and the Enforcement Committee, 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 day of October, 1994, ORDERED that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.


Executed this the 6th, day of October, 1994.

  
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Mr. Clark S. Willingham, President

October 6, 1994  
\_\_\_\_\_  
Date

  
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Al F. Hopkins, Jr., D.V.M., Vice- President

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\_\_\_\_\_  
Date

  
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John A. Wood, D.V.M., Secretary

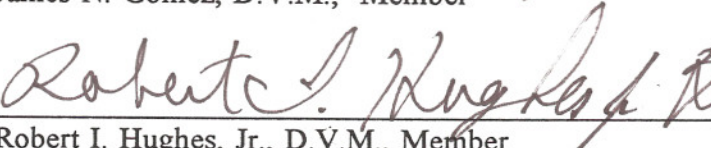
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Date

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Sharon O. Matthews, Member

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Date

  
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James N. Gomez, D.V.M., Member

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Robert I. Hughes, Jr., D.V.M., Member


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Michael J. McCulloch, D.V.M., Member

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Joyce G. Schiff, Member

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Date

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

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\_\_\_\_\_  
Date

DOCKETED COMPLAINT NO. 1994-09

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 3370
vs.	§	1994 RENEWAL CERTIFICATE
CHARLES ATCHLEY, D.V.M.	§	NUMBER 2973

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Mike Carroll, who after being duly sworn, did depose and say:

On or about March 1, 1994., Mike Carroll, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Charles Atchley, D.V.M., HCR 5, Box 9, Dimmit, TX, 79027, Veterinary License Number 3370, 1994 Renewal Certificate Number 2973, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Mike Carroll, do hereby present the following complaint against Charles Atchley, D. V. M.

I.

From July, 1993 through January, 1994, Charles Atchley, D.V.M., completed, signed and issued 223 "purchase orders" that authorized Lextron, Inc., a wholesaler of veterinary drugs, to drop-ship prescription (legend) drugs to varying quantities and types to numerous individuals, ranches and feedlots, as described in the attached addendum.

Charles Atchley, D.V.M.

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II.

On March 1, 1994, when requested by Board Investigator Mike Carroll to produce patient records that contain or describe patients, patients history, dates of visits, names and dosages of medications dispensed, and other details as necessary to substantiate diagnosis and treatment of the animals owned by the clients to whom the prescription drugs were drop-shipped, Dr. Atchley was unable to produce any relevant records that verified diagnosis, treatment or a valid veterinarian/client/patient relationship.

III.

By failing to first establish a veterinarian/client/patient relationship before ordering prescription drugs delivered and by failing to determine that such prescription drugs are therapeutically indicated for the health and/or well being of the animals, as described in paragraph 2, Dr. Atchley violated Rule of Professional Conduct 573.41

IV.

By failing to maintain individual records that identify patient, patient history, dates of visits, name and dosages of medications dispensed, and other details as necessary to substantiate diagnosis and treatment, as described in paragraph 2, Dr. Atchley violated Rule of Professional Conduct 573.52.

V.

By violating Rules of Professional Conduct 573.41 and 573.52, Dr. Atchley has violated Section 14(a)(5), Texas Veterinary Licensing Act, Article 8890, V.A.C.S.

Charles Atchley, D.V.M.

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VI.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Atchley's veterinary license under the Texas Veterinary Licensing Act, V.A.C.S., Article 8890, (formerly Article 7465a) Section 14, which states in part:

ARTICLE 8890, SECTION 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 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 an administrative penalty against that person in addition to taking action under Section 14 or 14A of this Act.

Charles Atchley, D.V.M.

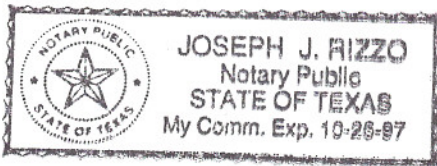
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The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 6<sup>TH</sup> day of MAY, 1994.

Further, Affiant sayeth not.

*Mike Carroll*  
Mike Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 6<sup>th</sup> day of May, 1994.



*Joseph J. Rizzo*  
Joseph J. Rizzo, 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. Charles Atchley, D.V.M. under Docketed Number 1994-09, this the 9 day of May, 1994

*John A. Wood*  
John A. Wood, DVM, Board Secretary

Texas State Board of Veterinary Medical Examiners