

DOCKETED COMPLAINT NO. 1978-1

TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

TEXAS VETERINARY MEDICAL
LICENSE NUMBER 2388

VS.

TEXAS VETERINARY MEDICAL
RENEWAL CERTIFICATE (1978)
NUMBER 2560

BOBBY GENE BARHAM, D.V.M.

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 6th day of May, A.D., 1978, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Holiday Inn, Northeast in Hurst, Tarrant County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint, as well as for the consideration of other business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said DR. BOBBY GENE BARHAM, having waived Service of Citation and accepted service in said cause by sworn instrument dated the 24th day of April, 1978, and the entire membership of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present, to-wit:

DR. WALLACE H. CARDWELL, President	of Elgin, Texas
DR. FRANK E. MANN, JR., Vice President	of Wharton, Texas
DR. CHARLES W. EDWARDS, JR., Secretary	of Marfa, Texas
DR. DAN J. ANDERSON, Member	of Fort Worth, Texas
DR. JAMES GANDY, Member	of Brownwood, Texas
DR. JOHN E. WILKINS, JR., Member	of Greenville, Texas

whereupon the President of the Board, DR. WALLACE H. CARDWELL, Ordered the case to proceed at which time it was ascertained that DR. BOBBY GENE BARHAM was present in person; whereupon he entered his plea of "Nolo Contendere" to said docketed complaint; whereupon the Board then proceeded to hear the evidence presented by the State, and by DR. BOBBY GENE BARHAM, in his behalf, and on the same day, Saturday, May 6, 1978, all of the above members of said Board being present and participating, makes the following findings, to-wit:

FINDINGS OF FACT

1. The Board finds that all statutory requisites to its jurisdiction have been met.

2. On or about August 26, 1977 MS. NANCY MELTON was employed by DR. BOBBY GENE BARHAM in his veterinary clinic.
3. That the said MS. NANCY MELTON is not licensed by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS to practice veterinary medicine.
4. That on or about August 26, 1977, DR. BOBBY GENE BARHAM left NANCY MELTON in his clinic without proper supervision for the purpose of practicing veterinary medicine.
5. That on or about August 26, 1977, the said MS. NANCY MELTON informed ERNIE M. CARROLL by telephone that she was available to administer a Rabies injection to his dog.
6. That on or about August 26, 1977, the said NANCY MELTON, during the absence of DR. BOBBY GENE BARHAM from his veterinary clinic, did administer a Rabies injection to a pet presented to her by ERNIE M. CARROLL, and charged and collected a fee for said services.
7. That on or about August 26, 1977, the said MS. NANCY MELTON issued a vaccination certificate bearing the signature of "BARHAM" to the said ERNIE M. CARROLL.

CONCLUSIONS OF LAW

1. That leaving an unlicensed individual in charge of his veterinary clinic during his absence for the purpose of administering Rabies injections and issuing vaccination certificates with DR. BARHAM's signature affixed thereto, is a violation of Rule 15 of the Rules of Professional Conduct duly promulgated by the Board, and Subsections (e) and (f) of Section 14 of Article 7465a, Vernon's Annotated Texas Statutes.
2. That authorizing an unlicensed individual to administer Rabies injections during his absence is a violation of Rule 14 of the Rules of Professional Conduct, duly promulgated by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS in accordance with law.

The Board finds that the facts and conclusions brought out at such hearing justify and require the following orders:

ORDERS OF THE BOARD

The TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS finds that DR. BOBBY GENE BARHAM should be reprimanded and he is HEREBY REPRIMANDED and he is further instructed to take the necessary steps to ensure that lay

employees do not practice veterinary medicine in his clinic during his absence therefrom.

MADE THE 6th day of May, 1978 and ENTERED the 22^d day of May, 1978.

Wallace H. Cardwell Dan J. Anderson
WALLACE H. CARDWELL, D.V.M. DAN J. ANDERSON, D.V.M.
President Member

Frank E. Mann, Jr. James Gandy
FRANK E. MANN, JR., D.V.M. JAMES GANDY, D.V.M.
Vice President Member

Charles W. Edwards, Jr. John E. Wilkins, Jr.
CHARLES W. EDWARDS, JR., D.V.M. JOHN E. WILKINS, JR., D.V.M.
Secretary Member

THE STATE OF TEXAS X

COUNTY OF TRAVIS X

BEFORE ME, a Notary Public in and for Travis County, Texas, on this day personally appeared ERNIE M. CARROLL, who after being by me duly sworn upon oath deposes and says that:

The said ERNIE M. CARROLL, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of his employment make certain investigations into the professional conduct of one DR. BOBBY G. BARHAM, Texas Veterinary Medical License No. 2388, 1978-1979 Renewal Certificate No. 2560, a practitioner of veterinary medicine in the State of Texas, and in the course of said investigation it has come to the attention of the said ERNIE M. CARROLL that on or about the dates hereinafter specified that the said DR. BOBBY G. BARHAM did commit one or more of the following acts, and/or omissions, or a combination thereof or all of same said acts and/or omissions being in violation of Article 7465a of the Civil Statutes of Texas (V.A.T.S.) and within the contemplation of Section 14 and 15 of said statute, as follows, to-wit:

1. That on about August 26, 1977, the said DR. BOBBY G. BARHAM left MS. NANCY MELTON in his clinic without proper supervision at 2829 W. 7th Ave., Corsicana, Navarro County, Texas, for the purpose of practicing Veterinary Medicine in his absence even though the said MS. NANCY MELTON did not have a current Texas license.

2. That on or about August 26, 1977, the said MS. NANCY MELTON informed ERNIE M. CARROLL over the telephone that DR. BARHAM was out of the clinic but that she was available to administer a rabies injection to his dog.

3. That on or about August 26, 1977, the said MS. NANCY MELTON, an employee of DR. BOBBY G. BARHAM while in the clinic owned and operated by DR. BOBBY G. BARHAM, at 2829 W. 7th Ave., Corsicana, Navarro County, Texas during said Doctor's absence offered to administer a D.H.L. injection to the dog presented to her by the said ERNIE M. CARROLL if it was needed.

4. That on or about August 26, 1977, the said MS. NANCY MELTON, an unlicensed person, while employed or associated by DR. BOBBY G. BARHAM in his veterinarian clinic in Corsicana, Navarro County, Texas did administer a rabies

injection to a pet presented to the clinic by ERNIE M. CARROLL, in the absence of DR. BOBBY G. BARHAM.


The above complaint, containing four (4) counts, is submitted to the Executive Secretary of the Texas State Board of Veterinary Medical Examiners this the 23rd day of March, A.D., 1978.


ERNIE M. CARROLL

THE STATE OF TEXAS I

COUNTY OF TRAVIS I

SWORN AND SUBSCRIBED TO BEFORE ME BY ERNIE M. CARROLL, this the 23rd day of March, A.D., 1978, to certify which witness my hand and seal of office.


Notary Public in and for
Travis County, Texas