

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

DOCKET NUMBER 1994-07
TIMOTHY JAMES BUBACK, D.V.M. - LICENSE NUMBER 7283

NEGOTIATED SETTLEMENT

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

Dr. Buback 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 maintain patient records that contain history, dates of visits, names and dosages of medications administered and/or dispensed, and other details to substantiate diagnosis and treatment.

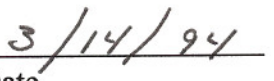
RECOMMENDED DISCIPLINARY ACTION:

1. Official Reprimand

CONDITIONS:

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

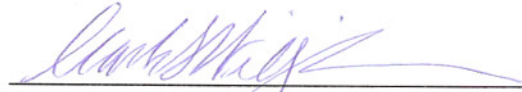

TIMOTHY JAMES BUBACK, D.V.M.


Date

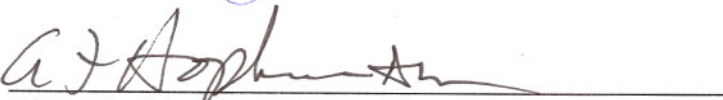

Ron Allen, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

The foregoing Agreed Settlement, entered into between Dr. Timothy Buback, 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 9th day of June, 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 9th, day of June, 1994.


Mr. Clark S. Willingham, President

June 9, 1994
Date


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

"
Date


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

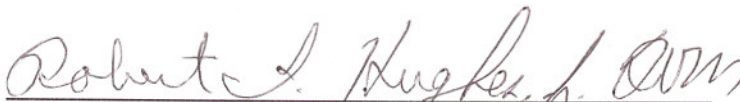
"
Date


Sharon O. Matthews, Member

"
Date


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

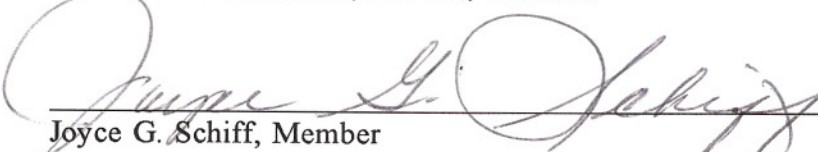
"
Date


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

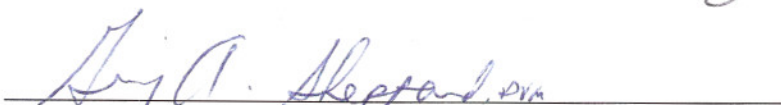
"
Date


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

"
Date


Joyce G. Schiff, Member

"
Date


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

"
Date

DOCKETED COMPLAINT NO. 1994-07

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 7283
VS. § 1994 RENEWAL CERTIFICATE
TIMOTHY JAMES BUBACK, D.V.M. § NUMBER 2841

COMPLAINT AFFIDAVIT

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 November 22, 1993, Joseph J. Rizzo, 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 Timothy James Buback, D.V.M., Caldwell Veterinary Clinic, Highway 21 North, Caldwell, TX 77836, Veterinary License Number 7283, 1994 Renewal Certificate Number 2841, 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 Timothy James Buback, D. V. M.

I.

On October 21, 1993, Ms. Connelle J. Carter presented her colt "Copper Sun" to Timothy J. Buback, D.V.M., for the purpose of castrating the colt. Dr. Buback administered 2ccs of 100 mg/ml Rompun and then attempted to administer 4ccs of 100 mg/ml Ketamine Hcl in the left jugular vein. Dr. Buback was unable to anesthetize the colt and suggested to Ms. Carter that she present the colt for castration sometime in the future.

II.

On October 23, 1993, Dr. Buback treated the colt for a swelling in the region of the left jugular furrow, possibly caused by a perivascular injection of the Ketamine Hcl on October 21, 1993. Dr. Buback treated the colt with Tetanus Antitoxin, antibiotics and Topical DMSO.

III.

On October 25, 1993, Dr. Buback consulted with Dr. Mark Crabill of TAMU College of Veterinary Medicine, who suggested administering Tribriksen as an antibiotic, continued use of DMSO and hot packing of the swollen area.

IV.

On October 28, 1993, a swab of the abscess in the infected area was submitted to the Texas Veterinary Medical Diagnostic Laboratory. The lab diagnosed Staph. Aureus. The colt was then treated with Trimethoprim/Sulfa for about two weeks.

V.

On November 19, 1993, Dr. Buback examined the colt and diagnosed fibrosis of the jugular vein and a two to three inch area of hairless skin in the region of the jugular vein bifurcation. Dr. Buback took the colt's temperature, pulse and respiration.

VI.

On December 9, 1993, Dr. Buback submitted to Investigator Joseph J. Rizzo a copy of the patient record for "Copper Sun". The record indicated "two colts castrated" and "Ketaset 4" and "Rompun 2". The record does not reflect that "Copper Sun" was not castrated, nor does the record reflect any of the subsequent examinations, diagnoses, lab results, consultation and treatments that occurred in paragraphs 2, 3, 4 and 5.

VII.

By failing to complete a patient record that contains patient history, dates of visits, names and dosages of medications administered and/or dispensed, and other details to substantiate diagnosis and treatment of "Copper Sun", as described in paragraph 6, Dr. Buback violated Rule 573.52, Patient Record Keeping, and Section 14(a) (5) of the Texas Veterinary Licensing Act, Article 8890, V.A.C.S.

VIII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Buback'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:

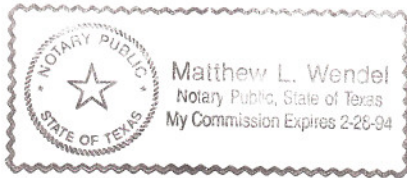
- (5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with law;

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.

The foregoing complaint is submitted to the Secretary of Texas Board of Veterinary Medical Examiners on this the 23rd day of February, 1994.

Further, Affiant sayeth not.



Joseph J. Rizzo
Joseph J. Rizzo, Affiant

SUBSCRIBED and SWORN TO before me by the said Joseph J. Rizzo this the 23rd day of February, 1994.

Matthew L. Wendel
Matthew L. Wendel, 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. Timothy James Buback, D.V.M. under Docketed Number 1994-07, this the 25th day of February, 1994.

John Wood, DVM
John Wood, DVM, Secretary
Texas State Board of Veterinary Secretary