

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

DOCKET NUMBER 1988-24
THOMAS B. BUCKMAN, D.V.M.
LICENSE NUMBER: 3349

NEGOTIATED SETTLEMENT

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

Dr. Buckman 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:

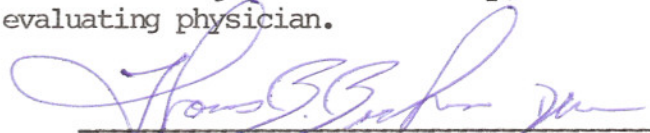
Failure to maintain adequate records for Controlled Substances and ordering Dextro-amphetamine Tablets when not necessary or needed for the care of animals.

RECOMMENDED DISCIPLINARY ACTION:

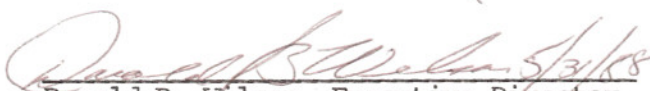
1. Five (5) year suspension, all probated, effective immediately.
2. Surrender DEA and DPS Certificates and to be reinstated at the discretion of the Board.
3. Pay a Civil Penalty in the sum of \$500.00.
4. Obtain fifteen (15) hours of continuing education each year of the probationary period.
5. Perform two hundred (200) hours of community service at forty (40) hours per year of probation.

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.
4. Schedule and complete a drug dependency evaluation, no later than July 1, 1988. Such evaluation is to be done on an in-patient basis in accordance with the TVMA Peer Assistance Program. If the results are positive, Dr. Buckman agrees to enter the TVMA Peer Assistance Program for recovery, including follow-on care as indicated by the evaluating physician.



THOMAS B. BUCKMAN, D.V.M.



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

Witness

The foregoing Agreed Settlement, entered into between Dr. Thomas B. Buckman 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., PRESIDENT

June 3, 1988
Date

JIM F. HUMPHREY, Vice-President

"
Date

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

"
Date

LARRY M. DUBUISSON, D.V.M., Member

"
Date

(Absent)
OLIVIA R. EUDALY, Member

"
Date

MIKE LEVI, Member

"
Date

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

"
Date

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

"
Date

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

"
Date

DOCKETED COMPLAINT NO. 1988-24

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS		LICENSE NO. 3349
vs.		1988 RENEWAL CERTIFICATE
THOMAS B. BUCKMAN, D.V.M.		NUMBER 0058

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. THOMAS B. BUCKMAN, 2804 Bee Caves Road, Austin, Travis County, Texas, Texas Veterinary License Number 3349, 1988 Renewal Certificate Number 0058, 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 THOMAS B. BUCKMAN, D.V.M., who is hereinafter called Respondent.

I.

The Respondent has failed to maintain, at his place of business, adequate inventory records on Dextroamphetamine Tablets aka Dextroamphetamine Sulfate, a Schedule II Controlled Substance, ordered on the following DEA Form 222:

<u>QUANTITY</u>	<u>STRENGTH</u>	<u>DATE ORDERED</u>	<u>DATE SHIPPED</u>	<u>ORDER NO</u>
4 x 500	5 mg.	3/6/87	3/17/87	850095304
3 x 500	10 mg.	7/2/84	7/11/84	P17100708
2 x 500	10 mg.	9/10/83	9/30/83	UNKNOWN
3 x 500	10 mg.	12/27/85	Unknown	850095303

6,000 TABLETS

II.

On or about November 9, 1987, Tom Cheshire, Investigator, State Board of Veterinary Medical Examiners, visited with Dr. Buckman concerning the

purchases of Dextroamphetamine, aka Dextroamphetamine Sulfate. The Respondent advised Mr. Cheshire that he (Dr. Buckman) has a self-diagnosed case of Narcolepsy and has been taking 10 mg. of Dextroamphetamine daily since approximately 1972.

IV.

By failing to maintain adequate records at his place of business for the Schedule II Controlled Substance listed in Paragraph I of this Complaint, the Respondent has violated Section 7(b), of the Veterinary Practice Act which states:

Article 7465a, Section 7(b), Veterinary Practice Act -

The Board may require its licensees to maintain a record-keeping system for certain controlled substances prescribed by the Board that includes the quantities and date of purchase, quantities and date dispensed, quantities and date administered, balance on hand, the name and address of the client and patient receiving the drugs, and the reason for dispensing or administering the drugs to such patient. The records are subject to review by law enforcement agencies and by representatives of the Board. A failure to keep such records shall be grounds for revoking, cancelling, suspending, or probating the license of any practitioner of veterinary medicine.

V.

By failing to maintain adequate records at his place of business for the Schedule II Controlled Substances listed in Paragraph I of this Complaint, the Respondent D.V.M. has violated Rule 30 of the Rules of Professional Conduct which states:

Rule 30 -

Texas veterinarians shall maintain at their place of business records of all drugs listed in Schedule II of 21 Code of Federal Regulation, Part 1300 to end, in their possession. These records shall be maintained for a minimum of five (5) years. The Board shall prescribe a form for keeping records of those Schedule II substances which shall contain the following information:

- A. Date of Acquisition
- B. Quantity Purchased
- C. Date Administered, Dispensed, or Prescribed
- D. Quantity Administered, Dispensed, or Prescribed
- E. Name of Client and Patient receiving the Drug(s)
- F. Diagnosis
- G. Balance on Hand

VII.

By ordering the Dextroamphetamine, aka Dextroamphetamine Sulfate, listed in Paragraph I of this complaint when not necessary or required for the care of animals, THOMAS B. BUCKMAN, D.V.M. 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.

VIII.

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

Article 7465a, Section 14(c) and (e), Veterinary Licensing Act -

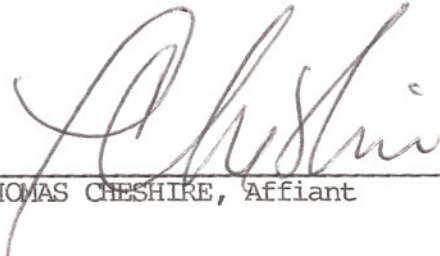
" . . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee, . . . if it finds that an applicant or licensee:

(c) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine; or

(e) 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 9th day of May, 1988.

Further, Affiant sayeth not.



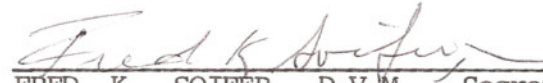
THOMAS CHESHIRE, Affiant

SUBSCRIBED and SWORN TO before me by the said THOMAS CHESIRE, this the
9th day of May, 1988.


Judy C. Smith
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. Thomas B. Buckman, D.V.M. under Docketed Number 1988-24 , this the 12th day of May, 1988.


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