

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

DOCKET NUMBER 1995-07, David A. Darter, D.V.M.  
LICENSE NUMBER 1609

NEGOTIATED SETTLEMENT

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

Dr. David A. Darter does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that (1) the Board may treat the allegations of fact and law as true and (2) the findings shall have the same force and effect as if evidence and argument were presented in support of the allegations. 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:**

Dr. David A. Darter allowed his unlicensed employee to perform activities that constitute the unlawful practice of veterinary medicine, in violation of Rules of Professional Conduct 573.10 and 573.11; Section 14(a) (3), (5), (6), (7) (9) and (15), Texas Veterinary Licensing Act, TEX. REV. CIV. STAT.

**RECOMMENDED DISCIPLINARY ACTION:**

- (1) License suspension of five years with said suspension stayed and placed on probation for a period of five years.
- (2) Administrative penalty in the amount of \$2,500.00.

**CONDITIONS:**

- (1) Take and pass the Jurisprudence Examination.
- (2) Quarterly reporting to the Board during probation.

- (3) Agreement to abide by the Rules of Professional Conduct, Texas Veterinary Licensing Act and laws of the State and United States.

  
\_\_\_\_\_  
David A. Darter, D.V.M.

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
RON ALLEN, Executive Director  
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS


  
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The foregoing Agreed Settlement, entered into between Dr. David A. Darter, the Board Secretary, and the 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 the 8th day of February, 1995, ORDERED that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Finding and Order issued.

Executed this the 8th day of February, 1995.

  
Alton F. Hopkins, Jr., D.V.M., President

\_\_\_\_\_ Date

  
John A. Wood, D.V.M., Vice-President

\_\_\_\_\_ Date

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

\_\_\_\_\_ Date

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

\_\_\_\_\_ Date

  
Sharon O. Matthews, Member

\_\_\_\_\_ Date

  
Michael J. McCulloch, D.V.M.

\_\_\_\_\_ Date

  
Joyce G. Schiff, Member

\_\_\_\_\_ Date

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

\_\_\_\_\_ Date

\_\_\_\_\_ Clark S. Willingham, Member

\_\_\_\_\_ Date



DOCKETED COMPLAINT NO. 1995-07

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 1609
VS.	§	1994 RENEWAL CERTIFICATE
David A. Darter, D.V.M.	§	NUMBER 3035

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 September 30, 1994, 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 David A. Darter, D.V.M., CRYSTAL VETERINARY MEDICAL CENTER, 913 N. First Street, Crystal City, Texas 78839, Veterinary License Number 1609, 1994 Renewal Certificate Number 3035, 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 David A. Darter, D. V. M.

I.

During the period of June 7, 1994 to September 30, 1994 David A. Darter, DVM, allowed his unlicensed employee, Aurelio "Chico" Medina to routinely perform the following unauthorized activities that constitute the unlawful practice of veterinary medicine:

- a) Examination of animals for the purpose of diagnosing their conditions.
- b) Prescription, administration and dispensing of legend drugs.
- c) Administration of over-the-counter vaccines without direct supervision.
- d) Administration of Rabies vaccine without direct supervision.
- e) Issuance of Rabies Vaccination Certificates with forged signature of David Darter, DVM.
- f) Performance of dental work without direct supervision.
- g) Treatment of Parvovirus, snakebite and ear infections.
- h) Performance of surgeries, including tumor removals; spays and neuters; suturing dog fight wounds; eye surgeries; anal gland problems; wart removals; setting and pinning broken bones; ear crops.
- i) Performance of Tuberculosis and Brucellosis tests without direct supervision.

## II.

By allowing his unlicensed employee, Aurelio "Chico" Medina, to engage in the activities described in Paragraph I, Dr. Darter violated Rules of Professional Conduct 573.10 (Direct Supervision of Lay Personnel); 573.11 (Discouragement of Unauthorized Practice); Section 14(a) (3) (5) (6) (7) (9) and (15), Texas Veterinary Licensing Act, Article 8890, TEX. REV. CIV. STAT.

## III.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Darter's Veterinary License under the Texas Veterinary Licensing Act, Article 8890, TEX. REV. CIV. STAT. (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:

- (3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;
- (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;
- (6) has permitted or allowed another to use his license, or certificate to practice veterinary medicine in this state;
- (7) has fraudulently issued a health certificate, vaccination certificate, test chart, or other form used in the practice of veterinary medicine that relates to the presence or absence of animal disease;
- (9) has committed fraud in the application or reporting of any test of animal disease;
- (15) has committed gross malpractice or is guilty of a pattern of acts indicating consistent malpractice, negligence, or incompetence in the practice of veterinary medicine; or

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 22<sup>nd</sup> day of November, 1994.

Further, Affiant sayeth not.

  
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Joseph J. Rizzo, Affiant

SUBSCRIBED and SWORN TO before me by the said Joseph J. Rizzo this the 22<sup>nd</sup> day of November, 1994.



  
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Matthew 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. David A. Darter, D.V.M. under Docketed Number 1995-07, this the 23 day of November, 1994

  
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James N. Gomez, DVM, Board Secretary  
Texas Board of Veterinary Medical Examiners