

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

DOCKET NUMBER 1988-18
WARNER A. DUNN, D.V.M.
LICENSE NUMBER: 1611

NEGOTIATED SETTLEMENT

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

Dr. Dunn 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 patient and inventory records of Scheduled Drugs.

RECOMMENDED DISCIPLINARY ACTION:


1. A one (1) year suspension, all probated, effective immediately.
2. Surrender Schedule II and IIN DEA and DPS Drug Certificates to be reinstated at the discretion of the Board.
3. Obtain fifteen (15) hours of Continuing Education during the probationary period.
4. Pay a Civil Penalty in the sum of \$500.00.

CONDITIONS:

1. Abide by the laws and rules of the State of Texas as they pertain to the practice of veterinary medicine.
2. Submit quarterly reports to the Board Offices certifying continuing compliance with this Order, with the first report due September 1, 1988.
3. Take and pass the State Board Jurisprudence Examination as scheduled by the Board Staff.


WARNER A. DUNN, D.V.M.

Witness


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

The foregoing Agreed Settlement, entered into between Dr. Warner A. Dunn, 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. Anderson, D.V.M.
W. L. "DUB" ANDERSON, D.V.M., PRESIDENT

June 3, 1988
Date

Jim F. Humphrey
JIM F. HUMPHREY, Vice-President

"
Date

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

"
Date

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

"
Date

(Absent)
OLIVIA R. EUDALY, Member

"
Date

Mike Levi
MIKE LEVI, Member

"
Date

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

"
Date

Mary E. Mainster, DVM
MARY E. MAINSTER, D.V.M., Member

"
Date

Edward S. Murray, DVM
EDWARD S. MURRAY, D.V.M., Member

"
Date

DOCKETED COMPLAINT NO. 1988-18

TEXAS STATE BOARD OF VETERINARY	I	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	I	LICENSE NO. 1611
vs.	I	1988 RENEWAL CERTIFICATE
WARNER A. DUNN, D.V.M.	I	NUMBER 1674

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. WARNER A. DUNN, Nacogdoches Animal Hospital, Nacogdoches, Nacogdoches County, Texas, Texas Veterinary License Number 1611, 1988 Renewal Certificate Number 1674, 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 WARNER A. DUNN, D.V.M., who is hereinafter called Respondent.

I.

The Respondent has failed to maintain, at his place of business, adequate inventory records on 92 of the PRELUDIN ENDURETS aka Phemetrazine, 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>
<u>1 x 100</u> 100 tabs	<u>75 mg.</u>	<u>11/19/86</u>	<u>11/28/86</u>	<u>861057917</u>

II.

The Respondent has failed to maintain, at his place of business, adequate inventory records on CODEINE PHOSPHATE HYPO TABS aka Codeine, 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>
<u>1 x 100</u> 100 Tabs	<u>½ grain</u>	<u>2/13/85</u>	<u>2/22/85</u>	<u>N 14418002</u>

III.

On or about February 22, 1988, Tom Cheshire, Investigator, State Board of Veterinary Medical Examiners, inspected the patient records corresponding to the Preludin Endurets AKA Phenmetrazine listed in Paragraph I and found the Respondent has failed to maintain adequate patient records reflecting the use of this drug.

IV.

On or about February 22, 1988, Tom Cheshire, Investigator, State Board of Veterinary Medical Examiners, inspected the patient records corresponding to the Codiene Phosphate Hypo Tabs aka Codiene listed in Paragraph II and found the Respondent has failed to maintain adequate patient records reflecting the use of this drug.

V.

By failing to maintain adequate records at his place of business for the Schedule II Controlled Substance listed in Paragraphs I and II of this Complaint, the Respondent has violated Article 7465a, V.A.C.S., Section 7(b), 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.

VI.

By failing to maintain adequate records at his place of business for the Schedule II Controlled Substances listed in Paragraph I and II of this Complaint, the Respondent 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

VIII.

Through failure to maintain adequate patient records to substantiate use of the Controlled Substances listed in Paragraphs I and II of this Complaint, the Respondent has violated Rule 32 of the Rules of Professional which states:

Rule 32 -

Individual records will include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, names and dosages of medications administered and/or dispensed, and other details as necessary to substantiate diagnosis and treatment.

Patient records shall be maintained for a period of three years and are the responsibility and property of the employing veterinarian.

IX.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Dunn'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 29th day of April, 1988.

Further, Affiant sayeth not.



THOMAS CHESHIRE, Affiant

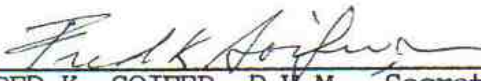
SUBSCRIBED and SWORN TO before me by the said THOMAS CHESHIRE, this the 29th day of April, 1988.



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. WARNER A. DUNN, D.V.M. under Docketed Number 1988-18, this the 29th day of April, 1988.



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