

DOCKETED COMPLAINT NO. 1987-15

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS		LICENSE NO. 1911
vs.		1986 RENEWAL CERTIFICATE
CURTIS ALLEN ECKHARDT, D.V.M.		NUMBER 0594

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 11th day of June, 1987, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Wyndham Southpark, Austin, Travis County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint as well as for consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said CURTIS A. ECKHARDT, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present to-wit:

DR. ED B. AVERY, President	of Pearsall, TX
DR. W. L. "DUB" ANDERSON, Secretary	of Addison, TX
MR. JIM F. HUMPHREY, Member	of Henrietta, TX
MR. MIKE LEVI, Member	of Spicewood, TX
DR. MARY E. MAINSTER, Member	of San Antonio, TX
DR. FRANK E. MANN, JR., Member	of Wharton, TX
DR. FRED K. SOIFER, Member	of Houston, TX

At 2:30 p.m., the appointed hour, the President of the Board, DR. ED B. AVERY ordered the case to proceed at which time it was ascertained that CURTIS A. ECKHARDT, D.V.M. was present in person; the Board then proceeded to hear the evidence presented by the State, and by Dick Hurster, legal counsel for CURTIS A. ECKHARDT, D.V.M. and on the same day, June 11, 1987, all of the above members of said Board being present and participating with the exception of the Secretary of the Board, makes the following findings to-wit:

FINDINGS OF FACT

I.

CURTIS A. ECKHARDT, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 1911, 1986 Renewal Certificate Number 0594.

II.

Dr. Eckhardt received notice of this hearing on or about May 9, 1987.

III.

On or about July 30, 1986, Mr. E. P. Casey presented a cow to CURTIS ALLEN ECKHARDT, D.V.M. for treatment of a lacerated left hind foot which had been injured some two to three weeks before and at the time of presentation at DR. ECKHARDT's clinic the cow became recumbent and remained down until August 31, 1986.

IV.

On August 31, 1986, DR. ECKHARDT felt the animal was suffering unnecessarily and very close to death and therefore determined that euthanasia should be performed. In order to accomplish this, CURTIS ALLEN ECKHARDT, D.V.M. shot the cow one time between the eyes and before departing to obtain a trailer to remove the cow from his office premises, Dr. Eckhardt realized the cow was still breathing and alive, but felt the animal would expire very shortly.

V.

The cow continued to live and in approximately an hour and a half and was discovered still alive by the owner and subsequently was euthanized by a Dr. Daniel J. Fritz, by administration of 60cc of Roccal-D to accomplish euthanasia.

VI.

On October 29, 1986 ERNIE M. CARROLL presented a cat to the Fredericksburg Veterinary Hospital, owned and operated by CURTIS ALLEN ECKHARDT, D.V.M., for a rabies vaccination and upon arrival, Mr. Carroll inquired as to whether Dr. Eckhardt was on the premises and Ms. Sarah Wood, a non-licensed individual, responded that Dr. Eckhardt was not on the premises but she would administer the rabies vaccination in Dr. Eckhardt's absence.

VII.

At this time Sarah Wood, a non-licensed individual, administered the rabies vaccination, issued rabies tag no. 1312 and a certificate of vaccination to which she signed Dr. Eckhardt's name, and collected a \$5.00 fee for this service.

CONCLUSIONS OF LAW

I.

By inflicting a non-fatal gun shot to the cow as a means of euthanasia, CURTIS ALLEN ECKHARDT, D.V.M. violated Rule 18 of the Rules of Professional Conduct which states:

Rule 18 -

A licensed veterinarian shall treat all animals entrusted to him by his clients in keeping with the professional standards of humane treatment and care.

II.

By allowing a non-licensed employee administer rabies vaccinations, issue tags and certificates and charge for the service in his absence from the premises, CURTIS ALLEN ECKHARDT, D.V.M. has violated Rule 14 of the Rules of Professional Conduct which states:

Rule 14 -

A licensed veterinarian shall not promote, aid, or abet the practice of veterinary medicine by an unlicensed person, or any illegal or unethical act on the part of any veterinarian.

III.

By allowing a non-licensed employee administer rabies vaccinations, issue tags and certificates and charge for the service in his absence from the premises, CURTIS ALLEN ECKHARDT, D.V.M. has violated Rule 15, Sections A and B of the Rules of Professional Conduct which states:

Rule 15 -

A. General - A licensed veterinarian shall not allow an unlicensed person to issue certificates with the veterinarian's signature affixed thereto, nor shall he permit an unlicensed person to inoculate or treat animals unless the issuance of the certificate and the inoculation or treatment are done under the direct supervision of the licensed veterinarian; provided however, an unlicensed individual shall not perform the following health care services: surgery, diagnosis and prognosis of animals diseases; prescribing of drugs, medicine, and appliances for domestic animals.

B. Definitions - "Direct Supervision" shall mean the supervision of those tasks or procedures that do not require the presence of the veterinarian in the room where performed, but require his presence on the premises and availability for prompt consultation and treatment.

IV.

The Texas State Board of Veterinary Medical Examiners has authority to take disciplinary action against Dr. Eckhardt's license under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.S., Sections 14(e) which states in part:

Article 7465a, Section 14(e) and (f), 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:

(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.

(f) has permitted or allowed another to use his license, or certificate to practice veterinary medicine in this state, for the purpose of treating, or offering to treat, sick, injured or afflicted animals."

ORDERS

It is hereby ORDERED that Texas Veterinary License No. 1911 heretofore issued to CURTIS ALLEN ECKHARDT, D.V.M, by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, be and the same is HEREBY SUSPENDED for a period of two (2) years, all probated but one seven-day week. Commencement date of this Order will be July 27, 1987 and termination will be July 27, 1989. The exact date for the one week suspension is to be determined by Dr. Eckhardt and Board Staff no later than July 27, 1987. Further, Dr. Eckhardt is to obtain 50 hours of continuing education and perform 40 hours of community service. Further Dr. Eckhardt is to successfully complete the Jurisprudence Examination in the Board Offices with the date for said examination to be determined by Dr. Eckhardt and Board staff. Dr. Eckhardt is to abide by the Veterinary Practice Act and Rules of Professional Conduct duly promulgated by the Board and report quarterly to the Board Offices certifying compliance with this Order. Quarterly reports will be due in the Board Offices on the last day of October, 1987; January, April, July, October, 1988; January, April, July, 1989.

Violation of this Order shall be construed as engaging in dishonest or illegal practices in or connected with the practice of veterinary medicine and constitutes grounds for the Board to take disciplinary action as authorized in Article 7465a, Veterinary Practice Act, Section 14(c).

The foregoing Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the FINDINGS AND ORDERS of the Board, a quorum and a majority of the members of such Board being present and participating in such hearing, deliberations and decision, and such FINDINGS AND ORDERS are made on the 11th day June, 1987, in Austin, Travis County, Texas.

The Secretary of the Board is hereby ordered to prepare the Board's Findings and Orders in appropriate form and submit to the members of the Board for their signatures and to mail a copy of same to the Respondent at his last known address.

Executed this 11th day of June, 1987.

Ed B. Avery, D.V.M.

ED B. AVERY, D.V.M., President

June 11, 1987

Date

EDWARD S. MURRAY, D.V.M., Vice-President

Date

W. L. "DUB" ANDERSON, D.V.M.

W. L. "DUB" ANDERSON, D.V.M., Secretary

June 11, 1987

Date

Jim F. Humphrey

JIM F. HUMPHREY, Member

June 11, 1987

Date

Mike Levi

MIKE LEVI, Member

June 11, 1987

Date

Mary E. Mainster, DVM

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

June 11, 1987

Date

Frank E. Mann, Jr., D.V.M.

FRANK E. MANN, JR., D.V.M., Member

June 11, 1987

Date

Fred K. Soifer

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

June 11, 1987

Date

TEXAS STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

vs.

CURTIS ALLEN ECKHARDT, D.V.M.

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TEXAS VETERINARY MEDICAL
LICENSE NO. 1911
1986 RENEWAL CERTIFICATE
NUMBER 0594

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared ERNIE M. CARROLL who after being duly sworn, did depose and say:

"I, ERNIE M. CARROLL 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 CURTIS ALLEN ECKHARDT, D.V.M., Fredericksburg Veterinary Hospital, 1203 North Llano Street, Fredericksburg, Gillespie County, Texas, Texas Veterinary License Number 1911, 1986 Renewal Certificate Number 0594, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, ERNIE M. CARROLL do hereby present the following complaint against CURTIS ALLEN ECKHARDT, D.V.M., who is hereinafter called Respondent.

I.

On or about July 30, 1986, Mr. E. P. Casey presented a cow to CURTIS ALLEN ECKHARDT, D.V.M. for treatment of a lacerated left hind foot which had been injured some two to three weeks before. At the time of presentation at DR. ECKHARDT's clinic the cow became recumbent and remained down until August 31, 1986. On August 31, 1986, DR. ECKHARDT felt the animal was suffering unnecessarily and very close to death and therefore determined that euthanasia should be performed. In order to accomplish this, CURTIS ALLEN ECKHARDT, D.V.M. shot the cow one time between the eyes. (See Attachment A) Before departing to obtain a trailer to remove the cow from his office premises, Dr. Eckhardt realized the cow was still breathing and alive, but felt the animal would expire very shortly. The cow continued to live and in approximately an hour and a half and was discovered still alive by the owner and subsequently was euthanized by a Dr. Daniel J. Fritz, by administration of 60cc of Roccal-D to accomplish euthanasia.

II.

On October 29, 1986 ERNIE M. CARROLL presented a cat to the Fredericksburg Veterinary Hospital, owned and operated by CURTIS ALLEN ECKHARDT, D.V.M., for a rabies vaccination. Upon arrival, Mr. Carroll inquired as to whether Dr. Eckhardt was on the premises. Ms. Sarah Wood, a non-licensed individual, responded that Dr. Eckhardt was not on the premises but she would administer the rabies vaccination in Dr. Eckhardt's absence. At this time Sarah Wood, a non-licensed individual, administered the rabies vaccination, issued rabies tag no. 1312 and a certificate of vaccination to which she signed Dr. Eckhardt's name, and collected a \$5.00 fee for this service. (See Attachment B)

III.

By failing to make aggressive efforts to bring the cow to an upright position and therefore allowing the cow to remain recumbent for approximately one month, CURTIS ALLEN ECKHARDT, D.V.M. violated Rule 11 of the Rules of Professional Conduct which states:

Rule 11 -

Veterinarian shall exercise the same degree of care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities.

IV.

By inflicting a non-fatal gun shot to the cow as a means of euthanasia, CURTIS ALLEN ECKHARDT, D.V.M. violated Rule 18 of the Rules of Professional Conduct which states:

Rule 18 -

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Rule 15 -

A. General - A licensed veterinarian shall not allow an unlicensed person to issue certificates with the veterinarian's signature affixed thereto, nor shall he permit an unlicensed person to inoculate or treat animals unless the issuance of the certificate and the inoculation or treatment are done under the direct supervision of the licensed veterinarian; provided however, an unlicensed individual shall not perform the following health care services: surgery, diagnosis and prognosis of animals diseases; prescribing of drugs, medicine, and appliances for domestic animals.

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(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 1st day of May, 1987.

Further, Affiant sayeth not.

Ernie M. Carroll
ERNIE M. CARROLL, Affiant

SUBSCRIBED and SWORN TO before me by the said ERNIE M. CARROLL, this the 1st day of May, 1987.

Judy C. Smith
JUDY C. SMITH, Notary Public in and
for the State of 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. CURTIS ALLEN ECKHARDT, D.V.M., under Docket Number 1987-15, this the 5th day of May, 1987.

W. L. "DUB" Anderson, D.V.M.
W. L. "DUB" ANDERSON, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners



