

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

DOCKET NUMBER 1991-26 - ROBERT B. GILLARD, D.V.M.
LICENSE NUMBER: 3190

NEGOTIATED SETTLEMENT

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

Dr. Gillard 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/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:

Breach of verbal agreement to personally perform surgery on a dog owned by Mr. Robert Martin, thereby failing to conduct his practice with integrity and fair dealing with clients.

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.

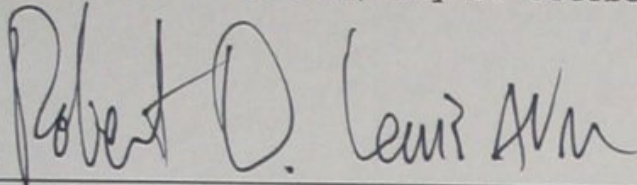
Robert B Gillard DVM
ROBERT B. GILLARD, D.V.M.

Buddy Matthijetz
Buddy Matthijetz, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Date: 9-16-91

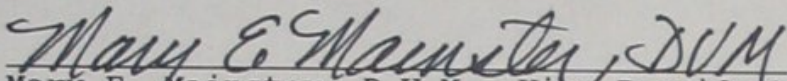
The foregoing Agreed Settlement, entered into between Dr. Robert B. Gillard, the Board Secretary, and Board Executive Staff and having been presented to the Texas State Board of Veterinary Medical Examiners as a No contest Plea, was accepted by the Board, and the Board, on the 3rd day of October, 1991, 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 and Orders.

Executed this the 3rd, day of October, 1991.

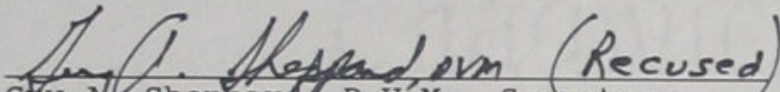


Robert D. Lewis, D.V.M., President

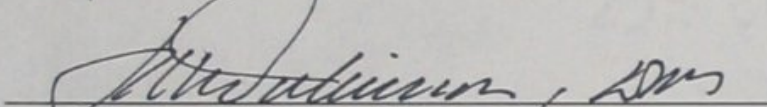
10/3/91
Date


Mary E. Mainster, D.V.M., Vice-President

10/3/91
Date


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

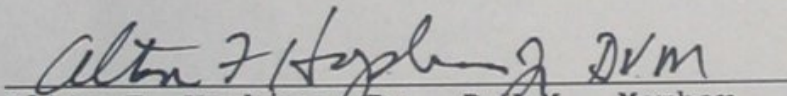
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Date


Larry M. Dubuisson, D.V.M., Member

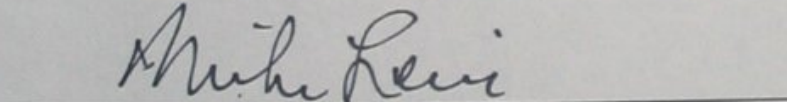
10/3/91
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Mrs. Olivia R. Eudaly, D.V.M., Member

Date


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

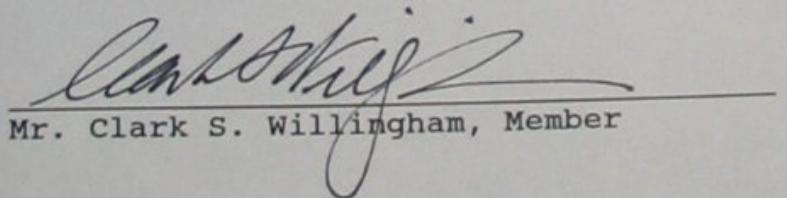
Date


Mr. Mike Levi, Member

10/3/91
Date

Fred K. Soifer, D.V.M., Member

Date


Mr. Clark S. Willingham, Member

10/3/91
Date

DOCKETED COMPLAINT NO. 1991-26

TEXAS STATE BOARD OF VETERINARY	()	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	()	LICENSE NO. 3190
vs.	()	1991 RENEWAL CERTIFICATE
ROBERT B. GILLARD, D.V.M.	()	NUMBER 1297

COMPLAINT AFFIDAVIT FORM

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

On or about March 13, 1991, Matthew Wendel, 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 ROBERT B. GILLARD, D.V.M., Legacy Drive Animal Hospital, 2117 Legacy Drive, Plano, Collin County, Texas, Veterinary License Number 3190, 1991 Renewal Certificate Number 1297, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Matthew Wendel, do hereby present the following complaint against ROBERT B. GILLARD, D.V.M., who is hereinafter called Respondent.

I.

On or about February 28, 1991, Mr. Robert Martin presented his female Yorkshire terrier to the Respondent for an ovariohysterectomy. At Mr. Martin's request, Respondent agreed to personally perform the surgery. Due to an unexpected work load increase, Respondent requested that Dr. Marc Cattoor perform the ovariohysterectomy. Pursuant to Respondent's request, Dr. Cattoor performed the surgery on Mr. Martin's dog.

II.

Through breach of Respondent's verbal agreement to personally perform the surgery on Mr. Martin's dog, Respondent failed to conduct his practice with integrity and fair dealing to clients, thereby violating Rule of Professional Conduct 573.26 and Section 14(a)(5) of Article 8890, Veterinary Licensing Act, which state in part:

573.26 HONESTY, INTEGRITY, AND FAIR DEALING

Licensed veterinarians shall conduct their practice with honesty, integrity, and fair dealing to clients in time and services rendered, and in the amount charged for services, facilities, appliances, and drugs.

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;

III.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Gillard's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.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

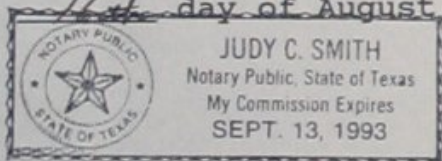
(a) If a person violates this Act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 16th day of August, 1991.

Further, Affiant sayeth not.

Matthew Wendel
MATTHEW WENDEL, Affiant

SUBSCRIBED and SWORN TO before me by the said Matthew Wendel, this the 16th day of August, 1991.



Judy C. Smith
JUDY C. SMITH, Notary in and for Texas

My Commission expires: September 13, 1993.

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. ROBERT B. GILLARD, D.V.M. under Docketed Number 1991-26, this the 16th day of August, 1991.

Guy A. Sheppard, D.V.M.
GUY A. SHEPPARD, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners