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

DOCKET NUMBER 1992-17
JIMMY L. GLEASON, D.V.M. - LICENSE NUMBER: 6427

NEGOTIATED SETTLEMENT

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

Dr. Gleason 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 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:

Allowed an unlicensed employee to examine, diagnose and vaccinate a puppy. ~~when Respondent was not on the premises.~~ *JS*

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.
2. Take and pass the State Jurisprudence Examination. *JS*

Jimmy L. Gleason DVM

Jimmy L. Gleason, D.V.M.

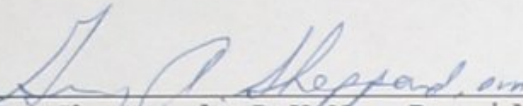
Buddy Matthijetz

Buddy Matthijetz, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Date: 5-7-92

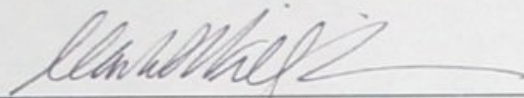
The foregoing Agreed Settlement, entered into between Dr. Gleason, the Board Secretary, and Board Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No contest Plea, was accepted by the Board, and the Board, on the 11th day of June, 1992, ORDERED that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 11th, day of June, 1992.



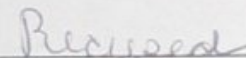
Guy A. Sheppard, D.V.M., President

June 11, 1992
Date



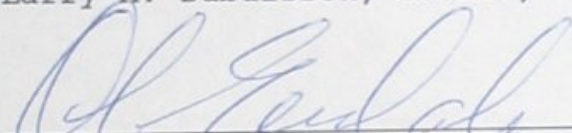
Clark S. Willingham, Vice-President

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Date



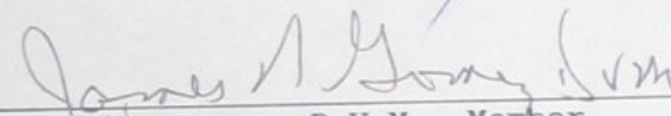
Larry M. Dubuisson, D.V.M., Secretary

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Date



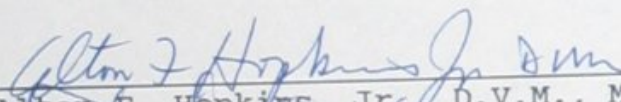
Mrs. Olivia R. Eudaly, Member

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Date



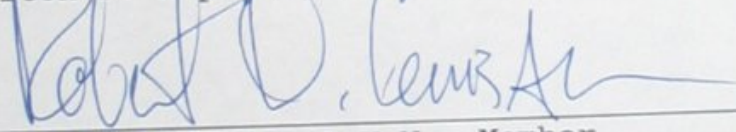
James M. Gomez, D.V.M., Member

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Date



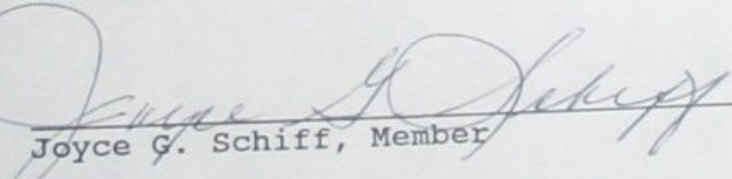
Alton F. Hopkins, Jr., D.V.M., Member

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Date



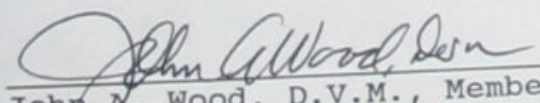
Robert D. Lewis, D.V.M., Member

"
Date



Joyce G. Schiff, Member

"
Date



John A. Wood, D.V.M., Member

"
Date

DOCKETED COMPLAINT NO. 1992-17

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
vs.
JIMMY L. GLEASON, D.V.M.

() TEXAS VETERINARY MEDICAL
() LICENSE NO. 6427
() 1992 RENEWAL CERTIFICATE
() NUMBER 3117

COMPLAINT AFFIDAVIT

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 September 16, 1991, MATTHEW WENDEL, 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 JIMMY L. GLEASON, D.V.M., West Plains Veterinary Hospital, Route 2, Box 388, Hwy 114E, Levelland, Texas, 79336, Veterinary License Number 6427, 1992 Renewal Certificate Number 3117, 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 JIMMY L. GLEASON, D.V.M.

I.

On or about July 18, August 8, and August 29, 1991, Josie Contreras took her Blue Heeler puppy, Rusty, to Respondent's clinic for routine puppy vaccinations.

II.

The Respondent did not examine or vaccinate the puppy on any

of the dates described in paragraph I; in fact, the puppy was examined and vaccinated by a technician employed by Respondent.

III.

On September 1, 1991, three days after the last series of vaccinations, Ms. Contreras noticed that her puppy was depressed. On September 3, 1991, the puppy was diagnosed with parvovirus by another veterinarian. The puppy died on September 4, 1991, the following day.

IV.

The Respondent allowed his unlicensed employee to physically examine the puppy before administering vaccinations and diagnosing its condition of health. When the employee determined that his/her exam revealed no health problems and related such information to Respondent, Respondent then instructed the unlicensed employee to vaccinate the puppy.

V.

By allowing his unlicensed employee to diagnose animals' physical conditions, as described in paragraphs 2 and 4, Respondent has violated Rule 573.10, Direct Supervision of Laymen, Rule 573.11, Discouragement of Unauthorized Practice, and Section 14 (a) (5) of the Texas Veterinary Licensing Act, Article 8890 V.A.C.S.

VI.

By failing to personally examine the puppy before vaccinations are given by his staff, as described in paragraphs 2 and 4, Respondent has failed to exercise the same degree of humane

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 violation of Rule 573.22, Professional Standard of Humane Treatment, and Section 14 (a) (5) of the Veterinary Licensing Act, Article 8890, V.A.C.S.

VII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Gleason's Veterinary License under the Texas Veterinary Licensing Act, V.A.C.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,

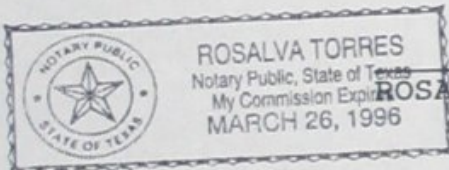
the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of Texas Board of Veterinary Medical Examiners on this the day of April 10, 1992.

Further, Affiant sayeth not.

Matthew Wendel
MATTHEW WENDEL, Affiant

SUBSCRIBED and SWORN TO before me by the said MATTHEW WENDEL this the 10th day of April, 1992.



Rosalva Torres
ROSALVA TORRES, 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. Jimmy L. Gleason, D.V.M. under Docketed Number 1992-17, this the 13th day of April, 1992.

Larry M. Dubuison, DVM
LARRY M. DUBUISSON, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners