

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

DOCKET NUMBER 1995-19
JAMES M. GREENWELL, DVM - LICENSE NUMBER 6232

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. James M. Greenwell, and the Executive Director of the Texas State Board of Veterinary Medical Examiners, 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. Greenwell, may be granted a continuance at his option.

Dr. Greenwell, 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:

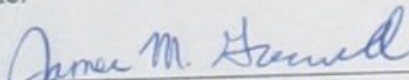
Because a dog was left unattended by an employee under the supervision of Dr. Greenwell which strangled on its leash, Dr. Greenwell has violated Rule 573.10(e), Direct Supervision of Lay Personnel, of the Rules of Professional Conduct, and Section 14(a)(5) Veterinary Licensing Act Article 8890.

RECOMMENDED DISCIPLINARY ACTION:

Official Reprimand.

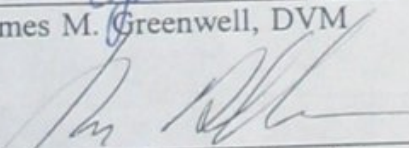
CONDITIONS:

None.



James M. Greenwell, DVM

Sept 20, 1995
Date

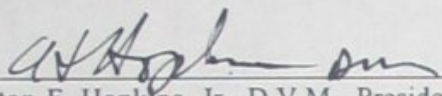


RON ALLEN, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Sept. 13, 1995
Date

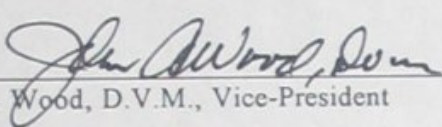
The foregoing Agreed Settlement, entered into between Dr. James Greenwell, the Board Secretary, and the Board's Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 5th day of October, 1995, 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 5th day of October, 1995.



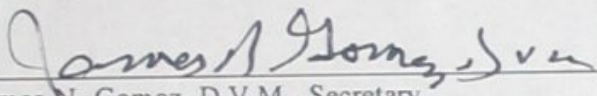
Alton F. Hopkins, Jr., D.V.M., President

Date



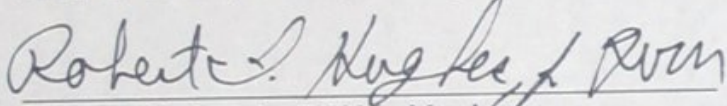
John A. Wood, D.V.M., Vice-President

Date



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

Date



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

Date



Sharon O. Matthews, Member

Date

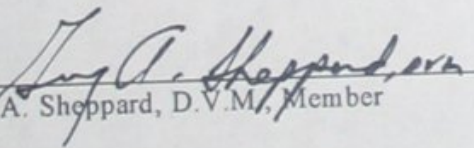


Michael J. McCulloch, D.V.M.

Date

Joyce G. Schiff, Member

Date



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

Date

Clark S. Willingham, Member

Date

DOCKETED COMPLAINT NO. 1995-19

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 6232
vs.	§	1995 RENEWAL CERTIFICATE
JAMES M. GREENWELL, DVM	§	NUMBER 3513

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Chuck Adkins, who after being duly sworn, did depose and say:

On or about April 4, 1995, Chuck Adkins, 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 James M. Greenwell, D.V.M., 3948 Legacy Dr., Plano, Texas 77523, Veterinary License Number 6232, 1995 Renewal Certificate Number 3513, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Chuck Adkins, do hereby present the following complaint against James M. Greenwell, D. V. M.

I.

On or about July 18th, 1994, Susan Beane, took her 2 year old, Australian Shepherd "Maxie", to the Legacy Coit Animal Hospital, Plano, Texas, to be dipped for ticks.

II.

On or about July 18th, 1994, Stephanie Banks, and employee of Legacy Coit Animal Hospital, while attempting to prepare "Maxie" for her dip, was snapped at by the dog. A muzzle was utilized to control the dog. The dog was lifted into the tub by Dr. Greenwell and secured by a nylon leash to a cleat to prevent the dog from jumping out of the tub. Dr. Greenwell left the room for an appointment and Ms. Banks was left to bathe and dip "Maxie".

III.

Ms. Banks was called away to answer a telephone call and the dog was left unattended. During her absence, "Maxie" struggled with the leash in order to escape and became asphyxiated. Attempts to revive the dog with oxygen and CPR failed and Mrs. Beane was notified of the death.

IV.

Because "Maxie" was left unattended long enough for her to strangle on her leash and in accordance with Rule 573.10(e) of the Rules of Professional Conduct, Dr. Greenwell is held accountable before the Board for the actions and misdeeds of employees acting at his direction. It is alleged that Dr. Greenwell has violated Rule 573.10(e) - Direct Supervision of Lay Personnel, of the Rules of Professional Conduct and Section 14(a)(5) of the Veterinary Licensing Act, Article 8890.

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:

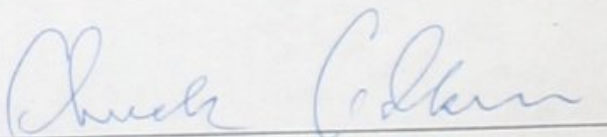
(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law;

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 an administrative penalty against that person in addition to taking action under Section 14 or 14A of this Act.

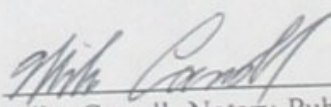
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 31 day of August, 1995.

Further, Affiant sayeth not.

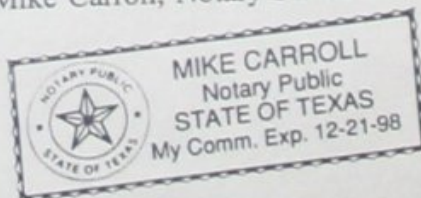


Chuck Adkins Affiant

SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 31st day of AUGUST, 1995.

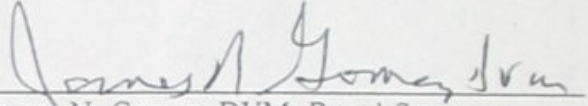


Mike Carroll, Notary Public in and for Texas



James M. Greenwell, DVM
Docket No: 1995-19
Page 4.

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. James M. Greenwell, D.V.M. under Docketed Number 1995-19 this the 31 day of August 1995.


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