

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

DOCKET NUMBER 1994-02, LEWIS H. HANKS, D.V.M.  
LICENSE NUMBER 3582

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Hanks, the Texas State Board of Veterinary Medical Examiners staff, and 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. Hanks will be granted a continuance at his option.

Dr. Hanks does not contest the allegations that he used over restraint techniques on some animals under this treatment, 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:**

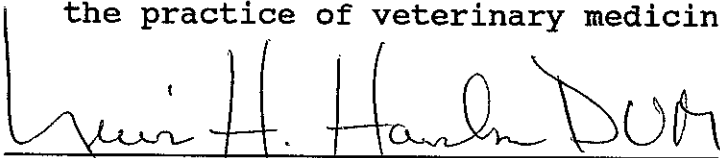
Over restraining some animals left in his care.

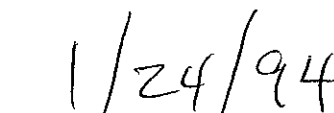
**RECOMMENDED DISCIPLINARY ACTION:**

1. Two years suspension with the entire period probated.

**CONDITIONS:**

1. Attempt to identify and attend appropriate continuing education in appropriate animal restraint.
2. Submit employee animal care policy manuals for Board review and approval.
3. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.

  
LEWIS H. HANKS, D.V.M.


  
Date

  
Ron Allen, Executive Director  
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

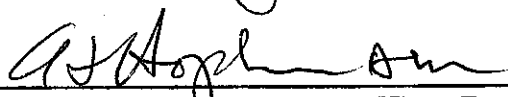
SEE ADDENDUM ATTACHED

Additional Condition approved by Randall Doubrava, Attorney for Dr. Hanks, on  
February 2, 1994

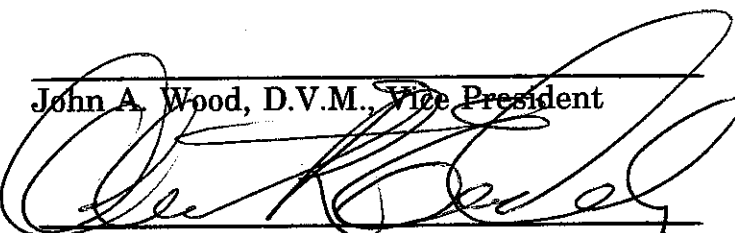
#4 File Quartely reports during probationary period certifying compliance with this  
order.

  
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Mr. Clark S. Willingham, President

February 2, 1994  
Date

  
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Al Hopkins, Jr., D.V.M., Vice -President

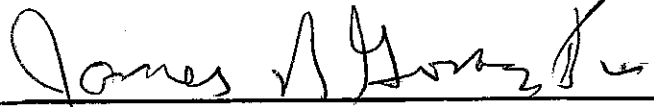
February 2, 1994  
Date

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

February 2, 1994  
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Olivia R. Eudaly, Member

February 2, 1994  
Date

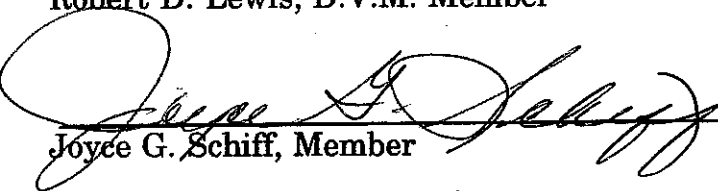
  
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James M. Gomez, D.V.M. Member

February 2, 1994  
Date


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


February 2, 1994  
Date

  
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Joyce G. Schiff, Member

February 2, 1994  
Date

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

February 2, 1994  
Date

  
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Larry Dubisson, D.V.M.

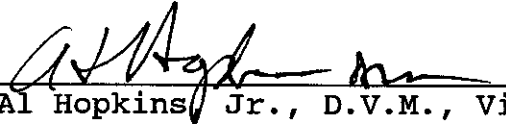
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The foregoing Agreed Settlement, entered into between Dr. Hanks, the Board Secretary, and Board Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 2nd day of February, 1994, 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 2nd, day of February, 1994.

  
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Mr. Clark S. Willingham, President

February 2, 1994  
Date

  
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Al Hopkins Jr., D.V.M., Vice- President

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Date

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

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Olivia R. Eudaly, Member

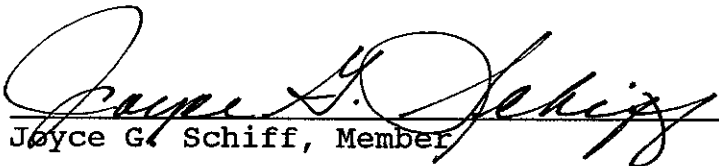
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James N. Gomez, D.V.M., Member

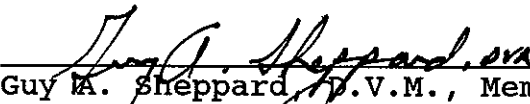
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Robert D. Lewis, D.V.M., Member

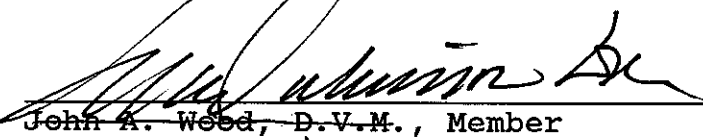
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Joyce G. Schiff, Member

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

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

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Date

Larry Olsson, DVM

DOCKETED COMPLAINT NO. 1994-02

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS  
vs.  
Lewis H. Hanks, D.V.M.

( ) TEXAS VETERINARY MEDICAL  
( ) LICENSE NO. 3582  
( ) 1993 RENEWAL CERTIFICATE  
( ) NUMBER 2839

COMPLAINT AFFIDAVIT

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

On or about 04-01-93, Joseph J. Rizzo, 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 Lewis H. Hanks D.V.M., 709 West Lynn, Austin, Texas, 78703, Veterinary License Number 3582, 1993 Renewal Certificate Number 2839, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Joseph J. Rizzo, do hereby present the following complaint against Lewis H. Hanks, D.V.M.

I.

Pat Gilstrap alleges that Denise Brown, Steve Wabindato, Dina Millner and Chris Malish, all former employees of Lewis H. Hanks, DVM, and Max Prather and James Stewart, DVM, current employees of Dr. Hanks, all contend that Dr. Hanks routinely abuses small animals by striking and choking them.

II.

According to former employee Denise Brown, Dr. Hanks, in February of 1992, tried to draw blood from "Sadie" Brown, a dog.

In an attempt to control "Sadie", Dr. Hanks slapped the dog, causing her to yelp and urinate on him and herself.

III.

According to former employee Steve Wabindato, Dr. Hanks, from 1988 to 1991, routinely beat and choked cats and dogs if they did not sit still; that on about six occasions, he choked dogs into unconsciousness and then had to revive them.

IV.

According to Dina Millner, who worked for Dr. Hanks for 4 months, Dr. Hanks has abused dogs and cats by striking and choking them.

V.

According to Chris Malish, who worked for Dr. Hanks for 13 years, Dr. Hanks has routinely mistreated dogs and cats by choking and hitting them.

VI.

According to Max Prather, who is currently employed by Dr. Hanks, Dr. Hanks has abused cats and dogs by striking and choking them.

VII

According to James Stewart, DVM, who has worked for Dr. Hanks since May of 1991 and is currently employed by him, he observed Dr. Hanks forcefully strike "Arthur" Payne and was told by complaining technicians every couple of months that Dr. Hanks had abused a small animal.

VIII.

By engaging in the alleged animal abuse described in paragraphs 1 through 7, Dr. Hanks violated Rule of Professional

Conduct 573.22, Professional Standard of Humane Treatment, and Section 14 (a) (5) and (15) of the Texas Veterinary Licensing Act, Article 8890, V.A.C.S.

IX.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Hanks'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;

(15) has committed gross malpractice or is guilty of a pattern of acts indicating consistent malpractice, negligence, or incompetence in the practice of veterinary medicine.

ARTICLE 8890, SECTION 14B

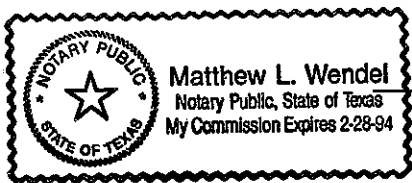
(a) The Board may impose an administrative penalty against a person who violates a provision of this Act or a rule or order adopted under this Act.

The foregoing complaint is submitted to the Secretary of Texas Board of Veterinary Medical Examiners on this the 28<sup>th</sup> day of September, 1993

Further, Affiant sayeth not.

Joseph J. Rizzo  
Joseph J. Rizzo, Affiant

SUBSCRIBED and SWORN TO before me by the said Joseph J. Rizzo this the 28<sup>th</sup> day of September, 1993.



Matthew L. Wendel  
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. Lewis H. Hanks, D.V.M. under Docketed Number 1993-02, this the 10 day of October, 1993.

Alton F. Hopkins  
ALTON F. HOPKINS, D.V.M., Secretary  
Texas Board of Veterinary Medical Examiners