

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

DOCKET NUMBER 1993-16 - MARVIN W. HARE, D.V.M.
LICENSE NUMBER 3087

NEGOTIATED SETTLEMENT

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

Dr. Hare 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:

Performing unauthorized treatment by spaying a cat that was presented for de-worming.

RECOMMENDED DISCIPLINARY ACTION:

- 1. Official Reprimand
- 1. Pay a penalty in the sum of \$500.00.

CONDITIONS:

- 1. Take and pass the State Board Jurisprudence Examination.
- 2. Dr. Hare will establish a new records keeping system.
- 3. Board investigators will make unannounced inspections of records, beginning 30 days following Board acceptance of this Settlement.
- 4. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.

Marvin W. Hare
MARVIN W. HARE, D.V.M.

03 Aug 93
Date

Alton F. Hopkins, Jr.
Alton F. Hopkins, Jr., D.V.M., Secretary
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

DOCKETED COMPLAINT NO. 1993-16

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
vs.
Marvin W. Hare, D.V.M.

() TEXAS VETERINARY MEDICAL
() LICENSE NO. 3087
() 1993 RENEWAL CERTIFICATE
() NUMBER 5072+P

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 April 16, 1993, Matthew Wendel, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, initiate investigations into the professional conduct of one Marvin W. Hare, D.V.M., 1730 Highway 288-B, Richwood, Texas, 77531, Veterinary License Number 3087, 1993 Renewal Certificate Number 5072+P 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 Marvin W. Hare, D.V.M.

I.

On or about Friday, January 29, 1993, Jim Jones took his nine month old cat, "Tomasina", to Dr. Marvin W. Hare for de-worming only.

II.

On the following morning, Saturday, January 30, 1993, Dr. Hare contacted Mrs. Jones and informed her that he had spayed her cat, an unauthorized treatment and a violation of Rule of Professional Conduct 573.22 and Section 14(a) (5) and (11), V.A.C.S., Article 8890.

III.

By violating Rules of Professional Conduct 573.22 Dr. Marvin W. Hare has violated Section 14(a)(5), Texas Veterinary Licensing Act, Article 8890, V.A.C.S.

IV.

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

(11) has performed or prescribed unnecessary or unauthorized treatment;

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.

Marvin W. Hare, D.V.M.

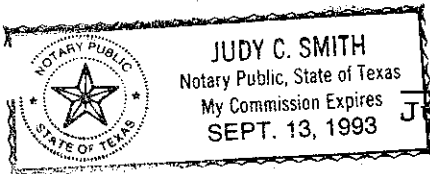
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The foregoing complaint is submitted to the Secretary of Texas Board of Veterinary Medical Examiners on this the 30th day of June, 1993

Further, Affiant sayeth not.

Matthew Wendel
Matthew Wendel, Affiant

SUBSCRIBED and SWORN TO before me by the said Matthew Wendel this the 30th day of June, 1993.



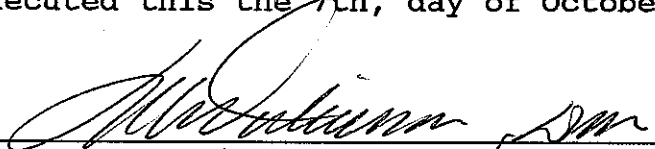
Judy C. Smith
Judy Smith, Notary Public in and for Texas

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. Marvin W. Hare, D.V.M. under Docketed Number 1993-16, this the 2 day of July, 1993.

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

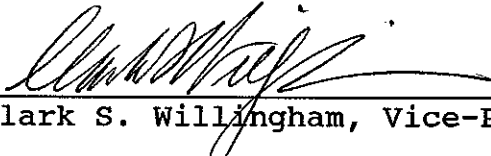
The foregoing Agreed Settlement, entered into between Dr. Hare, the Board Secretary, and Board Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 7th day of October, 1993, ORDERED that 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 7th, day of October, 1993.



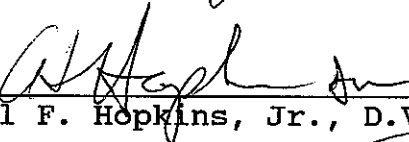
Larry M. Dubuisson, D.V.M., President

October 7, 1993
Date



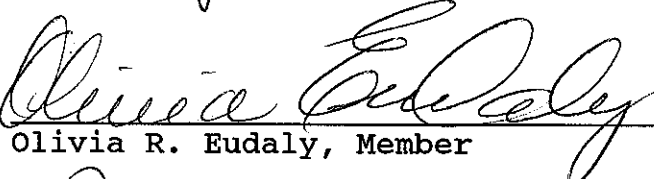
Clark S. Willingham, Vice-President

Date "



Al F. Hopkins, Jr., D.V.M., Secretary

Date "



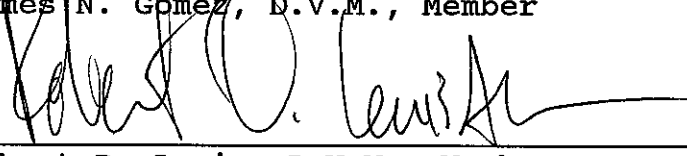
Olivia R. Eudaly, Member

Date "



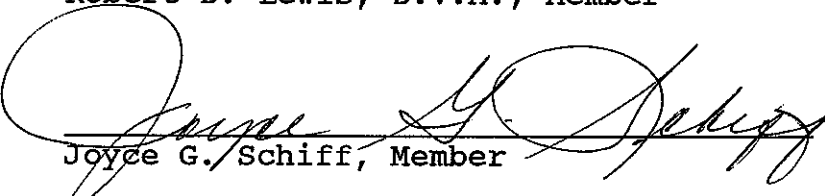
James N. Gomez, D.V.M., Member

Date "



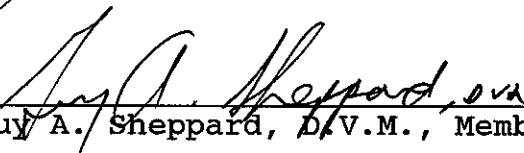
Robert D. Lewis, D.V.M., Member

Date "



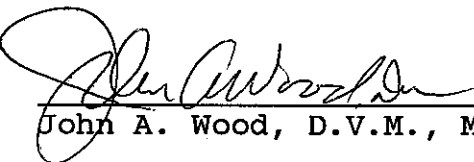
Joyce G. Schiff, Member

Date "



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

Date "



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

Date "