

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

DOCKET NUMBER 1991-28  
P. Max Heimlich, D.V.M.  
LICENSE NUMBER: 3874

NEGOTIATED SETTLEMENT

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

Dr. Heimlich 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.

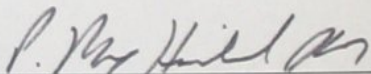
**SUMMARY OF CHARGES:** Failure to maintain adequate controlled substances inventory records; ordering, obtaining, possessing, and administering a controlled substance when not necessary or required for the medical care of animals; and extending his license to the care and treatment of humans, as demonstrated by his administration of Ritalin to his daughter,

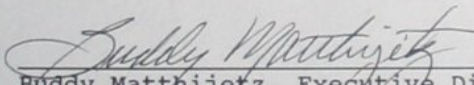
**RECOMMENDED DISCIPLINARY ACTION:**

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.

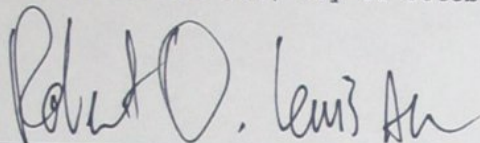
  
\_\_\_\_\_  
P. MAX HEIMLICH, D.V.M.

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

Date: 7/6/91

The foregoing Agreed Settlement, entered into between Dr. P. Max Heimlich, 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

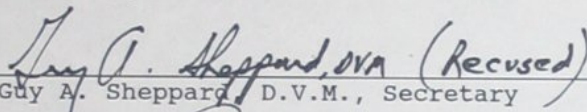
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Mary E. Mainster, D.V.M., Vice-President

10/3/91

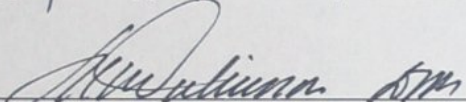
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 (Recused)

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

10/3/91

Date



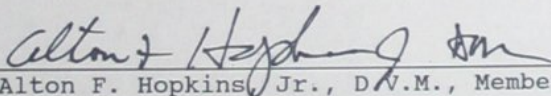
Larry M. Dubuisson, D.V.M., Member

10/3/91

Date

Mrs. Olivia R. Eudaly, D.V.M., Member

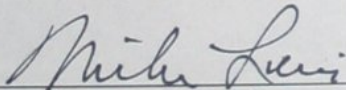
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Alton F. Hopkins, Jr., D.V.M., Member

10-3-91

Date



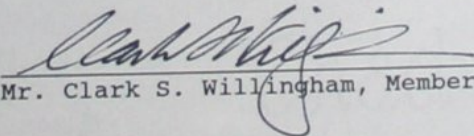
Mr. Mike Levi, Member

10/3/91

Date

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

Date



Mr. Clark S. Willingham, Member

10/3/91

Date

DOCKETED COMPLAINT NO. 1991-28

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS  
vs.  
P. MAX HEIMLICH, D.V.M.

( )  
( )  
( )  
( )

TEXAS VETERINARY MEDICAL  
LICENSE NO. 3874  
1991 RENEWAL CERTIFICATE  
NUMBER 1826

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:

In or about May 28, 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 P. MAX HEIMLICH, D.V.M., Stuebner Airline Veterinary Clinic, 16116 Stuebner Airline, #7, Spring, Harris County, Texas, Veterinary License Number 3874, 1991 Renewal Certificate Number 1826, 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 P. MAX HEIMLICH, D.V.M., who is hereinafter called Respondent.

I.

Respondent ordered, and was shipped, a Schedule II Controlled Substance, Ritalin, aka Methylphenidate HCL, from Mayo Pharmacy as indicated:

<u>QUANTITY</u>	<u>FORM</u>	<u>DRUG</u>	<u>DATE SHIPPED</u>	<u>ORDER NO.</u>
50 x 20mg	Tablet	Ritalin	10/24/90	900309599
50 x 20mg	Tablet	Ritalin	05/21/91	900309601

II.

Respondent ordered, obtained, and possessed the Ritalin listed in Paragraph I, for the sole purpose of administering the drug to his daughter and not because it was necessary or required for the medical care of animals.

III.

By ordering, obtaining, and possessing the drug listed in Paragraph I, and when not necessary or required for the medical care of animals, as described in Paragraph II, Respondent has violated Rule 573.41 of the Rules of Professional Conduct and the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a)(5) which states:

**573.41 USE OF PRESCRIPTION DRUGS**

(a.) It is unprofessional conduct for a licensed veterinarian to prescribe or dispense, deliver, or order delivered any prescription drug without first having established a veterinary/client/patient relationship by having personally

examined the individual animal, herd, or a representative segment or a consignment lot thereof and determined that such prescription drug is therapeutically indicated following said examination. Prescription drugs include all controlled substances in Schedules I thru V and Legend Drugs which bear the federal legends, recognized as such by any law of the State of Texas or of the United States.

(b.) It shall be unprofessional and a violation of the Rules of Professional Conduct for a licensed veterinarian to prescribe, provide, obtain, order, administer, possess, dispense, give or deliver to or for any person prescription drugs, that are not necessary or required for the medical care of animals, or where the use or possession of such drugs would promote addiction thereto. Prescription drugs are defined in subsection (a.) of this section.

**Article 8890, Sec. 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 license . . . 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;

IV.

Through failure to account for the the drugs listed in Paragraph I, in his controlled substances records, Respondent has violated Rule 573.50 of the Rules of Professional Conduct and the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a)(5) which state:

573.50 CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND  
Texas veterinarians shall maintain at their place of business records of all scheduled drugs listed in the Texas Controlled Substances Act, in their possession. These records shall be maintained for a minimum of five (5) years. The form for keeping records of those drugs shall contain the following information in addition to the name of the drug:

1. Date of acquisition,
2. Quantity purchased,
3. Date administered, dispensed,
4. Quantity administered, dispensed,
5. Name of client and patient receiving the drug(s),
6. Diagnosis and
7. Balance on hand.

**Article 8890, Sec. 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 license . . . 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;

V.

By extending his license to the care and treatment of humans, as demonstrated by his administration of Ritalin to his daughter, the Respondent has violated Rule 573.60 of the Rules of Professional Conduct which states:

573.60 PRACTICE PROHIBITION

A Texas veterinary license does not extend to the care and treatment of humans. The foregoing does not apply to a licensee who renders first aid or emergency care, without expectation of compensation, in an emergency or disaster situation.

VI.

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

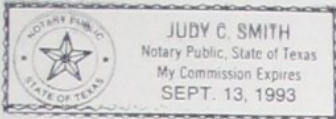
(a) If a person violates this Act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 24 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 7th day of August, 1991.



Judy C. Smith  
JUDY C. 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. P. MAX HEIMLICH, D.V.M. under Docketed Number 1991-28, this the \_\_\_\_\_ day of August, 1991.

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