

DOCKETED COMPLAINT NO. 1988-8

TEXAS STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

vs.

WILLIAM V. HOWELLS, D.V.M.

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TEXAS VETERINARY MEDICAL
LICENSE NO. 1083
1987 RENEWAL CERTIFICATE
NUMBER 0165

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 4th day of February, 1988, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Westin Hotel, El Paso, El Paso County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint as well as for consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said WILLIAM HOWELLS, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present to-wit:

DR. W. L. "DUB" ANDERSON, President	of Addison, TX
MR. JIM F. HUMPHREY, Member	of Henrietta, TX
DR. FRED K. SOIFER, Secretary	of Houston, TX
DR. LARRY M. DUBUISSON, Member	of Weslaco, TX
MRS. OLIVIA R. EUDALY, Member	of Crowley, TX
MR. MIKE LEVI, Member	of Spicewood, TX
DR. ROBERT D. LEWIS, Member	of Elgin, TX
DR. MARY E. MAINSTER, Member	of San Antonio, TX
DR. EDWARD S. MURRAY, Member	of Spur, TX

At 9:00 a.m., the appointed hour, the President of the Board, DR. W. L. "DUB" ANDERSON ordered the case to proceed at which time it was ascertained that WILLIAM HOWELLS, D.V.M. was present in person; but not represented by legal counsel, the Board then proceeded and on the same day, February 4, 1988, all of the above members of said Board being present and participating with the exception of the Secretary of the Board, makes the following findings to-wit:

FINDINGS OF FACT

I.

WILLIAM V. HOWELLS, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 1083, 1987 Renewal Certificate Number 0165.

II.

Dr. Howells received notice of this hearing on or about January 19, 1988.

III.

On or about April 22, 1987, DEBBIE BROOM presented her poodle "Rudy" to Dr. Wm. V. Howells, a temporary relief veterinarian for the Animal Defense League Clinic. The dog was suffering from a head wound and severe scrapes on the abdomen. Debbie Broom did not know what caused the injuries. After a cursory examination, Dr. Howells suggested to Ms. Broom that the dog might have been hit by a car. Dr. Howells did not feel a more extensive examination or x-rays were indicated since there were no symptoms of fractures or concussion. Dr. Howells administered and dispensed Panalog Ointment for the abrasions and administered an antibiotic shot to the dog. Dr. Howells instructed Debbie Broom to return the dog if it did not improve.

IV.

Subsequent treatment by other veterinarians yielded the following diagnosis:

April 24, 1987, "Rudy" was again presented with continuing problems to the Animal Defense League Clinic. He was seen by Dr. Glen A. Tate who diagnosed a concussion and suggested a car accident was involved;

On April 29, 1987, "Rudy" was again presented to the Animal Defense League Clinic for ambulatory and respiratory problems where it was seen by Dr. Janis Hawthorne who diagnosed a broken pelvis and tracheitis; "Rudy" continued to decline, and on May 2, 1987 he was presented to Dr. Charles Wiseman, at the Wiseman Animal Hospital. "Rudy" was found to have severe constipation and respiratory difficulties. Medication was prescribed and instructions to bring "Rudy" back for x-rays. On May 4, 1987, Dr. Wiseman x-rayed "Rudy", and he found a diaphragmatic hernia and confirmed the broken pelvis.

CONCLUSIONS OF LAW

I.

By failing to adequately examine the dog and take x-rays in view of the suspicion that the dog might have been involved in an automobile accident, WILLIAM V. HOWELLS, D.V.M. violated Rule 11 of the Rules of Professional Conduct which states:

Rule 11 -
Veterinarians shall exercise the same degree of 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 good

standing in the locality or community in which they practice, or in similar communities.

II.

By failing to adequately diagnose the animals condition thereby causing the dog to suffered needlessly, WILLIAM V. HOWELLS, D.V.M. has violated Rule 18 of the Rules of Professional Conduct duly promulgated by the Board which states"

Rule 18 -

A licensed veterinarian shall treat all animals entrusted to him by his clients in keeping with the professional standards of humane treatment and care.

III.

The Texas State Board of Veterinary Medical Examiners has authority to take disciplinary action against Dr. Howells' license under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.S., Sections 14(e) which states in part:

Article 7465a, Section 14(e) and (f), Veterinary Licensing Act -

" . . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee . . . if it finds that an applicant or licensee:

(e) 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."

ORDERS

Dr. Howells did not contest the allegations, but, instead, accepted a Negotiated Settlement. A majority of the Board voted to accept the Negotiated Settlement (attached) and Texas Veterinary License No. 1083 heretofore issued to WILLIAM V. HOWELLS, D.V.M. by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS is HEREBY SUSPENDED for a period of two years, with the entire period being PROBATED. Dr. Howells is to obtain 25 hours of continuing education in small animal medicine and pay a civil penalty of \$500.00. Further, Dr. Howells is to take and pass the State Board Jurisprudence Examination in Austin within 90 days of this Order, submit quarterly reports verifying compliance with this Order and abide by the laws and rules of the Sate of Texas as they relate to the practice of veterinary medicine.

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH-35, Box 113
Austin, TX 78704

DOCKET NUMBER 1988-8
WILLIAM V. HOWELLS, D.V.M.
LICENSE NUMBER: 1083

NEGOTIATED SETTLEMENT

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

Dr. Howells does not contest the allegations set forth in the Complaint 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:

Negligence in the treatment of a canine "Rudy".

RECOMMENDED DISCIPLINARY ACTION:

1. License suspended for a period of two (2) years, all probated.
2. Obtain twenty-five hours of Continuing Education in small animal medicine.
3. Payment of a Civil Penalty in the amount of five hundred (\$500.00) dollars.

CONDITIONS:

1. Take and pass the State Board Jurisprudence Exam in Austin, Texas within ninety (90) days of this Order.
2. Submit quarterly reports to the Board verifying compliance with this Order.
3. Abide by the laws and rules of the State of Texas as they related to the practice of veterinary medicine.

William V. Howells 1/25/88
WILLIAM V. HOWELLS, D.V.M.

Donald B. Wilson 1/25/88
Donald B. Wilson, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL
EXAMINERS

Max B. Santa 1-25-88
Witness

DOCKETED COMPLAINT NO. 1988-8

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS		LICENSE NO. 1083
vs.		1987 RENEWAL CERTIFICATE
WILLIAM V. HOWELLS, D.V.M.		NUMBER 0165

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 4th day of February, 1988, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Westin Hotel, El Paso, El Paso County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint as well as for consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said WILLIAM HOWELLS, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present to-wit:

DR. W. L. "DUB" ANDERSON, President	of Addison, TX
MR. JIM F. HUMPHREY, Member	of Henrietta, TX
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MR. MIKE LEVI, Member	of Spicewood, TX
DR. ROBERT D. LEWIS, Member	of Elgin, TX
DR. MARY E. MAINSTER, Member	of San Antonio, TX
DR. EDWARD S. MURRAY, Member	of Spur, TX

At 9:00 a.m., the appointed hour, the President of the Board, DR. W. L. "DUB" ANDERSON ordered the case to proceed at which time it was ascertained that WILLIAM HOWELLS, D.V.M. was present in person, but not represented by legal counsel; the Board then proceeded and on the same day, February 4, 1988, all of the above members of said Board being present and participating with the exception of the Secretary of the Board, makes the following findings to-wit:

FINDINGS OF FACT

I.

WILLIAM V. HOWELLS, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 1083, 1987 Renewal Certificate Number 0165.

II.

Dr. Howells received notice of this hearing on or about January 19, 1988.

III.

On or about April 22, 1987, DEBBIE BROOM presented her poodle "Rudy" to Dr. Wm. V. Howells, a temporary relief veterinarian for the Animal Defense League Clinic. The dog was suffering from a head wound and severe scrapes on the abdomen. Debbie Broom did not know what caused the injuries. After a cursory examination, Dr. Howells suggested to Ms. Broom that the dog might have been hit by a car. Dr. Howells did not feel a more extensive examination or x-rays were indicated since there were no symptoms of fractures or concussion. Dr. Howells administered and dispensed Panalog Ointment for the abrasions and administered an antibiotic shot to the dog. Dr. Howells instructed Debbie Broom to return the dog if it did not improve.

IV.

Subsequent treatment by other veterinarians yielded the following diagnosis: April 24, 1987, "Rudy" was again presented with continuing problems to the Animal Defense League Clinic. He was seen by Dr. Glen A. Tate who diagnosed a concussion and suggested a car accident was involved;

On April 29, 1987, "Rudy" was again presented to the Animal Defense League Clinic for ambulatory and respiratory problems where it was seen by Dr. Janis Hawthorne who diagnosed a broken pelvis and tracheitis; "Rudy" continued to decline, and on May 2, 1987 he was presented to Dr. Charles Wiseman, at the Wiseman Animal Hospital. "Rudy" was found to have severe constipation and respiratory difficulties. Medication was prescribed and instructions were given to bring "Rudy" back for x-rays. On May 4, 1987, Dr. Wiseman x-rayed "Rudy", and he found a diaphragmatic hernia and confirmed the broken pelvis.

CONCLUSIONS OF LAW

I.

By failing to adequately examine the dog and take x-rays in view of the suspicion that the dog might have been involved in an automobile accident, WILLIAM V. HOWELLS, D.V.M. violated Rule 11 of the Rules of Professional Conduct which states:

Rule 11 -
Veterinarians shall exercise the same degree of 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 good

standing in the locality or community in which they practice, or in similar communities.

II.

By failing to adequately diagnose the animals condition thereby causing the dog to suffer needlessly, WILLIAM V. HOWELLS, D.V.M. has violated Rule 18 of the Rules of Professional Conduct duly promulgated by the Board which states"

Rule 18 -

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III.

The Texas State Board of Veterinary Medical Examiners has authority to take disciplinary action against Dr. Howells' license under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.S., Sections 14(e) which states in part:

Article 7465a, Section 14(e) and (f), Veterinary Licensing Act -

" . . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee . . . if it finds that an applicant or licensee:

(e) 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."

ORDERS

Dr. Howells did not contest the allegations, but, instead, entered into a Negotiated Settlement. A majority of the Board voted to accept the Negotiated Settlement (attached) and Texas Veterinary License No. 1083 heretofore issued to WILLIAM V. HOWELLS, D.V.M. by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS is HEREBY SUSPENDED for a period of two years, with the entire period being PROBATED. Dr. Howells is to obtain 25 hours of continuing education in small animal medicine and pay a civil penalty of \$500.00. Further, Dr. Howells is to take and pass the State Board Jurisprudence Examination in Austin within 90 days of this Order, submit quarterly reports verifying compliance with this Order and abide by the laws and rules of the State of Texas as they relate to the practice of veterinary medicine.

The foregoing Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the FINDINGS AND ORDERS of the Board, a quorum and a majority of the members of such Board being present and participating in such hearing, deliberations and decision, and such FINDINGS AND ORDERS are made on the 4th day February, 1988, in El Paso, El Paso County, Texas.

The Secretary of the Board is hereby ordered to prepare the Board's Findings and Orders in appropriate form and submit to the members of the Board for their signatures and to mail a copy of same to the Respondent at his last known address.

Executed this 4th day of February, 1988.

W. L. Anderson, D.V.M.
W. L. "Dub Anderson, D.V.M., President

February 4, 1988
Date

Jim F. Humphrey
Jim F. Humphrey, Vice-President

"
Date

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

"
Date

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

"
Date

Olivia R. Eudaly
Olivia R. Eudaly, Member

"
Date

Mike Levi
MIKE LEVI, Member

"
Date

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

"
Date

Mary E. Mainster, D.V.M.
Mary E. Mainster, D.V.M., Member

"
Date

Edward S. Murray, D.V.M.
Edward S. Murray, D.V.M., Member

"
Date

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH-35, Box 113
Austin, TX 78704

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WILLIAM V. HOWELLS, D.V.M.
LICENSE NUMBER: 1083

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Dr. Howells does not contest the allegations set forth in the Complaint 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:

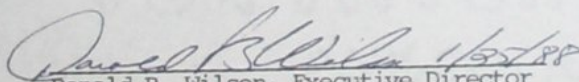
Negligence in the treatment of a canine "Rudy".

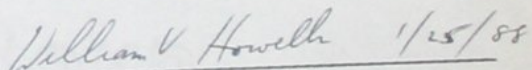
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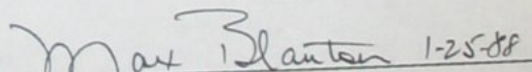
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CONDITIONS:

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2. Submit quarterly reports to the Board verifying compliance with this Order.
3. Abide by the laws and rules of the State of Texas as they related to the practice of veterinary medicine.


Donald B. Wilson, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL
EXAMINERS


WILLIAM V. HOWELLS, D.V.M.


Witness

DOCKETED COMPLAINT NO. 1988-8

TEXAS STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

vs.

WILLIAM V. HOWELLS, D.V.M.

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TEXAS VETERINARY MEDICAL
LICENSE NO. 1083
1987 RENEWAL CERTIFICATE
NUMBER 0165

COMPLAINT AFFIDAVIT FORM

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

"I, THOMAS CHESHIRE 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 WILLIAM V. HOWELLS, D.V.M., Animal Defense League Clinic, San Antonio, Bexar County, Texas, Texas Veterinary License Number 1083, 1987 Renewal Certificate Number 0165, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, THOMAS CHESHIRE do hereby present the following complaint against WILLIAM V. HOWELLS, D.V.M., who is hereinafter called Respondent.

I.

On or about April 22, 1987, DEBBIE BROOM presented her poodle "Rudy" to Dr. Wm. V. Howells, a temporary relief veterinarian for the Animal Defense League Clinic. The dog was suffering from a head wound and severe scrapes on the abdomen. Debbie Broom did not know what caused the injuries. After a cursory examination, Dr. Howells suggested to Ms. Broom that the dog might have been hit by a car. Dr. Howells did not feel a more extensive examination or x-rays were indicated since there were no symptoms of fractures or concussion. Dr. Howells administered and dispensed Panalog Ointment for the abrasions and administered an antibiotic shot to the dog. Dr. Howells instructed Debbie Broom to return the dog if it did not improve.

II.

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III.

By failing to adequately examine the dog and take x-rays in view of the suspicion that the dog might have been involved in an automobile accident, WILLIAM V. HOWELLS, D.V.M. violated Rule 11 of the Rules of Professional Conduct which states:

Rule 11 -

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IV.

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Article 7465a, Section 14(e) and (f), Veterinary Licensing Act -

" . . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee . . . if it finds that an applicant or licensee:
(e) 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."

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 26th day of December, 1987.

Further, Affiant sayeth not.

Thomas Cheshire
THOMAS CHESHIRE, Affiant

SUBSCRIBED and SWORN TO before me by the said THOMAS CHESHIRE this the 26th day of December, 1987.

Judy C. Smith
JUDY C. SMITH, Notary Public in and
for the State of Texas

My Commission Expires: September 13, 1989.

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. WILLIAM V. HOWELLS, D.V.M., under Docket Number 1988-8, this the 28th day of December, 1987.

Fred K. Soifer
FRED K. SOIFER, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners