

COMPLAINT NO. 1986-6

THE STATE OF TEXAS	Y	BEFORE THE TEXAS STATE
VS.	Y	BOARD OF VETERINARY
PAUL E. HUBERT, D.V.M.	Y	MEDICAL EXAMINERS

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 16th day of August, 1986, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Mariott Hotel in Austin, Travis 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 PAUL E. HUBERT, 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. EDWARD S. MURRAY, President	of Spur, TX
DR. ED B. AVERY, Vice-President	of Pearsall, TX
DR. K. D. DORRIS, Secretary	of Stephenville, TX
DR. W. L. "DUB" ANDERSON, Member	of Addison, TX
MR. JIM HUMPHREY, Member	of Henrietta, TX
MR. MIKE LEVI, Member	of Spicewood, TX
DR. MARY E. MAINSTER, Member	of San Antonio, TX

FINDINGS OF FACT

I.

PAUL E. HUBERT, D.V.M., is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License 4126 with offices at Bishop Veterinary Clinic, P. O. Box 187, Bishop, Nueces County, Texas.

II.

PAUL E. HUBERT, D.V.M. received notice of this hearing on July 17, 1986.

III.

On or about June 3, 1986, the U. S. Department of Agriculture revoked the veterinary accreditation of PAUL E. HUBERT, D.V.M. for a period of one year expiring February 14, 1987.

IV.

The revocation of DR. HUBERT's federal accreditation was prompted by the finding that DR. HUBERT failed to bleed all animals indicated on a U. S. Origin Health Certificate for the brucellosis test; that DR. HUBERT signed a U.S. Origin Health Certificate which had not been accurately completed. Further that DR. HUBERT failed to perform official tests in accordance with regulations and did not fulfill his responsibilities under applicable Federal programs and cooperative programs in accordance with regulations.

CONCLUSIONS OF LAW

PAUL E. HUBERT, D.V.M. has violated the Rules of Professional Conduct for the veterinary profession, Rule 25, pertaining to the loss of accreditation from the U. S. Department of Agriculture because of a violation of federal brucellosis control regulations.

ORDER

It is hereby ORDERED that Texas Veterinary License No. 4126 heretofore issued to PAUL E. HUBERT, D.V.M., by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS be and the same is HEREBY SUSPENDED for a period of two (2) years, with one (1) year, ten (10) months being PROBATED. Commencement date of suspension shall be November 1, 1986, terminating December 31, 1986. Further, DR. HUBERT is ordered to obtain a minimum of twenty (20) hours of continuing education. Further PAUL E. HUBERT will abide by the Veterinary Practice Act and Rules of Professional Conduct as duly promulgated by the Board.

Hallbert

The above Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the UNANIMOUS 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 16th day August, 1986, in Austin, Travis 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 16th day of August, 1986.

Edward S. Murray, D.V.M.
EDWARD S. MURRAY, D.V.M., President

16 AUG 86
Date

Ed B Avery, D.V.M.
ED B. AVERY, D.V.M., Vice-President

August 16, 1986
Date

(Recused)
K. D. DORRIS, D.V.M., Secretary

Date

W.L. Anderson, D.V.M.
W.L. "DUB" ANDERSON, D.V.M., Member

August 16, 1986
Date

Jim F. Humphrey
JIM F. HUMPHREY, Member

August 16, 1986
Date

Mike Levi
MIKE LEVI

August 16, 1986
Date

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

8/16/86
Date

(Absent)
FRANK E. MANN, JR., D.V.M., Member

Date

(Absent)
FRED K. SOIFER, D.V.M., Member

Date



United States
Department of
Agriculture

Animal and
Plant Health
Inspection Service

Veterinary
Services

EXHIBIT A

611 E. 6th, Rm. 200
Austin, Texas 78701

ORDER FOR REVOCATION OF VETERINARY ACCREDITATION

The accreditation of Dr. DR. PAUL E. HUBERT, under the provisions of the regulations in Title 9, Code of Federal Regulations, Parts 160-162, "Accreditation of Veterinarians and Suspension or Revocation of Such Accreditation" is hereby revoked. Said revocation is effective in all states in which Dr. Paul Hubert is an accredited veterinarian. This order is final and shall have the same force and effect as if entered after a formal hearing. This order is effective upon the date of ~~XXXXXX~~ ^{February 14, 1986 & receipt of} order by Dr. Paul E. Hubert.

[Signature]
Area Veterinarian in Charge

This is a certified true copy of the original

[Signature]
Secretary 6/3/86

6/3/86
Date



United States
Department of
Agriculture

Animal and
Plant Health
Inspection Service

Veterinary
Services

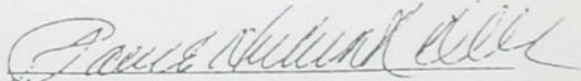
EXHIBIT A

611 E. 6th, Room 20
Austin, Texas 78701

CONSENT AGREEMENT

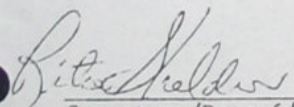
In response to my alleged violation(s) of the "Standards for Accredited Veterinarians" (9 CFR 161.2), occurring on or about November 14, 1985 :

- 1) I, Dr. Paul E. Hubert, admit that the Secretary of Agriculture has jurisdiction in this matter.
- 2) I hereby consent to the revocation of my veterinary accreditation in lieu of further proceedings under the Rules of Practice Governing Revocation or Suspension of Veterinarians' Accreditation (9 CFR 162.1 et seq.), to begin upon the date of my receipt of the order revoking my veterinary accreditation.
- 3) I understand that the order issued revoking my veterinary accreditation shall have the same force and effect as if entered after a formal hearing.
- 4) I understand that the order issued revoking my veterinary accreditation shall be effective in all States in which I am an accredited veterinarian upon receipt of said order.
- 5) I understand that effective upon my receipt of the order issued revoking my accreditation, I will not be permitted to perform any functions specified in Parts 1, 2, 3, and 11 of Subchapter A, and Subchapters B, C, and D, all of Chapter I (Animal and Plant Health Inspection Service, U. S. Department of Agriculture) of Title 9, Code of Federal Regulations, and I will not be permitted to perform functions required by cooperative State-Federal disease control and eradication programs.
- 6) I understand that the revocation of my veterinary accreditation will be effective for a period of not less than one (1) year.
- 7) I understand that at the end of one year after the effective date of the revocation of my veterinary accreditation, I may reapply for accreditation in accordance with 9 CFR 161.1(b).


Signature

This is a certified true copy
of the original.

June 3, 1986
Date Signed


Secretary/Date-6/3/86

COMPLAINT NO. 1986-6

THE STATE OF TEXAS	I	BEFORE THE BOARD OF VETERINARY
vs.	I	MEDICAL EXAMINERS
PAUL E. HUBERT, D.V.M.	I	STATE OF TEXAS

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared ERNIE CARROLL, who after being by me duly sworn, did depose and say:

"I, ERNIE CARROLL, 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 PAUL E. HUBERT, D.V.M., Texas Veterinary License No. 4126, 1986 Renewal Certificate No. 1491, a licensed practitioner of veterinary medicine in the State of Texas.

As an employee of the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS, I, ERNIE CARROLL, do hereby present to the Executive Secretary of the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS, the following complaint against PAUL E. HUBERT, D.V.M., who is hereinafter called Respondent.

I.

The U. S. Department of Agriculture revoked, on June 3, 1986, pursuant to a Consent Agreement, the veterinary accreditation of PAUL E. HUBERT, D.V.M. for a period of one year which expires February 14, 1987. See Exhibit A attached hereto. The revocation of Dr. Hubert's federal accreditation was prompted by the finding that Dr. Hubert failed to bleed all animals indicated on a U.S. Origin Health Certificate for the brucellosis test. Dr. Hubert signed a U.S. Origin Health Certificate which had not been accurately completed. Further, Dr. Hubert failed to perform official tests in accordance with regulations and did not fulfill his responsibilities under applicable Federal programs and cooperative programs in accordance with regulations.

II.

By having his federal accreditation revoked for a period of one year, PAUL E. HUBERT, D.V.M. has violated the Rules of Professional Conduct for the veterinary profession as authorized by Article 7465a, The Veterinary Licensing Act. Rule #25, as set out below, was in full force and effect at all times mentioned herein and remains in full force and effect as follows:

"Rule 25. A licensed veterinarian whose accreditation has been or is subject to being removed by state or federal authorities may be subject to disciplinary action by the Texas State Board of Veterinary Medical Examiners on proof of the acts or omissions constituting the grounds for removal of his accreditation."

III.

Article 7465a, Section 14, Veterinary Licensing Act states in part:

". . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee. . ." who "has engaged in practice 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 14th day of July, 1986.

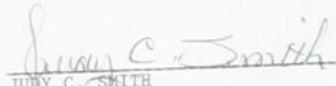
Further, Affiant sayeth not.



ERNIE CARROLL, Affiant

THE STATE OF TEXAS |
COUNTY OF TRAVIS |

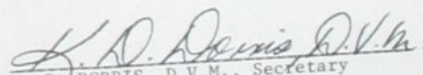
SWORN AND SUBSCRIBED TO BEFORE ME BY ERNIE CARROLL, this the 14th day of July, 1986, to certify which witness my hand and seal of office.



JUDY C. SMITH
Notary Public in and for 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. Paul E. Hubert, D.V.M. under Docket Number 1986-6, this the 12 day of July, 1986



K. D. DORRIS, D.V.M., Secretary
Texas State Board of Veterinary
Medical Examiners