

RECEIVED  
OCT 22 2012

DOCKET NO. 2013-11

TEXAS STATE BOARD OF  
VETERINARY MEDICAL EXAMINERS

IN THE MATTER	§	TEXAS STATE BOARD OF
	§	
OF THE LICENSE OF	§	VETERINARY
	§	
CLAUDE W. JERNIGAN, D.V.M.	§	MEDICAL EXAMINERS

**AGREED ORDER**

On this, the 30 day of Oct., 2012, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of Claude W. Jernigan, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board's staff met on September 24, 2012 to consider alleged violations of the Veterinary Licensing Act and the Board's rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a conference under Section 801.2056 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

Upon the recommendation of the staff committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

**Findings of Fact**

1. Respondent, Claude W. Jernigan, D.V.M. of the Chapel Hill Veterinary Clinic ("Clinic") in Tyler, Texas, holds Texas veterinary License 3275.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (Act). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners (Board Rules) (22 Tex. Admin. Code, Chapter 575).
3. Multiple employees of reported to the Board that Respondent has a problem managing his anger, and has repeatedly hit and punched animals in his care when he became frustrated and angry.
4. Respondent admitted to the Board that he had "on a few occasions...slapped a dog that was either biting or scratching my technician or me...I realize that this action is wrong and occurs out of frustration..."

5. Under Texas Penal Code § 42.092, a person commits an offense if the person intentionally, knowingly, or recklessly tortures an animal, and “torture” is defined to include any act that causes unjustifiable pain or suffering.

6. At the suggestion of the Board, Respondent voluntarily submitted to an evaluation by the Board’s Peer Assistance Coordinator.

### **Conclusions of Law**

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board’s rules.

2. Based on Findings of Fact 1 through 5, Respondent has violated Rule of Professional Conduct 573.4, Adherence to the Law, by violating Texas Penal Code § 42.092 while in the practice of, or under the guise of, veterinary medicine, by slapping and punching animals in Respondent’s care for veterinary treatment.

3. Based on Findings of Fact 1 through 5, Respondent has violated Rule of Professional Conduct 573.22, Professional Standard of Humane Treatment, by slapping and punching animals in Respondent’s care to undergo veterinary treatment.

4. Based on Conclusions of Law 1 through 3, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(6) engages in practices or conduct that violates the board’s rules of professional conduct.

5. Based on Conclusion of Law 4, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD.

(a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:

(4) reprimand a license holder...

(e) The Board may issue a disciplinary order directing a veterinarian to participate in the peer assistance program...

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent receive a FORMAL REPRIMAND.

The Board ORDERS that Respondent enter into a Peer Assistance Contract under the Board's Peer Assistance Program and follow all recommendations of the Peer Assistance Program Coordinator. Respondent shall execute any and all releases for medical records necessary to evaluate compliance with this order and/or are necessary to effectuate this order.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act and the laws of the State of Texas and the United States.
2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provision of the Act or the Board Rules may result in further disciplinary action.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives his right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense in any hearing before the Board.

**RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.**

The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

**I, CLAUDE W. JERNIGAN, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND**

**THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.**

Claude W. Jernigan  
Claude W. Jernigan, D.V.M.

10-17-12  
Date

STATE OF TEXAS  
COUNTY OF Smith

BEFORE ME, on this day, personally appeared Claude W. Jernigan, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 17 day of Oct, 2012.

Erin L Holloway  
Notary Public



SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 30 day of Oct, 2012.

Bud E. Allredge, Jr.  
Bud E. Allredge, Jr., D.V.M.  
President of the Board