

4

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

DOCKET NUMBER 1993-17 - MARVIN KNIGHT, JR. D.V.M.
LICENSE NUMBER 2769

NEGOTIATED SETTLEMENT

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

Dr. Knight 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:

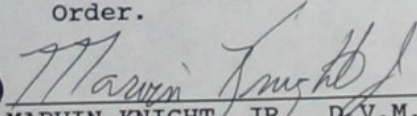
Providing and delivering Phentermine Hcl, a Schedule IV controlled substance when not necessary or required for the medical care of animals; failing to complete patient records substantiating use of the Phentermine Hcl, failing to provide minimum security for the Phentermine Hcl; failing to properly account for the acquisition and dispensation of the Phentermine Hcl; and ordering Phentermine Hcl by utilizing another practitioner's DEA Narcotics Registration Certificate without that practitioner's knowledge or approval.

RECOMMENDED DISCIPLINARY ACTION:

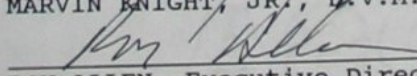
1. Five years suspension with the entire period probated.
2. Pay an administrative penalty in the sum of \$1,500.00.

CONDITIONS:

1. Reinstatement of DEA and DPS Controlled Substances Registration Certificates will be at the discretion of the Board. The Certificates were surrendered in conjunction with this case.
2. Take and pass the State Board Jurisprudence Examination.
3. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.
4. File quarterly reports with the Board certifying compliance with this Order.


MARVIN KNIGHT, JR., D.V.M.

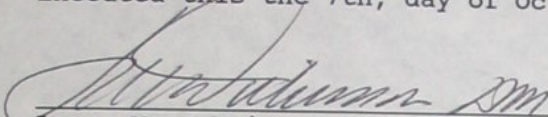
10.15.93
Date


RON ALLEN, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Amended

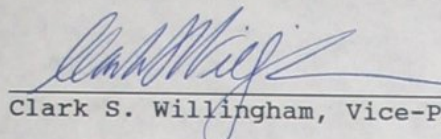
The foregoing ^{Amended} Agreed Settlement, entered into between Dr. Knight, the Board Secretary, and Board Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 7th day of October, 1993,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



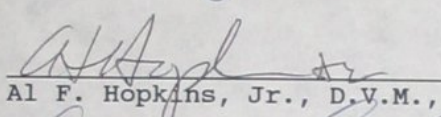
Larry M. Dubuissou, D.V.M., President

October 7, 1993
Date



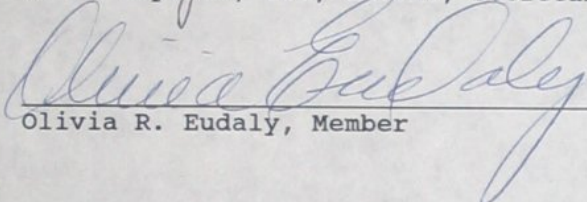
Clark S. Willingham, Vice-President

"_____
Date



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

"_____
Date



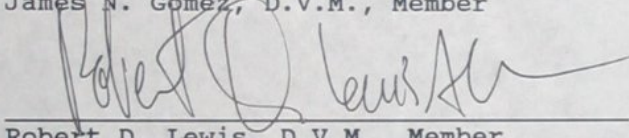
Olivia R. Eudaly, Member

"_____
Date

Absent

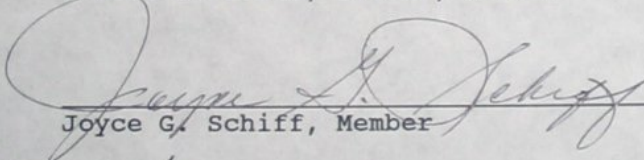
James N. Gomez, D.V.M., Member

"_____
Date



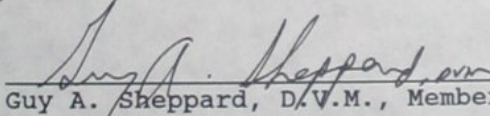
Robert D. Lewis, D.V.M., Member

"_____
Date



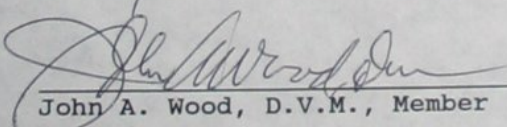
Joyce G. Schiff, Member

"_____
Date



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

"_____
Date



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

"_____
Date

DOCKETED COMPLAINT NO. 1993-17

TEXAS STATE BOARD OF VETERINARY	()	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	()	LICENSE NO. 2769
vs.	()	1993 RENEWAL CERTIFICATE
MARVIN KNIGHT, D.V.M.	()	NUMBER 1216

COMPLAINT AFFIDAVIT

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

On or about June 29, 1993, ERNIE M. 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 MARVIN KNIGHT, D.V.M., Refinery Road Veterinary Clinic, 1913 Refinery Road, Gainesville, Texas, 76240, Veterinary License Number 2769, 1993 Renewal Certificate Number 1216, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I ERNIE M. CARROLL, do hereby present the following complaint against MARVIN KNIGHT, D.V.M.

I

On or about February 1, 1993, Marvin Knight, DVM, instructed Bonnie Garrett, a non-veterinarian employee of the Refinery Road Veterinary Clinic in Gainesville, Texas, to order 2000 30mg capsules of Phentermine Hcl, a Schedule IV controlled substance, from Rugby Laboratories in Carrollton, Texas. Ms. Garrett ordered the drugs by utilizing Dr. James W. Neidhardt's DEA No. AN7173519. Dr. Neidhardt did not approve the order nor did he have knowledge his DEA number was utilized to order and receive the drug.

II

On or about February 4, 1993, Rugby Laboratories shipped the 2000 30mg capsules to the Refinery Road Veterinary Clinic, where Dr. Knight took one of the Bottles containing 1000 Phentermine Hcl capsules to his home, where he claims he administered 182 capsules to his Wirehaired Terrier Cross during the period of on or about February 5, 1993 to on or about June 29, 1993 (146 days).

III

The second bottle, containing 1000 30mg capsules of Phentermine Hcl, was left unsecured in the clinic. Non-veterinarian employees Bonnie Garrett and Eva Ortowski administered 187 of the capsules to their dogs and to themselves for weight loss.

IV

Dr. Knight did not account for the receipt nor the dispensation of the Phentermine Hcl at the clinic, nor did he enter any information relating to the Phentermine Hcl on any patient record for his dog, Ms. Garrett's dog nor Ms. Ortowski's dog.

V

By providing and delivering a Schedule IV controlled substance to Bonnie Garrett and Eva Ortowski, that were ingested by them, and that were not necessary or required for the medical care of animals, and where the use of possession of such drugs would promote addiction thereto, as described in paragraphs 1, 2 and 3, Dr. Knight violated Rule of Professional Conduct 573.41 (b), Use of Prescription Drugs.

VI

By failing to complete patient records for his dog, Bonnie Garrett's dog and Eva Ortowski's dog with diagnoses and treatment descriptions that describe obesity and a prescribed treatment of Phentermine Hcl, as described in Paragraph IV, Dr. Knight violated Rule of Professional Conduct 573.52, Patient Record Keeping.

VII

By failing to provide minimum security for the 2000 capsules of Phentermine Hcl, a Schedule IV controlled substance, as described in paragraph 2 and 3, Dr. Knight violated Rule of Professional Conduct 573.61, Minimum Security for Controlled Substances.

VIII

By failing to properly account for the acquisition and dispensation of the 2000 units of the Phentermine Hcl, a Schedule IV controlled substance, as described in Paragraph IV, Dr. Knight violated Rule of Professional Conduct 573.50, Controlled Substances Record Keeping for Drugs on Hand.

IX

By ordering Phentermine Hcl, a Schedule IV Controlled Substance from Rugby Laboratories, and by utilizing Dr. James Neidhardt's DEA Narcotics Registration Certificate without Dr. Neidhardt's knowledge or approval, Dr. Knight engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine, in violation of Section 14 (a) (3), Article 8890, V.A.C.S.

X

By violating Rules of Professional Conduct 573.41, 573.50, 573.52 and 573.61, Dr. Knight violated Article 14 (a) (5), Article 8890, V.A.C.S.

XI

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

ARTICLE 8890, SECTION 14B

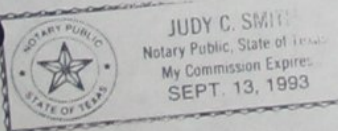
(a) If a person violates this act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

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

Further, Affiant sayeth not.

Ernie M. Carroll
(ERNIE M. CARROLL), Affiant

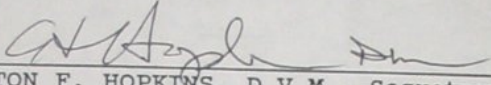
SUBSCRIBED and SWORN TO before me by the said Ernie M. Carroll this the 30th day of July, 1993.



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

Marvin Knight, D.V.M.
Page four

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 Knight, D.V.M. under Docketed Number 1993-17, this the 5 day of August, 1993.



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