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

DOCKET NUMBER 1992-05
WILLIAM E. LAMMERS, D.V.M.
LICENSE NUMBER: 5952

NEGOTIATED SETTLEMENT

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

Dr. Lammers 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:

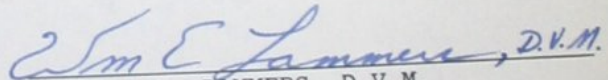
Allowing an unlicensed employee to vaccinate animals in his absence and failure to affix his personal signature to rabies certificates issued.

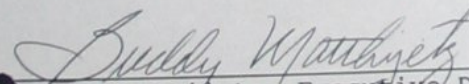
RECOMMENDED DISCIPLINARY ACTION:

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.
2. Take and pass the State Board Jurisprudence Examination as scheduled by the Board staff.


WILLIAM E. LAMMERS, D.V.M.


Buddy Matthijetz, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Date: 1-16-92

Exhibit A

DOCKETED COMPLAINT NO. 1992-05

TEXAS STATE BOARD OF VETERINARY	()	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	()	LICENSE NO. 5952
vs.	()	1991 RENEWAL CERTIFICATE
WILLIAM E. LAMMERS, D.V.M.	()	NUMBER 5073

COMPLAINT AFFIDAVIT FORM

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 August 6, 1991, Ernie M. Carroll, 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 E. LAMMERS, D.V.M., Animal Control Facility, 210 Tuleta, San Antonio, Bexar County, Texas, Veterinary License Number 5952, 1991 Renewal Certificate Number 5073, 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 WILLIAM E. LAMMERS, D.V.M., who is hereinafter called Respondent.

I.

During the period of February, 1989 to January, 1990, Respondent, while absent from the premises, allowed Mr. Wency Sabator, an unlicensed employee, to vaccinate animals for rabies.

II.

During the period of February, 1989 to January, 1990, Respondent allowed a rubber stamp with his printed name, not his signature, and the words "rabies vaccinated", to be stamped on the signature line of rabies certificates.

III.

By allowing Mr. Sabator to rabies vaccinate animals in his absence, Respondent has violated Rules 573.10 and 573.11 of the Rules of Professional conduct which read in part:

573.10 DIRECT SUPERVISION OF LAYMEN

(a.) A licensed veterinarian shall not allow an unlicensed person to issue presigned certificates with the veterinarian's signature affixed thereto. The licensee shall not permit an unlicensed person to inoculate or treat animals unless the inoculation or treatment are done under the direct supervision of the licensed veterinarian; provided however, an unlicensed individual shall not perform the following health care services: surgery; diagnosis and prognosis of animal diseases; and prescribing of drugs, medicine, and appliances for domestic animals.

(b.) "Direct Supervision" shall mean the supervision of those tasks or procedures that do not require the presence of a veterinarian in the room where performed, but require the presence of a licensee on the premises and availability for prompt consultation and treatment.

573.11 DISCOURAGEMENT OF UNAUTHORIZED PRACTICE

A licensed veterinarian shall be professionally and legally responsible for the unauthorized practice of veterinary medicine by unlicensed employees within the scope of their employment. An employee's unauthorized practice of veterinary medicine without a license constitutes grounds for the Texas State Board of Veterinary Medical Examiners to take action against the licensed veterinarian.

IV.

By allowing rabies certificates to be issued with his printed name stamped on them, Respondent has violated Rule 573.51 of the Rules of Professional Conduct which reads in part:

573.51 RABIES CONTROL

(a.) Each Texas licensed veterinarian shall keep a record of each rabies vaccination administered by him/her for at least three (3) years. The record of said vaccination shall include the date administered, animal's breed, age, approximate weight, name, color, owner, the vaccine expiration date, together with its serial number. The name, address and telephone number of the administering veterinarian, along with his/her signature and license number shall be included. The tag shall include the tag serial number, clinic name, or veterinarian's name, telephone number, or address and the title "Rabies".

V.

By allowing an unlicensed employee to vaccinate animals in his absence and failure to affix his personal signature to rabies certificates issued, Respondent has violated the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a) (3), (5), (6), and (7) which state 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:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(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;

(6) has permitted or allowed another to use his license, or certificate to practice veterinary medicine in this state;

(7) has fraudulently issued a health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine that relates to the presence or absence of animal disease;

VI.

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

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(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;

(6) has permitted or allowed another to use his license, or certificate to practice veterinary medicine in this state;

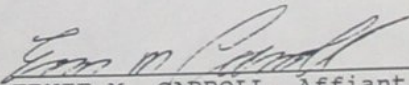
(7) has fraudulently issued a health certificate, vaccination certificate, test chart, or other blank form used in the practice of veterinary medicine that relates to the presence or absence of animal disease;

ARTICLE 8890, SECTION 14B

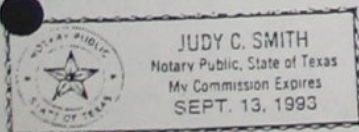
(a) If a person violates this Act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

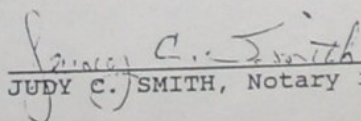
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 20th day of December, 1991.

Further, Affiant sayeth not.

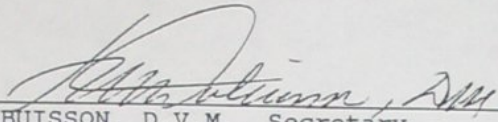

ERNIE M. CARROLL, Affiant

SUBSCRIBED and SWORN TO before me by the said ERNIE M. CARROLL, this the 20th day of December, 1991.




JUDY C. SMITH, Notary 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. WILLIAM E. LAMMERS, D.V.M. under Docketed Number 1992-05, this the 31st day of December, 1991.



LARRY M. DUBUISSON, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners

The foregoing Agreed Settlement, entered into between Dr. Lammers, 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 29th day of January, 1992, 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 29th day of January, 1992.

Guy A. Shepard, D.V.M., President

1/29/92
Date

ABSENT

Mr. Clark S. Willingham, Vice-President

Date

Larry M. Dubuisson, D.V.M., Secretary

1-29-92
Date

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

Date

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

1-29-92
Date

ABSENT

Mr. Mike Levi, Member

Date

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

1-29-92
Date

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

1-29-92
Date

ABSENT

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

Date