

BEFORE THE
TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

THE TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

VS.

DAVID E. FAULKNER, D.V.M.,
TEXAS VETERINARY MEDICAL
LICENSE NO. 5248
1991 RENEWAL CERTIFICATE
NO. 4700

DOCKET COMPLAINT NO. 1991-30


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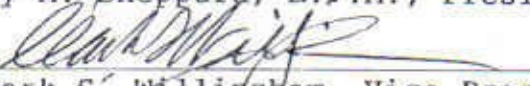
ORDER


On this the 23rd day of October, 1992, docketed Complaint No. 1991-30 came on to be considered by the Texas State Board of Veterinary Medical Examiners and the Board having considered the Hearings Examiner's Amended Proposal for Decision and the Findings of Fact and Conclusions of Law and having heard the arguments of counsel for Complainant and Respondent, the Board hereby adopts the Findings of Fact and Conclusions of Law and the disciplinary action recommended by the Hearings Examiner.

It is therefore ORDERED that Respondent's Motion to Modify be, and is hereby DENIED and that the agreed order in Docket Number 1990-13 dated February 7, 1991 remain in effect in all respects. It is further ORDERED that Respondent, David E.

Faulkner, D.V.M., be, and is hereby, ORDERED to pay a civil fine in the amount of \$1,000.00.


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


Clark S. Willingham, Vice President


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

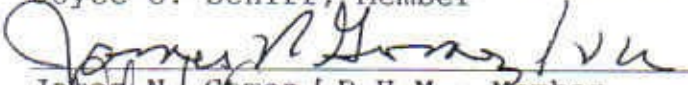
ABSENT

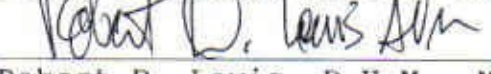
Olivia R. Eudaly, Member

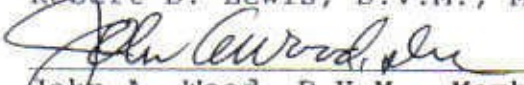

Alton F. Hopkins, Jr., D.V.M., Member

ABSENT

Joyce G. Schiff, Member


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


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


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

DATED: October 23, 1992

DOCKETED COMPLAINT NO. 1991-30 - FIRST AMENDED

TEXAS STATE BOARD OF VETERINARY	()	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	()	LICENSE NO. 5248
vs.	()	1991 RENEWAL CERTIFICATE
DAVID E. FAULKNER, D.V.M.	()	NUMBER 4700

FIRST AMENDED COMPLAINT AFFIDAVIT FORM

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

On or about July 15, 1991, Matthew Wendel, 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 DAVID E. FAULKNER, D.V.M., Hope Veterinary Clinic, Route 1, Box 420, Amarillo, Potter County, Texas, Veterinary License Number 5248, 1991 Renewal Certificate Number 4700, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Matthew Wendel, do hereby present the following first amended complaint against DAVID E. FAULKNER, D.V.M., who is hereinafter called Respondent.

I.

On or about February 1, 1991, Respondent entered into a Negotiated Settlement with the Texas Board of Veterinary Medical Examiners in Docketed Case 1990-13, in which he (Respondent) agreed to a six-month suspension of his license to practice veterinary medicine in the State of Texas. The said suspension commenced on May 6, 1991.

II.

On or about May 21, 1991, Respondent represented himself, as engaged in the practice of veterinary medicine, under circumstances that would lead a reasonable person to believe he was a licensed veterinarian, to Gene and Vickie Moore, and then cleaned a swollen sheath, removed a "bean" and gave some injections for their 14 year old Gelding.

III.

On or about May 30, 1991, Respondent represented himself as engaged in the practice of veterinary medicine, under circumstances that would lead a reasonable person to believe he was a licensed veterinarian, to Gene Moore, and then made a physical examination of and drew a blood sample from Moore's 7 year old female mule, Bea, for the purpose of completing an Equine Infectious Anemia Laboratory Test Certificate which was signed by Robert Harben, D.V.M.

IV.

On or about June 22, 1991, Respondent represented himself as engaged in the practice of veterinary medicine, under circumstances that would lead a reasonable person to believe he was a licensed veterinarian, to

Gene & Vickie Moore, and then treated their Schnauzer, Nicky, for vomiting and diarrhea, administered two injections and dispensed Di-Trim 120 mg. tablets and Darbazine capsules.

V.

On or About July 5, 1991, Respondent represented himself as engaged in the practice of veterinary medicine, under circumstances that would lead a reasonable person to believe he was a licensed veterinarian, to Kathy Martindale, and then dispensed Dipyrone, Vitamin B-12 and Amoxicilin for a 16 year old cat, Simon.

VI.

On or about July 29, 1991, Respondent represented himself as engaged in the practice of veterinary medicine, under circumstances that would lead a reasonable person to believe he was a licensed veterinarian, to Charlene Matthew, and then diagnosed her Poodle, "Pepper", for possible whip worms, and dispensed Interceptor, a heartworm preventative.

VII.

On or about August 6, 1991, Respondent represented himself as engaged in the practice of veterinary medicine, under circumstances that would lead a reasonable person to believe he was a licensed veterinarian, to Reverend David L. Veavey, and then diagnosed and treated his dog for possible parvo.

VIII.

By representing himself under circumstances that would lead a reasonable person to believe he was a licensed veterinarian, and performing the acts listed in Paragraphs II, III, IV, V, VI, and VII, thereby practicing veterinary medicine when his veterinary license was suspended, Respondent has violated Article 8890, Section 14(a)(3) of the Veterinary Licensing Act which states in part:

Article 8890, Sec. 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 license . . . if it finds that . . . a licensee:

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

IX.

By performing the acts listed in Paragraphs II, III, IV, V, VI, and VII Respondent has violated the terms of the Orders entered in Docketed Case 1990-13.

X.

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

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 first amended complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 14th day of September, 1991.

Further, Affiant sayeth not.

Matthew Wendel
MATTHEW WENDEL, Affiant

SUBSCRIBED and SWORN TO before me by the said MATTHEW WENDEL this the 14th day of September, 1991.

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



The foregoing first amended 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. DAVID E. FAULKNER, D.V.M. under Docketed Number 1991-30, this the 13th day of September, 1991.

Guy A. Sheppard, D.V.M.
GUY A. SHEPPARD, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners