

IN THE MATTER OF	§	TEXAS BOARD OF	<b>Received</b> <b>AUG - 7 2017</b> <small>State Board of  Veterinary Medical Examiners</small>
THE LICENSE OF	§	VETERINARY	
TIMOTHY ASHLEY, D.V.M.	§	MEDICAL EXAMINERS	

**AGREED ORDER**

On this day the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Timothy Ashley, D.V.M. (“Respondent”).

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

**FINDINGS OF FACT**

1. Respondent, Timothy Ashley, D.V.M., of Wichita Falls, Texas, holds Texas veterinary license 4806.
2. On July 2, 2016, Mike Patterson took his fifteen-year-old Chihuahua, Sugar, to Respondent at the Wichita Falls Animal Hospital, because Sugar was not eating. After an examination, Respondent told Mr. Patterson that Sugar had significant plaque buildup that may be contributing to her loss of appetite. Respondent administered a B12 shot. The medical records indicate that Mr. Patterson declined bloodwork. Respondent stated that he also offered other diagnostics, supportive care, and hospitalization, but Mr. Patterson declined. The medical records do not reflect this conversation. Respondent’s medical records do not include details necessary to substantiate or document the examination and diagnosis, including pulse and heart rate.
3. On July 3, Mr. Patterson called Respondent after seeing no change in Sugar. Mr. Patterson further reported that his other Chihuahua, fourteen-year-old Gidget, had also stopped eating. Respondent had previously examined Gidget on June 13, 2016, and noted that she appeared to be in pain. Respondent’s medical records from that date indicate that he removed “material” from Gidget’s teeth, but do not include details describing the material or Respondent’s diagnosis.
4. Mr. Patterson and his wife, Carol Patterson, felt that the dogs could be suffering, and wanted them euthanized together as they had been raised together. The Pattersons asked Respondent to meet them at his office to euthanize the dogs. Respondent agreed.
5. The Pattersons took Gidget and Sugar to Respondent’s clinic later that day. Respondent euthanized Gidget first, and the procedure was routine. Shortly before Sugar was euthanized, Mr. Patterson noted that she was bleeding from her mouth. Following the euthanasia, Respondent noted

that Sugar had inflammation surrounding one of her teeth, and told the Pattersons it was likely the source of the bleeding. After returning home, the Pattersons questioned whether an antibiotic would have made a difference, and why no alternatives to euthanasia were offered.

### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules. Respondent received notice as required by law.
2. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.
3. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.
4. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
5. Pursuant to Board Rule 575.25, Respondent's violations are Class C violations, and Respondent is subject to disciplinary action under that Rule.

### TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

1. REPRIMAND
  - a. Respondent is hereby informally reprimanded by the Board. This informal reprimand will not be published in the Board's newsletter and will not be routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database. A copy of this informal reprimand will be forwarded to the AAVSB if specifically requested by that organization.
2. CONTINUING EDUCATION
  - a. In addition to the annual continuing education required for license renewal, Respondent shall complete three (3) hours of continuing education in the area of patient record keeping within one year of the date the Board approves this Order. These hours shall be in addition to Respondent's annual continuing education requirements. Respondent shall submit documentation of the completed continuing education penalty and the required annual continuing education to the Board within one year and 30 days of the date the Board approves this Order. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

3. ADHERENCE TO THE LAW AND BOARD RULES

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

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

*Certification and signature page follows.*

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

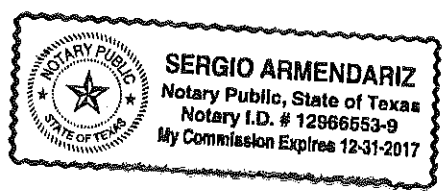
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this 3 day of August, 2017.

Timothy M. Ashley DVM  
Timothy Ashley, D.V.M.

Sworn and subscribed before me this 3 day of August, 2017.

SEAL:



Sergio Armendariz  
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 10<sup>th</sup> day of October, 2017.

Jessica Quillivan  
Jessica Quillivan, D.V.M., Presiding Board Member