

Ms. JorJa Estrada. Ms. Estrada presented "Sandy" because the dog was not feeling well and had problems walking.

4. On or about that same day, Dr. Beasley examined "Sandy" and made a diagnosis of a heartworm infection and congestive heart failure. Dr. Beasley did not test for heartworms.

5. On or about the same day, Ms. Estrada told Dr. Beasley that she would like to take the dog to her regular veterinarian for a second opinion and then temporarily left the examination room.

6. On or about that same day and upon Ms. Estrada's return to the examination room and shortly thereafter, Dr. Beasley told Ms. Estrada that he had given "Sandy" an injection of Ivermectin to treat the heartworm infection. The patient record of "Sandy" records a 0.1 cc injection of Ivomec. Ms. Estrada did not agree to this treatment prior to its administration by Dr. Beasley. Sandy's heart condition may have existed before the injection of Ivomec.

7. On or about that same day, Dr. Beasley prescribed and dispensed Ivomec to Ms. Estrada for the continued treatment of "Sandy's" heartworm infection.

8. On or about that same day, "Sandy" began vomiting after being returned home. Ms. Estrada subsequently presented "Sandy" to Charles Evans, D.V.M. and explained the treatment prescribed by Dr. Beasley. Dr. Evan's examination of "Sandy" revealed a severe heart murmur, mild dehydration, anemia, and a heartworm infection. The dog was treated for the dehydration and anemia.

9. On or about June 1, 1997, "Sandy's" condition continued to deteriorate and he was presented to David Wainwright, D.V.M., VCA Spring Branch Animal Hospital, Houston, Texas, as an emergency patient. The dog was presented with a history of red tinged urine. Dr. Wainwright's examination revealed moderately severe dehydration, and mucus membrane pallor. A packed cell volume was completed (16%) to determine the extent of anemia. Dr. Wainwright administered subcutaneous fluids, Reglan, Cimetidine, and Prednisone. Doxycycline was dispensed for home administration. A blood transfusion and hospitalization were recommended.

10. On or about June 2, 1997, "Sandy" was examined by Tom Dayton, D.V.M., at Parker Road Animal Hospital, Houston, Texas. Dr. Dayton's examination revealed a temperature of 100 degrees, grade IV heart murmur, pale mucus membranes and congested lungs. During treatment by Dr. Dayton, "Sandy" began having seizures and died.

11. On or about June 2, 1997, a necropsy was performed by Dr. Dayton and revealed the

following: A visible lesion confined to the chest cavity, with heartworms in pre and post vena cava, right ventricle and right article. All arteries of the lungs were impacted with heartworms. Dr. Dayton determined the cause of death to be an immediate kill of adult heartworms causing them to block the right aorta and arteries causing congestion in the lung tissue and high blood pressure with death.

12. The product monographs for the various Ivomec injectables states that these medicines should not be used to treat dogs, and that such treatment may result in fatality.

13. In response to an inquiry from the Board, Dr. Beasley supplied a copy of the patient records of "Sandy." The record does not contain a recording of the dog's weight.

14. The acts and/or failures to act alleged in paragraphs 3 through 13 do not constitute the exercise of the same degree of human e care, skill and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in Houston, Texas or similar community.

Conclusions of Law

1. Respondent is required to comply with the provision of the Act and Board Rules.

2. Section 14 (a) of the Act authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings of non-compliance with the Act or Board Rules.

3. Based on Findings of Facts 3 through 12, & 14 Respondent has violated Rule 573.22 - Professional Standard of Humane Treatment.

4. Based on the Finding of Facts 13, Respondent has violated Rule 573.52 - Patient Record Keeping.

5. Based on the Findings of Facts 3 through 13, Respondent has violated Act § 14 (a) (5) for engaging in practices or conduct in connection with the practice of veterinary medicine which were violative of the standards of professional conduct duly promulgated by the Board.

6. Based upon Findings of Facts 4 through 6, Respondent has violated Act §14 (a) (11) by performing unauthorized treatment.

7. Based on any one of the Conclusions of Law 3, 4, 5 and 6, Respondent is subject to disciplinary action by the Board under the Act §14(a).

NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Dr. Kenneth V. Beasley's License to Practice Veterinary Medicine be SUSPENDED for a period of two (2) years, commencing on the date of the Board's approval of this Agreed Order. The Board further ORDERS that an Administrative Penalty of one thousand dollars (\$1,000.00) is assessed against Dr. Kenneth V. Beasley, payable within forty-five days (45) of the Board's approval of this Agreed Order.

Said license suspension is stayed, and Respondent is placed on Probation, for the entire period of suspension, provided that Respondent fully complies with the following terms and conditions of probation:

1. Respondent timely remits the Administrative Penalty.
2. Respondent ceases and desists in the use of Ivomec in the treatment of heartworm disease.
3. Respondent Maintains a treatment log for each dog treated for heartworm disease and include client's name, patient's name, date, and type of treatment. The log is to be submitted to the Board Secretary on a semi-annual basis for his review.
4. Respondent obtains five (5) hours of CE for each year of probation which must be in the diagnosis and treatment of heartworm disease, beginning within six (6) months from the date of the Board Order.

Failure to comply with any provision of the terms and conditions of probation will automatically suspend Respondent's license for the remainder of the period of probation from the date that the condition of probation was violated. Respondent agrees in this event to voluntarily surrender his license. If Respondent fails to immediately surrender his license and/or continues to practice veterinary medicine after being notified by the Board to cease and desist, Respondent agrees that his acts shall constitute the unauthorized practice of veterinary medicine.

Respondent, Kenneth V. Beasley, D.V.M., by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set

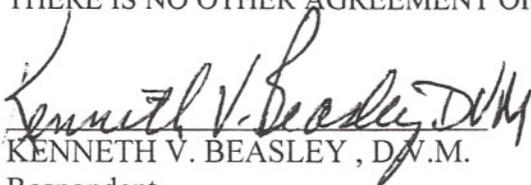
forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action of the Board.

Respondent, Kenneth V. Beasley, D.V.M., by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense. Respondent has voluntarily represented himself.

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. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE, OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

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

I, KENNETH V. BEASLEY, 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 THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.


KENNETH V. BEASLEY, D.V.M.
Respondent

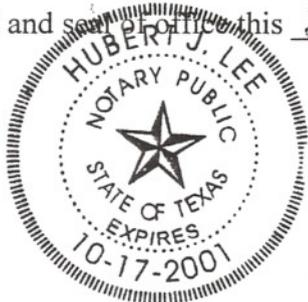
 1998
DATE

Kenneth V. Beasley, D.V.M.
Docket No 1998-12
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STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, on this day, personally appeared Kenneth V. Beasley, 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 me, Notary Public, this 26 day of August, 1998.



Notary Seal

Hubert J. Lee
Notary Public

This agreed order has been entered between Dr. Kenneth V. Beasley and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.

Ron Allen
RON ALLEN
Executive Director, TSBVME

August 28, 1998
DATE

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 1st day of October, 1998.

Michael J. McCulloch
MICHAEL J. MCCULLOCH, D.V.M.
President

DOCKETED COMPLAINT NO. 1998-12

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 1968
vs.	§	1998 RENEWAL CERTIFICATE
KENNETH V. BEASLEY, D.V.M.	§	NUMBER 1763

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Charles Adkins, who after being duly sworn, did depose and say:

On or about July 23, 1997, Charles Adkins, 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 Kenneth V. Beasley, D.V.M., Camden Veterinary Clinic, 7521 Jensen Dr., Houston, Texas, 77093, Veterinary License Number 1968, 1998 Renewal Certificate Number 1763, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Charles Adkins, do hereby present the following complaint against Kenneth V. Beasley, D.V.M.

I.

On or about May 30, 1997, Kenneth V. Beasley, D.V.M., was presented with "Sandy" a five year old male Dachshund mix, at the Camden Veterinary Clinic Houston, Texas, by the owner, Ms. JorJa Estrada. Ms. Estrada presented "Sandy" because the dog was not feeling well and had problems walking.

II.

On or about that same day, Dr. Beasley examined "Sandy" and made a diagnosis of a heartworm infection and congestive heart failure. Dr. Beasley did not test for heartworms.

III.

On or about the same day, Ms. Estrada told Dr. Beasley that she would like to take the dog to her regular veterinarian for a second opinion and then temporarily left the examination room.

IV.

On or about that same day and upon Ms. Estrada's return to the examination room and shortly thereafter, Dr. Beasley told Ms. Estrada that he had given "Sandy" an injection of Ivermectin to treat the heartworm infection. The patient record of "Sandy" records a .1 cc injection of Ivomec. Ms. Estrada did not agree to this treatment prior to its administration by Dr. Beasley. "Sandy's" heart condition may have existed before the injection of Ivomec.

V.

On or about that same day, Dr. Beasley prescribed and dispensed Ivomec to Ms. Estrada for the continued treatment of "Sandy's" heartworm infection.

VI.

On or about that same day, "Sandy" began vomiting after being returned home. Ms. Estrada subsequently presented "Sandy" to Charles Evans, D.V.M. and explained the treatment prescribed by Dr. Beasley. Dr. Evan's examination of "Sandy" revealed a severe heart murmur, mild dehydration, anemia, and a heartworm infection. The dog was treated for the dehydration and anemia.

VII.

On or about June 1, 1997, "Sandy's" condition continued to deteriorate and he was presented to David Wainwright, D.V.M., VCA Spring Branch Animal Hospital, Houston, Texas, as an emergency patient. The dog was presented with a history of red tinged urine. Dr. Wainwright's examination revealed moderately severe dehydration, and mucus membrane pallor. A packed cell volume was completed (16%) to determine the extent of anemia. Dr. Wainwright administered subcutaneous fluids, Reglan, Cimetidine, and Prednisone. Doxycycline was dispensed for home administration. A blood transfusion and hospitalization were recommended.

VIII.

On or about June 2, 1997, "Sandy" was examined by Tom Dayton, D.V.M., at Parker Road Animal Hospital, Houston, Texas. Dr. Dayton's examination revealed a temperature of 100 degrees, grade IV heart murmur, pale mucus membranes and congested lungs. During treatment by Dr. Dayton, "Sandy" began having seizures and died.

IX.

On or about June 2, 1997, a necropsy was performed by Dr. Dayton and revealed the following: A visible lesion confined to the chest cavity, with heartworms in pre and post vena cava, right ventricle and right article. All arteries of the lungs were impacted with heartworms. Dr. Dayton determined the cause of death to be an immediate kill of adult heartworms causing them to block the right aorta and arteries causing congestion in the lung tissue and high blood pressure with death.

X.

The product monographs for the various Ivomec injectables states that these medicines should not be used to treat dogs, and that such treatment may result in fatality.

XI.

In response to an inquiry from the Board, Dr. Beasley supplied a copy of the patient records of "Sandy." The record does not contain a recording of the dog's weight.

XII.

The acts and/or failures to act alleged in paragraphs IV and V do not constitute the exercise of the same degree of humane care, skill and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in Houston, Texas, or similar community.

XIII.

Based on paragraph XII, Dr. Beasley violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.

XIV.

Based on the above in paragraph XIII, Dr. Beasley also violated Section 14 (a) (5) of the Veterinary Licensing Act, article 8890.

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:

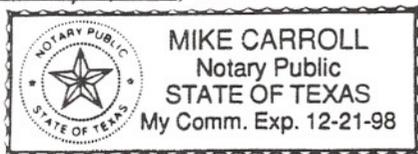
(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 25TH day of SEPTEMBER, 1998.

Further, Affiant sayeth not.

Charles Adkins
Charles Adkins Affiant

SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 25TH day of SEPTEMBER, 1998



Mike Carroll
Mike Carroll, Notary Public 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. Kenneth V. Beasley, D.V.M. under Docketed Number 1998-12, this the 25TH day of SEP, 1998.

Howard M. Head DVM
Howard M. Head, DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners