

DOCKET NO. DK2017-104

IN THE MATTER OF § TEXAS BOARD OF  
THE LICENSE OF § VETERINARY  
DIARRA BLUE, 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 Diarra Blue, 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, Diarra Blue, D.V.M., of Cypress, Texas holds Texas veterinary license 12985.
2. On July 16, 2016, Angela Grape left her two male English Bulldogs, Zeus and Belvedere, at Cy-Fair Animal Hospital in Cypress, Texas, to be boarded until July 21, 2016. Both dogs were scheduled to be neutered on July 18, 2016. The medical records indicated the scheduled surgery date. Ms. Grape requested that the surgeries be performed by Michael Lavigne, D.V.M.
4. An unnamed technician placed the dogs on the surgery board for July 16, 2016, and assigned the surgeries to Respondent, who was the veterinarian on surgery duty that day. Respondent performed a physical examination of Zeus, but did not review Zeus's patient records.
5. Pre-medication was given by a technician at 10:15 a.m. A technician induced anesthesia at approximately 10:30 a.m. Respondent requested that Dr. Lavigne assist him by either completing a dental procedure that Respondent had begun or by performing Zeus's surgery. Dr. Lavigne elected to perform Zeus's surgery.
6. A technician noted that Zeus's mucous membranes had gone pale, and asked Dr. Lavigne to check Zeus as Respondent prepared to go into surgery. Dr. Lavigne could not detect a heartbeat. Dr. Lavigne and Respondent attempted resuscitation for approximately 35 minutes, but could not revive Zeus. The medical records do not indicate that Dr. Lavigne assisted Respondent in providing this care and treatment to Zeus.

7. Blood was drawn prior to pre-medication and anesthetization, but it was not processed before the surgery began. Thus, Respondent did not review any bloodwork prior to authorizing Zeus to be anesthetized for surgery. The bloodwork results are timestamped 11:33 a.m., approximately an hour after Zeus's death. The medical records indicate that Zeus "appears OK for surgery" and that "BW appears to be wnl [within normal limits]."

8. At approximately 2 p.m., Respondent telephoned Ms. Grape to inform her that Zeus had died. When Ms. Grape requested Zeus's medical records, she was given a lab strip labeled for Zeus that listed the test time as 12:29 p.m. and the report time as 1:48 p.m. on July 16, 2017. Respondent reported that the machine had not been reset for daylight's savings time, and thus the time reported was an hour later than the tests were actually run. Ms. Grape was also given another lab strip labeled with the same ID number assigned to Zeus in the medical records. This lab strip was run at 10:20 a.m. and showed several abnormal readings. Respondent reported that this was the result of an error in assigning the wrong ID number to a lab strip that did not belong to Zeus.

### 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 573.22 of the Board's Rules of Professional Conduct.
3. Respondent has violated Board Rule 573.52 of the Board's Rules of Professional Conduct.
4. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.
5. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
6. Pursuant to Board Rule 575.25, Respondent's violations are Class B 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 formally reprimanded by the Board. This formal reprimand may be published in the Board's newsletter and routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database.

2. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of two thousand dollars (\$2,000.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701. Partial payments will not be accepted.
- b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent's license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter may be referred to the Attorney General for collection, pursuant to Texas Occupations Code, Section 801.458.

3. 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 recordkeeping within one year of the date the Board approves this Order. 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

- b. 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.
- c. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.
- d. 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.*

disciplinary action.

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

**RESPONDENT'S CERTIFICATION**

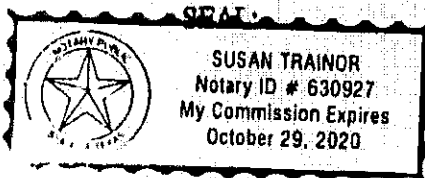
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains 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 24 day of May, 2017.

*Diarra Blue*  
Diarra Blue, D.V.M.

Sworn and subscribed before me this 24<sup>th</sup> day of May, 2017.



*Susan Trainor*  
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

Agreed Order DK2016-070  
Diarra Blue, D.V.M.