

OCT 22 2013

DOCKET NO. 2014-03

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
JEFFRY BYNUM, D.V.M.	§	MEDICAL EXAMINERS

AGREED ORDER

On this the 18 day of February 2014, came to be considered by the Texas Board of Veterinary Medical Examiners (Board) the matter of the license of JEFFRY BYNUM, D.V.M. (Respondent). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.29, an informal conference was held on September 16, 2013. The Respondent appeared at the informal conference, and was not represented by counsel. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon the recommendation of the Enforcement Committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact

1. Respondent, Jeffry Bynum, D.V.M. of Frisco, Texas, holds Texas veterinary license 7822.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 ("Act"). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners ("Board Rules") (22 Tex. Admin. Code, Chapter 575).

3. On January 20, 2013 at about 9:45 a.m., Ms. Alice Owens presented her 12 year-old male Pug named Mickey Joe to Respondent at the Airport Freeway Animal Emergency Hospital ("Airport Freeway") in Euless, Texas because he was gagging while breathing.
4. With Ms. Owens's permission, Respondent sedated Mickey Joe to perform radiographs of Mickey Joe's chest and head.
5. Respondent diagnosed Mickey Joe as having moderate to severe cardiomegaly, both left and right sided with tracheal elevation and lateral displacement, as well as a 5-6 cm pedunculated mass protruding from the caudal aspect of the hard palate and extending to the soft palate of the pharyngeal area. Respondent advised Ms. Owens that these diagnoses were not immediately life-threatening and that Mickey Joe could return home with Ms. Owens in a couple of hours if she wished.
6. Ms. Owens returned to Airport Freeway at around 12:30 p.m. to retrieve Mickey Joe. When Respondent discharged Mickey Joe from Airport Freeway, Mickey Joe was still sedated to the point that a veterinary technician had to carry Mickey Joe to Ms. Owens's vehicle because he could not walk or stand.
7. At approximately 4:00 pm, Ms. Owens and her brother called Airport Freeway because Mickey Joe appeared to have still not recovered from the sedation he received that morning and was having more trouble breathing.
8. Mickey Joe passed away sometime between that 4:00 p.m. phone call and 5:01 p.m. on January 20, 2013.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules.
2. Based on Findings of Fact 1 through 8, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, by discharging a patient before it had fully recovered from sedation.
3. Based on Findings of Fact 1 through 8 and Conclusions of Law 1 and 2, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:

(6) engages in practices or conduct that violates the board's rules of professional conduct.

4. Based on Conclusions of Law 1 through 3, Respondent is subject to disciplinary action under Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may: (a)

- (1) refuse to examine an applicant or to issue or renew a license;
- (2) revoke or suspend a license;
- (3) place on probation a license holder or person whose license has been suspended;
- (4) reprimand a license holder; or
- (5) impose an administrative penalty.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

5. Based on Conclusions of Law 1 through 3, the Board may order the license holder to refund an amount not to exceed the amount a client paid to the license holder instead of or in addition to imposing an administrative penalty, under Section 801.408 of the Veterinary Licensing Act, Texas Occupations Code.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent receive an FORMAL REPRIMAND.

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent pay, within 30 days of the date of this Order, RESTITUTION of FOUR HUNDRED NINE DOLLARS AND ELEVEN CENTS (\$409.11). In addition, any debt collection agency or credit rating bureau contacted regarding this matter must be informed of the resolution of the debt owed. If Respondent fails to pay the restitution within 30 days of the date of this Order, enforcement action will be taken.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.

2. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Agreed Order.

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Licensing Act or the Board Rules, may result in further disciplinary action.

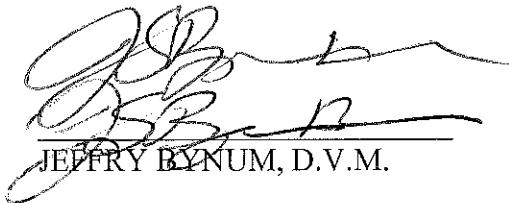
Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, 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 had the right to be represented by legal counsel in this matter.

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. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, JEFFRY BYNUM, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

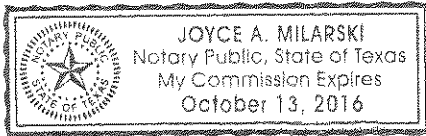

JEFFRY BYNUM, D.V.M.

10/21/13
DATE

STATE OF TEXAS §
COUNTY OF Collin §

BEFORE ME, on this day, personally appeared Jeffrey Bynum, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 21st day of October, 2013.



Joyce A. Milarski
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 18th of February, 2014.

Bud E. Alldredge, Jr.
Bud E. Alldredge, Jr., D.V.M., President