

for a routine examination and vaccinations. The Complainant stated that Lucky had lost some weight and had some matted fur but was otherwise healthy.

4. Respondent recommended that Lucky be sedated for removal of the matted fur. Respondent sedated Lucky and then administered vaccines, removed the matted fur, removed plaque from Lucky's teeth, and removed an infected tooth. Respondent's staff released Lucky in a non-ambulatory state.

5. Respondent could not recall if Lucky was ambulatory when he was released, but did remember that Lucky was markedly weak. Respondent stated that he assumed the weakness was due to age and from the grooming.

6. The Complainant stated that Lucky never recovered from the sedation, though he was more alert the evening of the 27th. The Complainant further stated that Lucky could not move his hind legs when he attempted to walk.

7. On December 28, 2013, the Complainant brought Lucky back to the Hospital. At that time, Respondent told the Complainant that he was always nervous sedating older cats due to the risk of kidney damage. Respondent told the Complainant that he administered a lower dosage of sedative. Respondent administered subcutaneous fluids and advised the Complainant to feed Lucky chicken broth and honey through a dropper.

8. Lucky passed away early in the morning on December 29, 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 the above paragraphs, Respondent has violated Rule 573.10, SUPERVISION OF NON-VETERINARIANS, of the Board's Rules of Professional Conduct, by improperly delegating the task of determining whether Lucky was in an appropriate state to be released.

3. Based upon the above paragraphs, Respondent has violated Section 801.402(12) of the Act, by performing unauthorized treatment when Respondent removed plaque from Lucky's teeth without authorization from Lucky's owner.

4. Based on Findings of Fact 1 through 8 and Conclusions of Law 1 through 3, Respondent has violated Sections 801.402 (6) and (12) 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 practice or conduct that violates the board's rules of professional conduct...
- (12) performs or prescribes unnecessary or unauthorized treatment.

5. Based on Conclusions of Law 1 through 4, 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.

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 INFORMAL REPRIMAND.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, the laws of the State of Texas, and the laws of 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, DONALD COPELAND, 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 THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

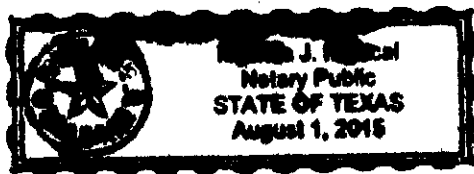

DONALD COPELAND, D.V.M.

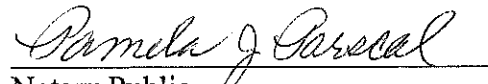
11/7/2014
DATE

STATE OF TEXAS §
COUNTY OF _____ §

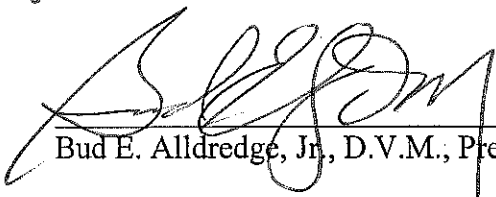
BEFORE ME, on this day, personally appeared Donald Copeland, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 17th day of November, 2014.




Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 27 January, 2015.



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