DOCKET NO. 2012-129

IN THE MATTER OF § TEXAS BOARD OF

THE LICENSE OF § VETERINARY

CHAD DICKSON, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 30 day of October, 2012, came to be considered by the Texas Board of Veterinary Medical Examiners (Board) the matter of the license of Chad Dickson, D.V.M. (Respondent). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on August 27, 2012. Respondent attended the informal conference and was represented by counsel, Donald Ferrill, D.V.M. 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, Chad Dickson, D.V.M. of Fort Worth, Texas, holds Texas veterinary license 7634.

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).

4. Around 12:15 pm, Respondent performed the castration procedure on “Gibbs” using a closed technique.

5. Around 1:00 pm, “Gibbs” recovered from the anesthetic enough to stand, but appeared “shocky” according to the patient records. Respondent administered 900 ml of fluids to “Gibbs,” who appeared to recover. Shortly thereafter, Respondent left the Clinic.

6. Around 2:30 pm, John Hester arrived at the Clinic to pick up “Gibbs.” Mr. Hester noted that “Gibbs” appeared “out of it” and “wobbly.” Respondent was not present when Mr. Hester picked up “Gibbs.” The Clinic staff who released “Gibbs” to Mr. Hester did not contact Respondent to let him know that “Gibbs” still looked “out of it” and “wobbly,” and did not request guidance from Respondent on whether to keep “Gibbs” for further observation. Clinic staff told Mr. Hester that they put “Gibbs” on additional fluids post-operatively to treat shock, but did not suggest that Mr. Hester leave “Gibbs” at the Clinic for further observation.

7. Around 7:00 pm, “Gibbs” died. Mr. and Mrs. Hester took “Gibbs’s” body to Denton County Animal E.R., where Stephanie Polley, D.V.M. performed a necropsy.

8. The necropsy revealed a very large volume of blood in the abdomen, showing that “Gibbs” bled to death. The necropsy also revealed that the left testicular vessels were free floating in the abdomen, suggesting that the left testicular vessels slipped loose from the encircling suture and into the abdomen, causing a severe abdominal bleed. Dr. Polley also noted that the ligatures on both vessels were very loose, to the extent that she was able to slip hemostats under the ligatures.

9. Under Rule of Professional Conduct 573.71, EMPLOYMENT BY NONPROFIT OR MUNICIPAL CORPORATIONS, a veterinarian employed by, or contracted to, nonprofit or municipal corporations shall be liable for any violations of the Act or rules occurring as a result of the practice of veterinary medicine or any veterinary services provided by the nonprofit or municipal corporation, including those occurring due to the acts or omissions of non-licensed employees of, or volunteers for, the nonprofit or municipal corporation.

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 Conclusions of Law 1 through 9, Respondent violated Rule of Professional Conduct 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, which requires veterinarians to exercise 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 the locality or community in which they practice, or in similar communities.

3. Based on paragraphs 1 through 9, Respondent violated Rule of Professional Conduct 573.10, SUPERVISION OF NON-LICENSED EMPLOYEES, by failing to ensure that Clinic staff alerted Respondent that “Gibbs” had not fully recovered, and appeared “wobbly” and “out of it” at the time of release.

4. Based on Findings of Fact 1 through 9 and Conclusions of Law 1 through 3, Respondent has violated Sections 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.

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.

6. Based on Conclusions of Law 1 through 4, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the
Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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 a 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 EIGHTY DOLLARS ($80.00), and send proof of payment to the Board within 45 days of the date of this Order. 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, or fails to send proof of payment to the Board within 45 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.

Agreed Order 2012-129
Chad Dickson, D.V.M.
The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, CHAD DICKSON, 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.

{Signature}
CHAD DICKSON, D.V.M.

DATE
10-2-12

STATE OF TEXAS
COUNTY OF Denton

BEFORE ME, on this day, personally appeared Chad Dickson, 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 2nd day of October, 2012

[Seal]
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 30th of October, 2012.

[Signature]
Bud E. Allredge, Jr., D.V.M., President