DOCKET NO. DK2017-224

IN THE MATTER OF § TEXAS BOARD OF THE LICENSE OF § VETERINARY MICHAEL DOHERTY, 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 Michael Doherty, 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


2. On October 3, 2016, Carmen Rincon presented her approximately 6 week old kitten, named Cashmere, to Respondent at Creek View Veterinary Clinic in New Braunfels, Texas. Ms. Rincon had recently found Cashmere as a stray and decided to keep him, and requested that Respondent perform a wellness examination.

3. Respondent examined Cashmere and found that Cashmere was thin, feverish, had watery stools, and watery eyes. A fecal exam showed coccidia and an ophthalmic exam showed conjunctivitis in both eyes. Cashmere's fever at the time was 103.5 degrees Fahrenheit. Respondent administered a meloxicam injection which reduced Cashmere’s temperature to 101.8 degrees Fahrenheit. Respondent administered kitten vaccinations.

4. Over the next few days, Ms. Rincon observed Cashmere’s appetite diminish. On October 8, 2016, Cashmere vomited and appeared lethargic.

5. On October 9, 2016, Ms. Rincon presented Cashmere to Respondent. Respondent examined Cashmere and found that he was dehydrated, comatose, pale, nonresponsive, had mucous like stool, and a temperature of 96.8 degrees Fahrenheit. Respondent recommended keeping Cashmere at the facility for further treatment and Ms. Rincon agreed. Respondent did not refer Cashmere to an emergency facility for continuous monitoring.

6. Respondent treated Cashmere with intravenous fluids, steroids, antidiarrheal medication, and antibiotics. Respondent left the facility at approximately 8:15 p.m. that evening. Respondent
returned to the facility at approximately 11 p.m. to administer more subcutaneous fluids and oral \textit{liquitonic vitamin tonic}. Respondent did not refer Cashmere to an emergency facility or provide continuous overnight monitoring. On October 10, 2016, Respondent’s staff contacted him and told that Cashmere was found comatose in the morning. Cashmere died at approximately 8:15 a.m.

\textbf{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, Professional Standard of Care, of the Board’s Rules of Professional Conduct.

3. Respondent has violated Board Rule 573.24, Responsibility of a Veterinarian to Refer a Case, 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.

\textbf{TERMS OF ORDER}

Now, therefore, the Board and Respondent agree to the following terms:

1. \textbf{REPRIMAND}
   a. Respondent is hereby informally reprimanded by the Board. This informal reprimand will not be published in the Board’s newsletter and will not be routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database. A copy of this informal reprimand will be forwarded to the AAVSB if specifically requested by that organization.

2. \textbf{ADMINISTRATIVE PENALTY}
   a. Respondent shall pay an administrative penalty of one thousand dollars ($1,000.00) 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.

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Michael Doherty, D.V.M.
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
emergency critical care within one year of the date the Board approves this Order.
These hours shall be in addition to Respondent’s annual continuing education
requirements. 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.

4. ADHERENCE TO THE LAW AND BOARD RULES

a. 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.

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

c. 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.

Agreed Order DK2017-224
Michael Doherty, D.V.M.
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. 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 ___ day of Sept, 2018.

Michael Doherty, D.V.M.

Sworn and subscribed before me this ___ day of Sept, 2018.

DOLORES L. WILLIAMS
Notary Public
STATE OF TEXAS
My Comm. Exp. 12/19/2019
ID# 10380777

Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this ___ day of Oct, 2018.

Jessica Quillivan, D.V.M., Presiding Board Member

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Michael Doherty, D.V.M.