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JUN 23 2016

DOCKET NO. 2016-091

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

AGREED ORDER

On this the 19 day of July, 2016 came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Courtney Forbes, D.V.M. ("Respondent"). Pursuant to Section 801.408 of the Texas Occupations Code, and Board Rule 575.29, an informal conference was held on May 23, 2016. Respondent attended the informal conference and was 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 understanding the alleged violations and the adequacy and sufficiency of the notice provided.

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, Courtney Forbes, D.V.M. of Hammond, Louisiana, holds Texas veterinary license 5583.
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 April 14, 2015, Sid Farbstein and Noelle Shawa (Complainants) presented their eighteen-month-old Siberian Husky, Natasha, to Dr. Forbes at the Houston Spay and Neuter Clinic for a spay procedure. During the surgical procedure, Natasha received both Atropine and

Dexamethasone. The records do not contain an explanation for the use of Dexamethasone. Once the procedure was completed, the Mr. Farbstein and Ms. Shawa noticed that Natasha's incision area was very red. However, they were told they should not be concerned.

4. Following the procedure, Natasha was lethargic for two days. Her wound was also oozing and leaking. The Complainants contacted the clinic and were told that this was part of the recovery process, and they should not worry.

5. On April 18, 2015, the Complainants found that Natasha was very weak, and they took her back to the clinic. They were seen by Dr. Oz Jaxxon, who prescribed antibiotics and steroids. On April 20, 2015, the Complainants found Natasha in distress, and they rushed her back to the clinic, and where Dr. Jaxxon told them there nothing he could do, and suggested they take Natasha elsewhere.

6. Mr. Farbstein and Ms. Shawa took Natasha to Briargrove Animal Clinic, where blood tests were conducted, and Natasha was diagnosed with system-wide infection or sepsis and organ failure. The treating veterinarian recommended taking Natasha to Gulf Coast Veterinary Specialists. At Gulf Coast Veterinary Specialists, the treating veterinarian explained that Natasha was in critical condition, and that there was little hope for survival. Natasha passed away later that evening.

7. Natasha's body was submitted to TVMDL for a necropsy, which showed a severe suppurative cellulitis and dermatitis at the incision site, secondary to infection with Staphylococcus SPP leading to secondary septic peritonitis and, ultimately, death.

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 Findings of Fact, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, by administering a steroidal and non-steroidal medication, and, thus, failing to exercise the same degree of humane care, skill, and diligence in treating patients as are 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 the Respondent practices, or in similar communities.

3. Based on the above Findings of Fact, Respondent has violated Rule 573.52, VETERINARIAN PATIENT RECORD KEEPING of the Board's Rules of Professional Conduct by failing to record details necessary to substantiate the treatment provided.

4. Based on Findings of Fact 1 through 7 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 practice 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.

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 understanding the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees to 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 the right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges having understood 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.

Signature page follows.

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TBVME
LEGAL DEPT.

I, COURTNEY FORBES, 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.

Courtney Forbes
Courtney Forbes, D.V.M.

6-20-16
DATE

~~STATE OF TEXAS~~ § STATE OF LOUISIANA
~~COUNTY OF~~ § PARISH OF TANGIPAHOLA

BEFORE ME, on this day, personally appeared Courtney Forbes, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me executing the same for the purposes stated therein.

Given under the hand and seal of office this 20th day of June, 2016

Sigrid Brull #21490
Notary Public
MY COMMISSION IS FOR LIFE.

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 19th July, 2016

R. Lenarduzzi
Roland Lenarduzzi, D.V.M., Board President