DOCKET NO. DK2017-219

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
KAY FROMM, 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 Kay Fromm, 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

1. Respondent, Kay Fromm, D.V.M., of Waco, Texas, holds Texas veterinary license 10540.

2. On March 17, 2017, Kori Dokter presented her 14-month old female English bulldog, Kandor, to Corrie Bates, D.V.M., at Animal Hospital of Waco ("the facility") in Waco, Texas, for hair loss on her left flank. During the examination, Dr. Bates noted bilateral upper and lower entropion. Dr. Bates prescribed prednisone.

3. On March 22, 2017, Ms. Dokter observed Kandor limping on her right side, whimpering, and pawing at her right eye. Ms. Dokter was concerned that the prednisone was causing Kandor pain, and discontinued the medication.

4. On March 23, 2017, Ms. Dokter consulted with Kandor’s regular veterinarian, Barney Rafferty, D.V.M., regarding Kandor’s condition. Dr. Rafferty discussed the possibility of an ulcer and recommended that Kandor be seen by another veterinarian, as he was unavailable that day.

5. Later that day, Ms. Dokter presented Kandor to Respondent at the facility. Ms. Dokter informed Respondent that Kandor had been rubbing her right eye and it appeared to be worsening. Respondent stated that she observed a slight cloudy area in the right eye approximately 3mm by 4mm in the medial half of the cornea, however these observations are not noted in the medical records. Respondent applied a fluorescein stain but noted no stain uptake. Respondent then placed several drops of proparacaine/topical anesthetic to the eye, debrided the surface, and repeated the stain. Again, no stain uptake was observed. Respondent diagnosed mild keratitis and prescribed neo-poly-dex to be applied 2-3 times daily. Respondent advised Ms. Dokter to continue administering the prednisone to Kandor.
6. Over the next two days, Kandor’s eye did not improve and swelled significantly. On March 26, 2017, Ms. Dokter presented Kandor to Lu Ann Ervin, D.V.M., at Texas Animal Medical Center in Waco, Texas. Dr. Ervin observed severe swelling. Dr. Ervin stained the cornea with fluorescein stain and saw a diffuse superficial ulcer across the central cornea. Dr. Ervin obtained tonometer readings of 21 in the right eye and 16 in the left eye. Dr Ervin administered injections of meloxicam, gentamicin and furosemide, and dispensed topical gentamicin drops and Remend corneal gel, Clavamox, and carprofen.

7. On March 29, 2017, Ms. Dokter presented Kandor to Dr. Ervin for a follow-up examination. Dr. Ervin observed deep ulcer on the cornea with neovascularization present and an evident descemetocoele. Dr. Ervin referred Kandor to Texas A&M University for emergency treatment. Upon arrival at A&M, Kandor’s eye had ruptured and was subsequently surgically removed.

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 573.52, Veterinarian Patient Record Keeping, 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.

TERMS OF ORDER

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

1. 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. **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.

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 recordkeeping 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 DK2017-219
Kay Fromm, D.V.M.
RESPONDENT’S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. 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 14th day of May, 2018.

Kay Fromm, D.V.M.

Sworn and subscribed before me this 14th day of May, 2018.

Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 31st day of July, 2018.

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

Agreed Order DK2017-219
Kay Fromm, D.V.M.