DOCKET NO. 2017-138

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

AGREEED ORDER

On this day the Texas Board of Veterinary Medical Examiners ("Board") considered the matter of the license of Mark Fuller, 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, Mark Fuller, D.V.M., of Bryan, Texas, holds Texas veterinary license #7518.

2. On June 27, 2016, Bob Starkey presented his fourteen-year-old basset hound, Miles, to Respondent to be euthanized. No sedative was given prior to the euthanasia. Respondent administered sodium pentobarbital with a 20 gauge needle. When the injection was given, Miles raised his head and howled. The vocalization was a reaction to the barbiturates administered, rather than a conscious expression of pain or suffering.

3. Respondent stated that the euthanasia followed his standard protocol, and that he typically did not sedate animals prior to euthanasia unless they were fractious or aggressive. Respondent stated this procedure was followed to minimize the number of procedures and reduce the patient’s stress.

4. Following the incident, Respondent consulted with numerous other veterinarians and modified his euthanasia protocol to prevent future vocalizations that may distress clients.

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 Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.

4. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.

5. Pursuant to Board Rule 575.25, Respondent’s violations are Class C 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. **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.*
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 ___ day of July, 2017

Mark Fuller, D.V.M.

Sworn and subscribed before me this ___ day of July, 2017

[Signature]

SEAL:

[Seal]

JUNE VAN ETTEEN
Notary Public, State of Texas
My Commission Expires August 22, 2021

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this ___ day of ___ , 2017.

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

Agreed Order DK2017-138
Mark Fuller, D.V.M.