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DOCKET NO. 2014-244

IN THE MATTER OF § TEXAS BOARD OF ~~Veterinary~~ ^{Texas State Board} ~~Medical~~ ^{of Veterinary Medical Examiners} EXAMINERS
THE LICENSE OF § VETERINARY
EFTIHIA GIANNOPOULOS, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 27 day of January 2015, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of EFTIHIA GIANNOPOULOS, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on November 18, 2014. Respondent did attend the informal conference, but was not 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 her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

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, EFTIHIA GIANNOPOULOS, D.V.M. of Dallas, Texas, holds Texas veterinary license 8455.
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. Sonya Gomez presented her 12 year old, male, domestic longhair feline named Sweet Pea to Respondent for an examination due to loss of appetite. During an oral examination, Respondent noted that the cat had tarter, gum inflammation, and bad breath. Respondent further

noted that the cat had a tooth fragment that needed to be removed. Ms. Gomez scheduled an appointment for a dental procedure to address the concerns.

4. On December 18, 2013, Ms. Gomez presented Sweet Pea to Respondent for the dental procedure. Ms. Gomez later received a call from Respondent, explaining that the procedure went well and that Sweet Pea would be ready to go home between 4:00 and 4:30 p.m.

5. At approximately 2:30 p.m., Ms. Gomez received a call from Respondent stating that Sweet Pea did not survive the dental procedure. Ms. Gomez went to the clinic shortly after the call. Respondent informed Ms. Gomez that Sweet Pea was found in his cage not breathing. Respondent stated that she opened his mouth and found a piece of gauze stuck in his throat. Respondent explained that the gauze had blocked Sweet Pea's airway, preventing his breathing, and that the gauze was left in from the dental procedure by accident by a veterinary technician.

6. Respondent admitted to the Board that "she had no doubt that he (Sweet Pea) had asphyxiated due to the gauze square that was mistakenly left in his throat."

7. Respondent has instituted new safeguards to protect patients and to ensure that this type of event does not occur again.

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 allowing a piece of gauze to remain in Sweet Pea's mouth after the dental procedure. In accordance with Rule 573.11 RESPONSIBILITY FOR UNLICENSED EMPLOYEES, Respondent is responsible for any acts a non-veterinarian employee commits within the scope of the employee's employment.

3. Based on Findings of Fact 1 through 6 and Conclusions of Law 1 through 2, 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.

4. Based on Conclusions of Law 1 through 3, 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.

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.

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.

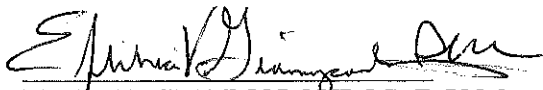
Respondent, by signing this Agreed Order, acknowledges her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that she will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she 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.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, EFTIHIA GIANNOPOULOS, 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.

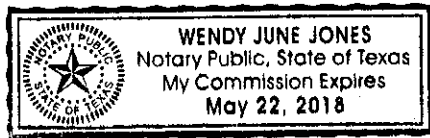

EFTIHIA GIANNOPOULOS, D.V.M.

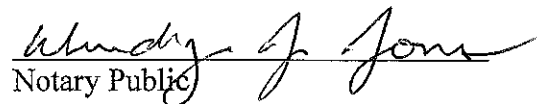
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STATE OF TEXAS §
COUNTY OF Dallas §

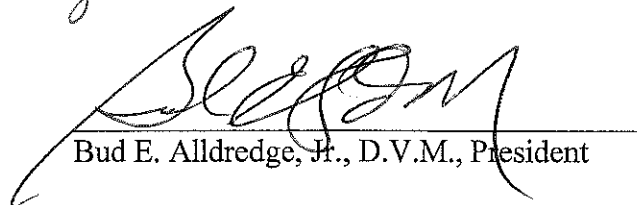
BEFORE ME, on this day, personally appeared EFTIHIA GIANNOPOULOS, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 18 day of December, 2014.




Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 27 January, 2015


Bud E. Alldredge, Jr., D.V.M., President