

4. When Respondent attempted to administer medications to Bubba through a needle, Bubba screamed. Respondent did not shave the area prior to attempting an injection. Respondent then left the room to get more medication. Bubba continued to scream when Respondent left the room. Respondent returned and attempted to administer more medication with Bubba screaming the entire time. Each time Respondent attempted to inject Bubba, he had to stick him multiple times in an effort to hit a vein. Bubba developed hematomas. Hematomas often develop if the vein is not hit or if the needle goes through the vein.

5. Without further communication, Respondent again left the room. Respondent returned and then informed Ms. Qatato that he would inject Bubba into his heart. Respondent injected the solution into Bubba's heart and Bubba expired. Respondent then put Bubba in a trash bag. Ms. Qatato asked Respondent to stop. Ms. Qatato's mother in law grabbed Bubba's body and they left the Clinic.

6. The entire process took approximately ten minutes to euthanize Bubba. Respondent did not inform Ms. Qatato that Bubba would not be sedated during the procedure and did not offer to sedate Bubba at any point in the process.

7. Respondent has three previous Agreed Orders with the Board. In 1976, Respondent was disciplined for failing to properly inform and explain the condition of an animal to its owner. He received a penalty of a reprimand.

8. In 1996, Respondent was disciplined for violating the Veterinary Licensing Act by euthanizing a dog without authorization. Respondent received an official reprimand.

9. In 2002, Respondent was disciplined again for violating Board rule 573.20, RESPONSIBILITY FOR ACCEPTANCE OF MEDICAL CARE, rule 573.52, PATIENT RECORD KEEPING, rule 573.50, CONTROLLED SUBSTANCES RECORDKEEPING FOR DRUGS ON HAND, and section 801.402(6) of the Veterinary Licensing Act, providing that a licensee shall not violate Board rules. Respondent received an official reprimand, a monetary administrative penalty, an order to take and pass the state jurisprudence examination, and a suspension until the jurisprudence exam was passed.

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 failing to properly euthanize Bubba by failing to sedate or anesthetize Bubba prior to the cardiac injection and by failing to sedate Bubba when he was clearly in pain and when Respondent had difficulty hitting Bubba's veins, 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 they practice, or in similar communities.

3. Based on the above Findings of Fact and Conclusions of Law, Respondent has violated Section 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 the above Conclusions of Law, 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:

- (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.

5. Based on the above Conclusions of Law, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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 Respondent pay, within forty-five (45) days of the date the Board approves this Order, an administrative penalty in the amount of ONE THOUSAND DOLLARS (\$1000.00). If Respondent fails to pay the administrative penalty within forty-five (45) days of the date of this Order, enforcement action will be taken. Further, if Respondent fails to pay the administrative penalty within 45 days of the date that the Board approves this Agreed Order, the

Board may apply any payment to the Board to renew a license to pay any outstanding administrative fee owed to the Board.

In addition, the Board ORDERS that Respondent complete an additional THREE (3) hours of continuing education in PRACTICE MANAGEMENT within one year of the date of this Order. Documentation of the completion of the continuing education penalty shall be received within forty-five (45) days after one year of the date the Board approves this Order. If Respondent fails to provide documentation of completion within forty-five (45) days of one year of the date the Board approves this Order, Respondent's license may be suspended until the continuing education penalty is completed and documentation is received by the Board.

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

Jimmie Gill DVM
JIMMIE GILL, D.V.M.

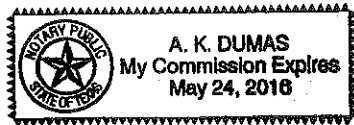
10/3/15
DATE

STATE OF TEXAS §
COUNTY OF TARRANT §

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

Given under the hand and seal of office this 3 day of Oct, 2015

A. K. Dumas
Notary Public



SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the October 13, 2015

Bud Childredge Jr DVM, President