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DOCKET NO. 2014-243

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IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
LARRY GRANTHAM, 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 LARRY GRANTHAM, 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 and 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 his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

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, LARRY GRANTHAM, D.V.M. of New Braunfels, Texas, holds Texas veterinary license 4948.
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 October 30, 2013, Darren and Angela Umphrey presented their female canine Labrador retriever Lucy to Respondent at the New Braunfels Veterinary Clinic (the "Clinic") for her

yearly vaccinations and an examination for incontinence and excessive water consumption. Respondent conducted a fecal test, a blood test, and an unsuccessful attempt to collect urine for a urine test. He then diagnosed Lucy as diabetic as Lucy's blood glucose level was 436. Respondent explained that Lucy's blood glucose level needed to be under 250. He recommended a special diet and to return in two to three weeks to begin insulin treatment. He further advised the Umphreys to watch Lucy for signs of a kidney infection and urinating in small amounts more frequently. He did not discuss any other signs for which to watch.

4. The Umphreys monitored Lucy until November 6, 2013, when they informed Respondent that Lucy was not doing well and returned to the Clinic. Lucy was vomiting and refusing to eat. Respondent examined Lucy, stated she was slightly dehydrated, and provided the Umphreys with two options: (1) treat Lucy with anti-nausea medication and begin insulin treatment the following Monday, November 11, 2013, or (2) schedule an ultrasound and begin insulin treatment the following Monday, November 11, 2013. The Umphreys choose option 1. Respondent injected Lucy with Reglan and instructed the Umphreys to give Lucy 10 mg reglan twice a day, thirty minutes before feeding. Respondent did not provide any other instructions, including signs to watch for complications. Respondent again failed to conduct a urine test.
5. Lucy continued to not improve. She refused to eat, was lethargic, and continued to vomit any small amount of water that she consumed.
6. On November 8, 2013, the Umphreys presented Lucy to Meredith Freiband, D.V.M. for a second opinion. Dr. Freiband diagnosed Lucy as being in a diabetic crisis. She told them that Lucy only had a 50 percent chance of survival but presented them with treatment options. Due to the cost of treatment and chance of survival, the Umpherys opted to euthanize Lucy.

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 paragraphs, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, by failing to conduct a urine test during the two examinations of Lucy.
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 ORDERS that Respondent pay, within 45 days of the date the Board approves this Order, an ADMINISTRATIVE PENALTY of FIVE HUNDRED DOLLARS (\$500.00). If Respondent fails to pay the administrative penalty within 45 days of the date the Board approves this Order, which is the date this Order is signed by the Board, 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 THREE (3) hours of continuing education in diabetic endocrinology / diabetic management, in addition to the seventeen required annually for renewal of Respondent's license to practice veterinary medicine, within one year of the date of this Order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days after one year of the date of this Order. If Respondent fails to provide documentation of completion within forty-five (45) days of one year of the date of 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, LARRY GRANTHAM, 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.

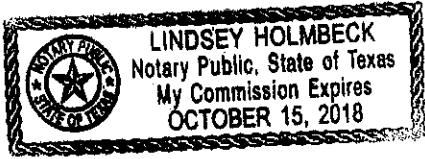

LARRY GRANTHAM, D.V.M.

12-5-14
DATE

STATE OF TEXAS §
COUNTY OF Comal §

BEFORE ME, on this day, personally appeared LARRY GRANTHAM, 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 5 day of DECEMBER, 2014



Lindsey Holmbeck
Notary Public

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

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