

DOCKET NO. DK2017-212

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
VIJAYSHELA GUDIPALLY, 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 Vijayshela Gudipally, 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, Vijayshela Gudipally, D.V.M., of Pflugerville, Texas, holds Texas veterinary license 8928.
2. On March 14, 2016, Mark Marquez presented his eleven (11) year old female canine, hereafter referred to as “Kat”, to the Pflugerville Animal Hospital, Pflugerville, Texas, hereafter referred to as “the facility”, for her yearly exam and to have two (2) lumps examined. During the exam, Respondent examined the lumps and determined that they were lipomas. Mr. Marquez inquired about surgically removing the growths. Respondent stated that he discussed surgery with Mr. Marquez and explained the strong possibility that the lipomas could return. Although Mr. Marquez confirms this information in his complaint, this consultation was not documented in the medical records. Respondent’s medical records do not include measurement of the masses. Respondent did not offer additional diagnostics, such as a fine needle aspiration biopsy.
3. On March 2, 2017, Mr. Marquez observed that the growths, located at the right lateral side of the abdomen, had become enlarged, and subsequently presented Kat to the facility for another exam. Mr. Marquez reported during this exam that Kat was lethargic and had decreased activity. During the exam, Respondent stated that the growth needed to be removed, and explained that during the procedure if the growth was blackened, that it may be cancerous. Mr. Marquez stated that he requested a biopsy be performed if there was a concern for cancer. Respondent stated that he discussed the pros and cons of removing the lipoma and recommended that the lipoma be sent to Texas Veterinary Medical Diagnostic Lab (TVMDL) to have a microscopic biopsy performed. Respondent stated that Mr. Marquez agreed to leave Kat overnight and the growth removal was scheduled for the following day, March 3, 2017.
4. Respondent noted that he surgically removed the lipoma the following day. Respondent’s medical records indicate that he “made a[n] incision into the mass” rather than excising it intact.

Respondent's medical records do not include details necessary to substantiate or document the examination diagnosis, treatment provided, and surgical procedure performed. Respondent stated that Kat did well under anesthesia and that the procedure took less than thirty (30) minutes to complete. Respondent noted that Kat's recovery was unremarkable.

5. On March 3, 2017, Mr. Marquez placed a phone call to Respondent regarding Kat's status. Respondent advised that Kat would be ready for discharge around 5:00 PM. According to Respondent, when Mr. Marquez arrived around 5:30 PM to retrieve Kat, she was lethargic and had a temperature of 97.9° (F). Respondent advised Mr. Marquez that it would be better for Kat to remain in the clinic overnight, to which Mr. Marquez agreed. Respondent continued intravenous fluids and introduced warming bags and extra blankets. Respondent administered 0.7mL torbugesic, 0.2 mL acepromazine, and 2 mL dexium. Kat was monitored by facility staff until approximately 7:45 PM. Respondent did not offer a referral to an emergency facility for overnight monitoring.

6. On the morning of March 4, 2017, when staff arrived at the facility, they discovered that Kat had died overnight. Mr. Marquez subsequently received a telephone call from the facility reporting that Kat had died.

7. Respondent stated that he recommended a full body necropsy, which Mr. Marquez declined. Respondent noted that the soft tissue biopsy had been sent to TVMDL. Respondent opined that Kat had died possibly due to cardiac arrest and possible complications due to age, being overweight, excision, and size of the tumor.

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 573.24, Responsibility of Veterinarian to Refer a Case, of the Board's Rules of Professional Conduct.

4. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.

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 formally reprimanded by the Board. This formal reprimand may be published in the Board's newsletter and routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database.

2. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of two thousand dollars (\$2,000.00) 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 patient recordkeeping, three (3) hours of continuing education in the area of soft tissue surgery, and three (3) hours of continuing education in the area of anesthesia within one year of the date the Board approves this Order. These nine (9) total 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. REFUND TO CLIENT

- a. Respondent shall refund six hundred and sixty dollars and seventy five cents (\$660.75) to Mark Marquez within 30 days of the date the Board approves this Order. Payment is to be made directly to Mark Marquez. Partial payments are not acceptable.

- b. Respondent shall submit documentation of the refund to the Board within 45 days of the date the Board approves this Order. Documentation shall be submitted to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

5. 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.

Received
MAY 11 2018

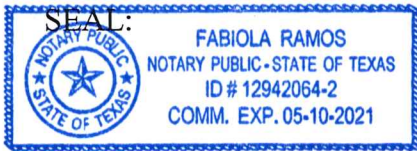
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions 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 9th day of May, 2018.

Vijayshela Gudipally

Vijayshela Gudipally, D.V.M.

Sworn and subscribed before me this 9th day of May, 2018.



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