

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

Received
AUG - 2 2017

Texas State Board of
Veterinary Medical Examiners

AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners ("Board") considered the matter of the license of Stephen Harris, 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, Stephen Harris, D.V.M., of Austin, Texas, holds Texas veterinary license #5308.
2. On July 6, 2016, Kay Van Gaasbeck brought her eight-year-old tabby cat, Maggie, to Respondent for a dental cleaning and extractions. No dental radiographs were taken before or after the procedure. After performing the extractions, Respondent packed the open sockets with tetracycline power and Consil to provide local post-operative antibiotics. Respondent did not create tissue flaps and suture the sockets closed. Respondent's medical records do not include notations of which teeth were extracted or any other operative details.
3. Ms. Van Gaasbeck picked up Maggie the same day, and inquired about pain medication. Ms. Van Gaasbeck was told that Maggie had received antibiotics and pain medication during the procedure, and did not need any further pain management. Respondent stated that he instructed his technicians to dispense metacam to Maggie for pain management, but Ms. Van Gaasbeck was not given any medication. Respondent's medical records did not include any information about these instructions. Respondent did not provide written discharge instructions to Ms. Van Gaasbeck..
4. Maggie did not eat on the two days following the procedure, and appeared to be in pain. Ms. Van Gaasbeck called Respondent twice and left voicemails. When she received no response, Ms. Van Gaasbeck presented Maggie to Dr. Cristin McCamish at Zippivet in Austin, Texas, for a second opinion. After examination revealed an open or dehiscd surgical site on the left mandible, Dr. McCamish consulted with Dr. Tiffany Menke. Dr. McCamish provided pain medicine and force-feeding for Maggie, and scheduled Maggie for the next available appointment with Dr. Menke. Ms. Van Gaasbeck stated that Respondent called her back and left a voicemail at around 6:30 p.m. on July 8, 2016.

5. Maggie underwent surgery with Dr. Menke on July 14, 2016, to repair her mouth and suture a laceration on the bottom of her tongue. Dr. Menke noted multiple open or dehisced surgical sites, seven retained roots, and the lingual laceration alongside a traumatized lingual molar salivary gland.

6. On July 23, 2016, Ms. Van Gaasbeck submitted an unfavorable review of Respondent's clinic on a public website. Respondent answered the review on the website, including details of Maggie's teeth upon examination and the procedures followed during Maggie's surgery.

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 573.28, Observance of Confidentiality, 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 has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.

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

7. 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 one thousand dollars (\$1,000.00) 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

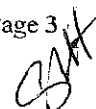
- a. In addition to the annual continuing education required for license renewal, Respondent shall complete six (6) hours of continuing education in the area of dentistry within one year of the date the Board approves this Order. These hours shall be in addition to Respondent's annual continuing education 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. 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.

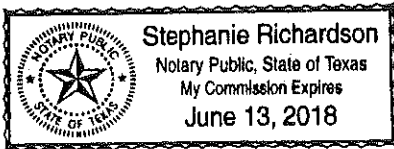
Signed this 31st day of JULY, 2017.

Stephen Harris

Stephen Harris, D.V.M.

Sworn and subscribed before me this 31st day of JULY, 2017.

SEAL:



Stephanie Richardson
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 10th day of October, 2017.

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

SHH