#### DOCKET NO. DK2018-027

IN THE MATTER OF § TEXAS BOARD OF

THE LICENSE OF § VETERINARY

REBECCA HUDSON, 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 Rebecca Hudson, 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, Rebecca Hudson, D.V.M., of Houston, Texas, holds Texas veterinary license 7007.
- 2. Respondent acted as the regular veterinarian for Diane and Gary Hopkins's dog Hatchi beginning in 2011, and began acting as the regular veterinarian for their dog Lucy in 2013. Respondent provided care at Pet Check Up in Houston, Texas.
- 3. On July 21, 2011, Respondent performed a heartworm test for Hatchi that was positive. Respondent's medical records indicate that Hatchi was treated with repeated administrations of Doxycycline. Respondent prescribed Revolution Teal (6 pack, 40-85 pounds) for Hatchi in September 2011 and March 2012. On March 20, 2013, Respondent performed a heartworm test for Hatchi that was negative. Respondent prescribed Revolution Teal (40-85 pounds) for Hatchi in March 2013, November 2013, February 2014, May 2014, August 2014, April 2015, July 2015, September 2015, January 2016, April 2016, July 2016, and May 2017. Respondent did not perform or offer to perform a heartworm test after March 2013. Respondent dispensed prescription heartworm medication without performing additional examinations to maintain a veterinarian-client-patient relationship.
- 4. Respondent never performed or offered to perform a heartworm test for Lucy. On March 18, 2013, Respondent prescribed Trifexis Green to Lucy. Respondent prescribed Revolution Teal (40-85 pounds) for Lucy in July 2013, August 2014, November 2016, and February 2017.
- 5. On August 2, 2017, Mr. and Mrs. Hopkins presented Lucy and Hatchi to another veterinarian. Both dogs tested positive for heartworms.

# **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 Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, by engaging in practices or conduct that violated the Board's rules of professional conduct.
- 4. Respondent has violated Section 801.402(13) of the Veterinary Licensing Act, Texas Occupations Code, by ordering a prescription drug for the treatment of an animal without first establishing a veterinarian-client-patient relationship.
- 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 one thousand and five hundred dollars (\$1,500.00) 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 heartworm prevention and treatment 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 3 day of July , 2018.  Rebecca Hudson, D.V.M.
Sworn and subscribed before me this $3$ day of $3$ , $20$ day.
SEAL:  Notary Public  Notary Public
THEREFORE The Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this
Jessica Quillivan, D.V.M., Presiding Board Member