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DOCKET NO..2016-062

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

AGREED ORDER

On this the 29 day of July, 2016 came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Tiffany Imke, D.V.M. ("Respondent"). Pursuant to Section 801.408 of the Texas Occupations Code, and Board Rule 575.29, an informal conference was held on February 22, 2016. Respondent attended the informal conference and was 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 her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

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, Tiffany Imke, D.V.M. of Midland, Texas, holds Texas veterinary license 13490.
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 March 18, 2015, Rhonda Gibbs presented her three-year-old Pug, Dally, to Respondent at Greenbelt Veterinary Hospital in Midland, Texas for a spay procedure.



4. Dally was pre-medicated, an IV catheter was placed, and anesthesia was induced. A veterinary technician under Dr. Imke's supervision intubated Dally.
5. Dally vomited after intubation and inflation of the cuff. A few minutes later, Dally became cyanotic. Dally was extubated with the cuff partially inflated and the tube was cleared of vomitus. Dally was immediately reintubated by a veterinary technician under Dr. Imke's supervision, the cuff was inflated, and oxygen delivery was reinstated. A veterinary technician began ventilating Dally.
6. At 10:29 a.m., Dally was apparently stable and was moved to the radiology suite for radiographs of the thoracic cavity. However, at 10:31 a.m., Dally became cyanotic again. CPR efforts were performed, but Dally did not respond.
7. Radiographs showed that the endotracheal tube extended past the carina, indicating that the tube had been improperly placed.

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. Under Board Rule 573.11, a veterinarian is responsible for any acts a non-veterinarian employee commits within the scope of the employee's employment.
3. 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, in the pre-surgical preparation of a patient, and in her supervision of the intubation of a patient, thereby 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.
4. Based on Findings of Fact 1 through 7 and Conclusions of Law 1 through 3, 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.

5. Based on Conclusions of Law 1 through 4, 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.

Mitigating Factors

In determining the appropriate sanction in this matter, the Board considered the following mitigating factors:

- 1. Respondent's clinic has obtained new equipment to prevent a similar incident from occurring; and
- 2. In response to the circumstances described in the Findings above, Respondent has undertaken training of non-veterinarian staff.

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:

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

Signature page follows.

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TBVM
LEGAL DEPT.

I, TIFFANY IMKE, 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.

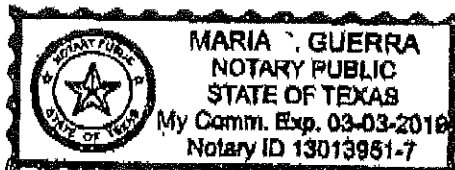
Tiffany Imke, DVM
TIFFANY IMKE, D.V.M.

03-29-2016
DATE

STATE OF TEXAS §
COUNTY OF Hidalgo §

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

Given under the hand and seal of office this 29 day of March, 2016



Maria Guerra
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 19 July, 2016

R. Lenarduzzi, DVM
Roland Lenarduzzi, D.V.M., Board President