DOCKET NO. DK2017-223

IN THE MATTER OF § TEXAS BOARD OF

THE LICENSE OF § VETERINARY

MITCHEL JAGER, 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 Mitchel Jager, 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


2. On November 29, 2016, Nicole Martinez presented her six-year-old male cat, Joe, to Respondent at Jager Veterinary Clinic ("the facility") in Robinson, Texas, for a urinary tract infection.

3. Respondent performed an examination of Joe and noted a turgid bladder. Respondent stated that he sedated Joe with one unit of ketamine 100mg/ml. Respondent did not recommend any additional diagnostics, such as performing bloodwork or checking Joe’s kidneys or potassium levels, prior to sedation.

4. Respondent attempted to unblock Joe’s bladder with massage but was unsuccessful. Respondent advised Ms. Martinez that Joe would need to stay overnight to have his bladder drained, and instructed her to call back the following day for an update.

5. Respondent stated that on November 30, 2016, he again applied gentle pressure to Joe’s bladder to expel urine. Respondent did not catheterize Joe. Respondent lined Joe’s cage with towels to absorb urine.

6. On December 1, 2016, Ms. Martinez arrived at the facility to pick up Joe. Ms. Martinez questioned what treatment was completed. Ms. Martinez was provided with medical records that indicated only that Joe was presented for a UTI, and that the treatment provided was “unplug – RX Methigel give 1 inch 1x daily.” Respondent did not provide Ms. Martinez with any additional instructions for Joe’s future care.
7. Respondent did not create and maintain medical records with details necessary to substantiate or document the examination, diagnosis, and treatment provided. Respondent provided Board staff with medical records created after he was notified of the complaint against him.

8. When Ms. Martinez arrived home, she observed that Joe’s fur was matted with dried urine.

9. On December 12, 2016, Ms. Martinez presented Joe to Alese Eichhorn, D.V.M., at the Cottonwood Creek Veterinary Hospital in Waco, Texas. Dr. Eichhorn performed an examination, an ultrasound, and a urinary sample. The urine sample had a normal pH and USG, but had a slight proteinuria and moderate pyuria. Dr. Eichhorn performed a sediment test and observed no crystals, but a moderate amount of visible bacteria. Dr. Eichhorn administered a Convenia injection.

**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 573.52, Veterinarian Patient Record Keeping, of the Board’s Rules of Professional Conduct.

4. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.

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 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 nine (9) hours of continuing education, with six hours in the area of feline medicine and three hours in the area of patient recordkeeping, 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.

RESPONDENT’S CERTIFICATION

Agreed Order DK2017-223
Mitchel Jager, D.V.M.
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 14th day of March, 2018.

Mitchel Jager, D.V.M.

Sworn and subscribed before me this 14th day of March, 2018.

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 April, 2018.

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

Agreed Order DK2017-223
Mitchel Jager, D.V.M.