

condition rapidly declined during that night.

4. On September 16, 2014, Jennifer Nobley (Evelyn Nobley's daughter, who lives in the same household) brought Kobe back to the Clinic as Kobe had an elevated temperature, was not eating or drinking, and was extremely lethargic. Kobe also had a red swollen area where the injections were given the previous day. During the exam, Dr. Janik advised Jennifer Nobley that Kobe's reaction was not a typical reaction to a steroid injection. Dr. Janik performed blood tests, which showed that Kobe had elevated liver serum levels. Dr. Janik only prescribed denamarin for 30 days and instructed Jennifer Nobley to return after the 30 days.

5. On September 17, 2015, Kobe was extremely weak and could barely move. Kobe was not eating or drinking and could not urinate or defecate. Kobe was also vomiting and breathing heavily. Jennifer Nobley took Kobe to the Atascazoo Animal Hospital in Humble, Texas. Kobe was examined by Sharon Kiker, D.V.M. Dr. Kiker advised Jennifer Nobley to have additional diagnostic testing performed at North Houston Veterinary Specialists. Jennifer Nobley agreed.

6. Richard Stone, D.V.M. at North Houston Veterinary Specialists recommended supportive care with IV fluids and antibiotics. Jennifer Nobley took Kobe back to Atascazoo Animal Hospital where Kobe was treated for two days and discharged on September 19, 2014.

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. 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, by failing to address Kobe's fever and, thus, 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.

3. Based on Findings of Fact 1 through 6 and Conclusions of Law 1 and 2, 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.

4. Based on Conclusions of Law 1 through 3, 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.

....

(d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

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 an INFORMAL REPRIMAND.

In addition, the Board ORDERS that Respondent complete THREE (3) hours of continuing education in the area of Recordkeeping, in addition to the seventeen required annually for renewal of Respondent's license to practice veterinary medicine, within one year of the date the Board approves this Order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days after one year of the date the Board approves this Order. If Respondent fails to provide documentation of completion within thirty (30) days of one year of the date the Board approves this Order, Respondent's license may be suspended until the continuing education penalty is completed and documentation is received by the Board.

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

I, Willie Janik, 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.

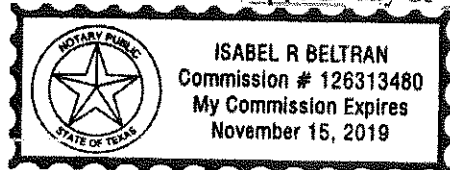
Willie Janik DVM
WILLIE JANIK, D.V.M.

1-7-16
DATE

STATE OF TEXAS §
COUNTY OF HARRIS §

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

Given under the hand and seal of office this 7th day of January, 2016



Isabel R. Beltran
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 26 January 2016.

R. Lenarduzzi, DVM
Roland Lenarduzzi, DVM
Interim, Board President

Received
JAN 11 2016

Texas State Board of
Veterinary Medical Examiners