DOCKET NO. 2011-66

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

AGREED ORDER

On this the 13th day of Oct., 2011, came to be considered by the Texas Board of Veterinary Medical Examiners (“Board”) the matter of the license of Lloyd V. Jarmon, D.V.M. (“Respondent”). Pursuant to Section 801.408, Texas Occupations Code and Board Rules 573.22 and 573.52, an informal conference was held on April 11, 2011. The Respondent was not 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 his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

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


2. Mr. Wilson contacted Dr. Jarmon late one evening regarding one of Mr. Wilson’s horses. Dr. Jarmon advised Mr. Wilson not to walk the animal and Dr. Jarmon would arrive shortly. Dr. Jarmon arrived approximately thirty to forty-five minutes after being called, and found the horse recumbent and not trying to stand. Dr. Jarmon also observed mud up to the level of the hock and noted a large “mud hole” about six feet from where the horse lay. Dr. Jarmon examined the horse and stated the horse had broken its left leg, there was little that could be done, and recommended euthanasia. Dr. Jarmon explained to Mr. Wilson that he could take the horse to

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Texas A&M or call another veterinarian, but again informed Mr. Wilson that ultimately the animal would have to be destroyed. They also talked about “Barbaro” and other equines with a broken leg. Mr. Wilson agreed to euthanize the horse. Dr. Jarmon explained to Mr. Wilson that he did not have a product that was approved for use in equine euthanasia, but that he had a product that was approved for use in small animals and that he used it successfully in equines before, and that if Mr. Wilson wanted, Dr. Jarmon would go to his office to get that product and return to administer it. Dr. Jarmon left the property to obtain the needed drugs and returned in approximately twenty minutes. Dr. Jarmon administered a drug, but did not record the name of the drug in his records.

3. It took approximately one and one-half hours from the time Mr. Wilson contacted Dr. Jarmon for Dr. Jarmon to leave the property, go to his office, return, and administer the drug to “Spice.” After administering the drug, Dr. Jarmon waited until the drugs took effect. Dr. Jarmon informed Mr. Wilson that “Spice” was dead. Mr. Wilson asked why “Spice” was still moving her eyes and other body parts. Dr. Jarmon assured Mr. Wilson “Spice” no longer had a heartbeat and it was only nerves still reacting and the movement would soon cease. Dr. Jarmon then left. “Spice” was dragged to another location, placed on a trailer and covered in a tarp for the evening.

4. The following morning, Mr. Wilson received a phone call that “Spice” was still alive and was standing. Mr. Wilson contacted Dr. Jarmon. Dr. Jarmon immediately went to the new location to which “Spice” had been moved. “Spice” was fully alert with both back legs hanging off the back of the trailer and covered in blood. Dr. Jarmon again injected “Spice” with a drug, the name of which Dr. Jarmon did not record in his records. Dr. Jarmon and proceeded to give several more injections throughout the morning, but did not record the names of any of the drugs he administered in his records. Dr. Jarmon left the property and returned to his office ten minutes away twice to retrieve additional supplies, and returned and injected “Spice” many times more with drugs, the names of which Dr. Jarmon did not record in his records. Finally, Dr. Jarmon observed rigor set in and he declared “Spice” dead.

5. Dr. Jarmon’s medical records regarding this patient consist of “3/31/10 75, Eu 125, charge 200, paid -200, balance 0.” Dr. Jarmon’s patient records fail to identify names, dosages, concentration, and routes of administration of each drug administered, as well as failing to identify other details necessary to substantiate the examination, diagnosis, and treatment provided. Dr. Jarmon also failed to maintain accurate controlled substance records reflecting the names, dosage and usage of the controlled substances he used on “Spice.”

6. Dr. Jarmon’s failure to use the appropriate euthanasia solution for an equine and failure to identify actual death of the equine prior to leaving the animal unattended does not represent the same degree of humane care, skill, and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in
good standing in Houston, Texas, or similar communities.

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 Findings of Facts 1 through 4, Respondent has violated Rule 573.52 PATIENT RECORD KEEPING, of the Board’s Rules of Professional Conduct, which requires that a veterinarian maintain records complete with identification of the patient, including name, species, breed, age, sex and description, patient history, and the names, dosages, concentration and routes of administration of each drug prescribed, administered and/or dispensed.

3. Based on Findings of Facts 1 through 5, Respondent has violated Rule 573.22 PROFESSIONAL STANDARD OF HUMANE TREATMENT, which requires veterinarians 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 member 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 Section 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 practices 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;

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(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.

6. Based on Conclusions of Law 1 through 4, the Board may order the license holder to
refund an amount not to exceed the amount a client paid to the license holder instead of or in
addition to imposing an administrative penalty, under Section 801.408 of the Veterinary
Licensing Act, Texas Occupations Code.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Lloyd V.
Jarmon, D.V.M., be FORMALLY REPRIMANDED.

The Board further ORDERS that Respondent pay, within 30 days of the date of this Order,
RESTITUTION of TWO HUNDRED DOLLARS ($200.00). If Respondent fails to pay the
restitution within 30 days of the date of this Order, enforcement action will be taken.

In addition, the Board ORDERS that Lloyd V. Jarmon, D.V.M. complete an additional THREE
(3) hours of continuing education in recordkeeping, and an additional FIVE (5) hours of
continuing education in equine anesthesia, with all EIGHT (8) hours to be completed within one
year of the date of this order. Documentation of the completion of the continuing education
penalty shall be received by thirty (30) days following the end of the period to receive the
continuing education required for this Order. If Respondent fails to provide documentation of
completion within forty-five (45) days from the end of the period to receive the continuing
education, Respondent’s license shall be suspended until the continuing education penalty is
completed and documentation is received by the Board.

The Board also ORDERS that Respondent have a discussion with an investigator from the
Board’s Enforcement Division regarding proper controlled substance documentation within one
year of the date of this order.

The Board additionally ORDERS that Respondent shall take the Texas veterinary jurisprudence
exam.

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The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and 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 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.

I, LLOYD V. JARMON, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND 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.

[Signature]
LLOYD V. JARMON, D.V.M.

[Date]

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Lloyd V. Jarmon, D.V.M.
BEFORE ME, on this day, personally appeared Lloyd V. Jarmon, 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 15th day of August, 2011.

[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 18th of October, 2011.

[Signature]
Bud E. Allredge, Jr., D.V.M., President