

DOCKET NO. 2017-096

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
EDUARDO JIMENEZ, 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 Eduardo Jimenez, 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, Eduardo Jimenez, D.V.M., of Houston, Texas, holds Texas veterinary license 8658.
2. On August 3, 2016, Susan Moschella presented her 2-year-old chocolate Labrador, Callie, to Respondent for limping and a swollen right front paw. Respondent examined Callie and told Ms. Moschella that she had a broken nail. Respondent recommended sedating Callie to remove the nail, and Ms. Moschella agreed.
3. After sedating Callie, Respondent saw that Callie's nail was not broken. Respondent lanced and cleaned three swollen areas of Callie's paw, then wrapped her paw in a bandage. Respondent discharged Callie with 10 tablets of 100mg rimadyl to be given twice daily, with one full tablet in the morning and one half tablet in the evening, and 18 tablets of 200mg cefpodoxime, with one and a half tablets to be given once daily.
4. Respondent directed Ms. Moschella to return for bandage removal the following day, and stated that if there was no improvement he would take radiographs. These directions were also contained in hand-written discharge instructions. Respondent's medical records include a note recommending a possible culture and sensitivity test in addition to radiographs if no improvement was shown. However, Ms. Moschella denies that Respondent made this recommendation to her, and the recommendation is not included in the hand-written discharge instructions. Respondent's technician confirms that Respondent did not make this recommendation to Ms. Moschella.
5. On August 4, 2016, Callie returned to Respondent for bandage removal. Respondent initially intended to leave the paw unwrapped, but Ms. Moschella was concerned that the paw was bleeding and exposed. Respondent re-banded the paw.

6. On August 6, 2016, Ms. Moschella removed the bandage, exposing a very swollen paw. Callie was lethargic and appeared to be in pain. Ms. Moschella treated Callie with Epsom salt soaks three times a day and kept an e-collar on her, but the paw continued to bleed.

7. On August 8, 2016, Callie returned to Respondent. Respondent performed radiographs, which revealed no fractures or foreign bodies. Respondent administered 150mg of Baytril subcutaneously. Respondent prescribed Zenequin 100mg tablets once daily for 15 days. Respondent directed Ms. Moschella to continue the other antibiotics and Epsom soaks and to return in a few days.

8. On August 12, 2016, Callie returned to Respondent. Tissue on Callie's paw had become necrotic. Respondent recommended hydrotherapy three times daily, which Ms. Moschella elected to perform at home. Respondent dispensed another course of Rimadyl.

9. On August 15, 2016, Respondent dispensed Animax ointment, per Ms. Moschella's request, along with a chlorhexidine solution to be used with hydrotherapy.

10. On August 20, 2016, Callie returned to Respondent. Respondent rinsed and scrubbed Callie's paw to remove necrotic tissue. Respondent dispensed another course of Zenequin 100mg tablets. Respondent's medical records include a notation that he "strongly recommended culture and sensitivity." However, Ms. Moschella and Respondent's technician state that this recommendation was not actually made to Ms. Moschella.

11. On August 22, 2016, Ms. Moschella called Respondent to report that Callie was lethargic and seemed to be deteriorating. On August 23, 2016, Ms. Moschella dropped off Callie at the clinic. Respondent examined Callie, then directed a technician to call Ms. Moschella to recommend surgical wound debridement along with a culture and sensitivity test. Ms. Moschella discussed the recommendations with her husband, then called the clinic and spoke with a technician. The technician expressed concern with Respondent's care and treatment of Callie, and recommended a second opinion. Ms. Moschella then declined Respondent's recommendations and picked up Callie.

12. On August 24, 2016, Ms. Moschella presented Callie to another veterinarian, who recommended a culture and sensitivity test but was unable to perform it that day. On August 28, 2016, Ms. Moschella presented Callie to Matthew Hennessey, D.V.M., at Cypress Fairhaven Animal Hospital in Cypress, Texas. Dr. Hennessey performed a culture and sensitivity test. Dr. Hennessey dispensed antibiotics and recommended that Ms. Moschella perform sugar packs and keep the wound clean and bandaged while awaiting the test results.

13. On September 2, 2017, Ms. Moschella was given the final results of the culture and sensitivity test. Callie was positive for MRSA, pseudomonas aeruginosa, and klebsiella pneumoniae.

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.
4. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
5. 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. 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.

Received

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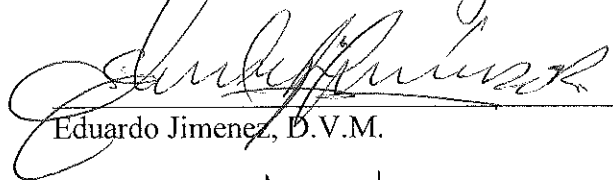
Texas State Board of
Veterinary Medical Examiners

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.

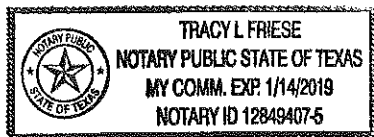
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions 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 25 day of August, 2017.


Eduardo Jimenez, D.V.M.


Sworn and subscribed before me this 25th day of August, 2017.

SEAL:




Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this _____ day of _____, 20____.


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