

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
BYRON JONES, 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 Byron Jones, 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, Byron Jones, D.V.M., of Denton, Texas, holds Texas veterinary license 4966.
2. On August 7, 2017, Brandi Neal presented her fourteen (14) year old, female cattle breed canine, Val, to the Respondent at Southridge Animal Hospital ("the facility") in Denton, Texas, for pain and lameness. Val was nonambulatory upon arrival.
3. Respondent performed a physical examination which indicated that Val was dehydrated, and her abdomen was painful. Respondent suspected a tumor or foreign body. Ms. Neal left Val in the Respondent's care for additional diagnostics and treatment.
4. Respondent performed radiographs which showed an abnormal enlargement in the abdominal viscera. Respondent stated that he started Val on intravenous (IV) fluids and antibiotics, but administration of antibiotics was not noted in the medical records. Ms. Neal was contacted and informed that Val would require emergency surgery and that her prognosis was terminal otherwise. Ms. Neal subsequently arrived at the facility and authorized the surgery, as well as euthanasia if necessary. Ms. Neal then left Val in Respondent's care.
5. Later that day, Val underwent exploratory abdominal surgery. Respondent discovered a large tumor blocking Val's intestine which had begun to seep intestinal contents into the abdominal cavity, resulting in secondary peritonitis. Respondent removed and resected two sections of Val's intestines and removed the tumor. Respondent did not contact Ms. Neal to report the severity of his findings or to discuss possible euthanasia. Respondent's medical records do not include details necessary to substantiate or document the surgical procedure performed. Respondent stated that

Val's proteins and stint bandage were checked twice daily, however, no follow up examination was noted in the medical records.

6. Respondent continued to monitor and treat Val following the procedure. On August 10, 2017, Respondent performed additional surgery to remove the stint bandage. Later that day, Ms. Neal elected to take Val home.

7. On August 11, 2017, Val had not improved and Ms. Neal presented her to Larry Marcum, D.V.M., at the Animal Medical and Surgical Hospital in Frisco, Texas. Dr. Marcum advised Ms. Neal that Val had a perforated bowel that had led to secondary peritonitis and aspiration of stomach contents. Val had developed septicemia and continued to decline. Dr. Marcum hospitalized and treated Val, but she subsequently went into cardiac shock and died.

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 informally reprimanded by the Board. This informal reprimand will not be published in the Board's newsletter and will not be routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database. A copy of this informal reprimand will be forwarded to the AAVSB if specifically requested by that organization.

2. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of one thousand and five hundred dollars (\$1,500.00) 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 three (3) hours of continuing education in the area of patient record keeping, and three (3) hours of continuing education in the area of sepsis treatment, for a total of six (6) hours, 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

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.

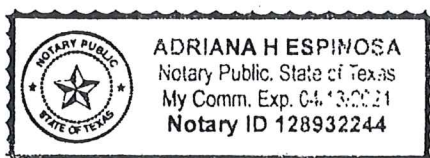
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions 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 16th day of August, 2018.

Byron K. Jones DVM
Byron Jones, D.V.M.

Sworn and subscribed before me this 16th day of August, 2018.

SEAL:



Adriana H. Espinosa
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 23rd day of October, 2018.

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