

DOCKET NO. DK2017-207

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
BONNIE KEMNITZ, 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 Bonnie Kemnitz, 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, Bonnie Kemnitz, D.V.M., of Bastrop, Texas, holds Texas veterinary license 13284.
2. On August 17, 2016, Cynthia Minton presented her six month old English Bulldog, named Bentley, to Respondent at Bastrop Veterinary Hospital in Bastrop, Texas, for a neuter procedure.
3. Respondent’s medical records do not include any details of a pre-operative examination. Ms. Minton declined the use of an intravenous (IV) catheter on the surgical consent form. Bentley was pre-medicated with equal parts intramuscular dexdomitor, butorphanol, and ketamine (DBK). Approximately twelve minutes later, Bentley was intubated and maintained on isoflurane. Use of a rapid induction method and immediate intubation is the professional standard for anesthesia in brachiocephalic breeds such as English Bulldogs.
4. Bentley was placed on a Cardell monitor and monitored by a technician. When the procedure was completed, Respondent directed the technician to discontinue isoflurane and placed the final skin staple. The technician then informed Respondent that Bentley hadn’t taken a breath in a period of time, and that the monitor was not reading a heart rate.
5. Respondent noted Bentley’s tongue was blue and his heart had stopped. Respondent administered chest compressions, intravenous lidocaine, subcutaneous atropine, and an intracardial injection of epinephrine. Respondent was unable to revive Bentley.

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 six (6) hours of continuing education, with three (3) hours in the area of small animal anesthesia and three (3) hours in 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.


Certification and signature page follows.

RESPONDENT'S CERTIFICATION

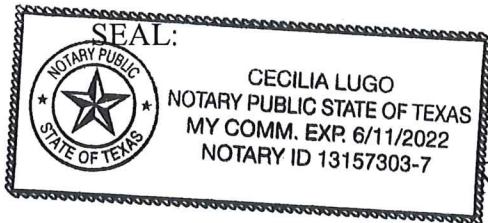
I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there 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 21 day of Sept, 2018.

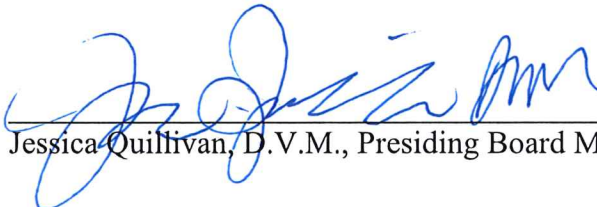

Bonnie Kemnitz, D.V.M.

Sworn and subscribed before me this 21 day of September, 2018.




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, D.V.M., Presiding Board Member