

Received

IN THE MATTER OF

§

TEXAS BOARD OF

MAY 31 2017

THE LICENSE OF

§

VETERINARY

Texas State Board of
Veterinary Medical Examiners

KEVIN KRUSE, 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 Kevin Kruse, 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, Kevin Kruse, D.V.M., of Killeen, Texas holds Texas veterinary license #6461.
2. Stephanie Schwab and Shelby Vaughn co-owned Casey, an 8-year old Blue Heeler canine.
3. On May 13, 2016, Ms. Schwab and her mother, Celeste Schwab, presented Casey, who was 55-days pregnant, to Respondent for lack of appetite. Respondent stated that he examined Casey and found her to have slightly sub-normal body temperature and a distended abdomen consistent with pregnancy. Respondent offered to perform radiographs but Ms. Schwab declined. Respondent did not indicate this recommendation in the medical records. Additionally, Respondent did not include Casey's temperature in the medical records.
4. Respondent told Ms. Schwab that Casey would go into labor in the next 24-36 hours. At the end of the 36-hour window on May 15, 2016, at 9:45 a.m., Casey still had not eaten and appeared to be under stress. Ms. Vaughn called Respondent, who stated that everything was normal and Casey was preparing to give birth. Respondent advised that Casey be kept in dark room.
5. At 7:35 p.m. on May 15, 2016, Casey had still not eaten not shown signs of beginning labor, and Ms. Schwab noted green discharge. Ms. Vaughn contacted Respondent who advised that Casey was preparing for birth and to call him in 2-3 hours. At 10:34 p.m., Ms. Schwab called Respondent to report that the green discharge had darkened in color and there were still no signs of labor. Respondent discussed the possibility of performing a cesarean section that night, but informed Ms. Schwab that the cost would be approximately \$1,500 and that he would require payment in full at the time of service. Ms. Schwab declined because she was unable to provide payment in full that evening. Respondent did not refer Ms. Schwab to another veterinarian or emergency facility.

6. On May 16, 2016, at 7 a.m., Ms. Schwab presented Casey to Stewart Hervey, D.V.M., at Dime Box Animal Clinic. Dr. Hervey observed dark brown, putrid discharge from the vaginal area. Dr. Hervey found that Casey was septic and was late giving birth due to the infection. Dr. Hervey administered intravenous fluids and antibiotics and performed an emergency cesarean section. Dr. Hervey delivered six dead puppies. Casey recovered normally.

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 of the Board's Rules of Professional Conduct.
3. Respondent has violated Board Rule 573.24 of the Board's Rules of Professional Conduct.
4. Respondent has violated Board Rule 573.52 of the Board's Rules of Professional Conduct.
5. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.
6. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
7. 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 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 three (3) hours of continuing education in the area of recordkeeping within one year of the date the Board approves this Order. 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. REFUND TO CLIENT

- a. Respondent shall refund all charges assessed to Stephanie Schwab for the May 13, 2016, office visit within 30 days of the date the Board approves this Order. Payment is to be made directly to Stephanie Schwab or Shelby Vaughn. Partial payments are not acceptable.
- b. Respondent shall submit documentation of the refund to the Board within 45 days of the date the Board approves this Order. Documentation shall be submitted to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

5. 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.

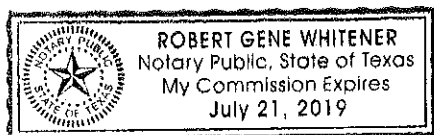
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions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

Kevin E. Kruse DVM
Kevin Kruse, D.V.M.

Sworn and subscribed before me this 25 day of May, 2017

SEAL:



Robert Gene Whitener
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 10th day of October, 2017.

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