DOCKET NO. 2009-05

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

AGREED ORDER

On this the 12th day of FEB, 2009, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Sandra Leyendecker, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on October 17, 2008. 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/her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him/her.

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

1. On September 24, 2007, Crystal Harper of Laredo, Texas, presented “Andy”, a ten-year-old male Persian to Sandra Leyendecker, D.V.M., Laredo, Texas, of Critter Care Veterinary Clinic as “Andy” did not appear to be feeling well and not eating.

2. Dr. Leyendecker examined “Andy” and determined that “Andy” was constipated and would need surgery by the next morning if he did not have a bowel movement by then. Dr. Leyendecker administered mineral oil and instructed an employee to give “Andy” warm fluids for dehydration. A technician incorrectly gave “Andy” LRS +5% dextrose subcutaneously. “Andy” was taken immediately home where Ms. Harper immediately noticed “Andy” staggering as if he were intoxicated. Ms. Harper assumed the staggering was the result of the large “camel back” from the subcutaneous fluids, causing him to be off balance. Ms. Harper checked on “Andy” every two hours, and each time he appeared lethargic. When Ms. Harper returned from
work at 6:00 p.m., she found “Andy” unresponsive. Ms. Harper rushed “Andy” back to the clinic. “Andy” had a seizure in the car on the way to the clinic. Dr. Leyendecker examined “Andy” and stated it appeared “Andy” had had a stroke. Dr. Leyendecker ordered blood work. The results of the blood work indicated that “Andy” was diabetic. Dr. Leyendecker administered an insulin injection and after some discussion about hospitalizing “Andy”, advised Ms. Harper to take “Andy” home. “Andy” never recovered from the diabetic coma and died approximately 45 minutes later.

3. The patient records created by Dr. Leyendecker regarding “Andy” are inadequate. “Andy’s” treatment, specifically, the names, dosages, concentration, and routes of administration of each drug prescribed, administered and/or dispensed as well as other details necessary to substantiate the examination, diagnosis, and treatment provided, and/or surgical procedure performed were not included or were not adequately noted in the patient records.

4. Dr. Leyendecker’s failure to properly supervise her technician to ensure the correct fluids were administered to “Andy” led to further dehydration of “Andy” and contributed to the untimely death of “Andy.”

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 Finding of Facts 1, 2 and 4, Respondent has violated Rule 573.10, SUPERVISION OF NON-LICENSED EMPLOYEES, of the Board’s Rules of Professional Conduct, which requires veterinarians to be directly responsible for all actions of non-licensed employees acting under the licensee’s directions or authorization. Dr. Leyendecker’s failure to properly supervise her technician to ensure the correct fluids were administered to “Andy” led to further dehydration of “Andy” and contributed to the untimely death of “Andy.”

3. Based on Finding of Fact 3, Respondent has violated Rule 573.52, RECORD KEEPING, of the Board’s Rules of Professional Conduct, which requires the names, dosages, concentration and routes of administration of each drug prescribed, administered and/or dispensed as well as other details necessary to substantiate the examination, diagnosis, and treatment provided, and/or surgical procedure performed were not included or were not adequately notated in the patient records.

4. Based on Finding of Fact 1-4 and Conclusions of Law 1-3, 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

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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:

(1) refuse to examine an applicant or to issue or renew a license;
(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.

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 Sandra Leyendecker, D.V.M., be INFORMALLY REPRIMANDED.

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent pay, within 30 days of the date of this Order, RESTITUTION of TWO HUNDRED AND TWENTY DOLLARS ($220.00). If Respondent fails to pay the restitution within 30 days of the date of this Order, enforcement action will be taken.

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/her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that he/she 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/her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he/she 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. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. 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, SANDRA LEYENDECKER, 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.

Sandra Leyendecker, D.V.M.  
10-29-08  
Date
STATE OF TEXAS  
COUNTY OF Hords  

BEFORE ME, on this day, personally appeared SANDRA LEYENDECKER, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 29th day of Oct, 2009.

MICHAEL A HERSIG  
Notary Public, State of Texas  
My Commission Expires  
June 26, 2011

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 12TH DAY OF FEB, 2009.

Bud E. Allredge, Jr., D.V.M., President

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