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LEGAL DEPT.

DOCKET NO. 2017-147

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
EDWARD MAPES, 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 Edward Mapes, 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, Edward Mapes, D.V.M., of McKinney, Texas, holds Texas veterinary license #11616.
2. On December 19, 2016, Diane Mahaffey presented her five-year-old cat, Cooper, to Respondent at Stonebridge Animal Hospital to have a dermal mass removed and a dental cleaning. Respondent's medical records do not include details necessary to substantiate an examination, diagnosis, or recommended treatments for Cooper. Cooper was anesthetized and Respondent resected the tumor. Respondent then took Cooper's dental radiographs and reviewed them in a room adjacent to the operating room while technicians began cleaning Cooper's teeth.
3. During the dental procedure, Cooper's IV fluid was interrupted. A technician began the process of flushing the intravenous catheter to enhance fluid flow. The technician took a 3CC syringe from atop a record on the adjacent table, and flushed the catheter with the clear fluid, using approximately 1.5CC. The technician believed the syringe contained sterile saline used for flushing, but in fact it contained Immiticide drawn up to treat a different patient for heartworm disease. Immiticide is very toxic to cats.
4. The technician notified Respondent of the mistake immediately. The anesthetic monitor was unchanged, and Cooper was breathing normally at that point. Respondent increased the flow rate of IV fluids, drew another blood sample for analysis, and monitored Cooper carefully.
5. Respondent stated that he called the manufacturer of Immiticide, and that the manufacturer suggested continuing the IV fluids and to check the blood chemistries, both of which had already been done. Cooper recovered from anesthetic. Approximately an hour and fifteen minutes later,

Cooper's breathing rate decreased, and he lost consciousness. Respondent gave oxygen via mask for several minutes, but Cooper's heart stopped, and resuscitative efforts were unsuccessful.

6. Respondent did not consult any other sources or veterinarians for alternative courses of treatment. Respondent did not consult Plumb's Veterinary Drug Handbook (8th Edition), which includes information on possible antidotes to Immiticide. Respondent did not refer Cooper to a specialist or another veterinarian.

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 573.24, Responsibility of a Veterinarian to Refer a Case, of the Board's Rules of Professional Conduct.

4. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, 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 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.

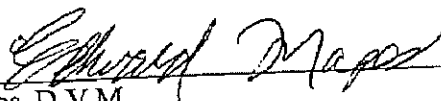
Certification and signature page follows.

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 2 day of OCTOBER, 2017.

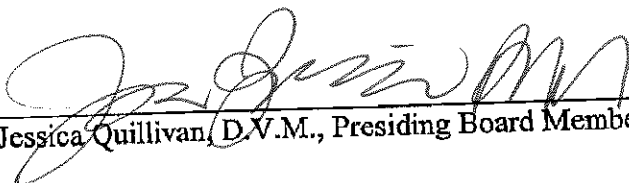

Edward Mapes, D.V.M.

Sworn and subscribed before me this _____ day of _____, 20____.

SEAL:

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, D.V.M., Presiding Board Member