

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

**Received**  
 JUN 22 2016  
 Texas State Board of  
 Veterinary Medical Examiners

**AGREED ORDER**

On this the 19 day of July, 2016, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Edwin McLeod, D.V.M. ("Respondent"). Pursuant to Section 801.408 of the Texas Occupations Code, and Board Rule 575.29, an informal conference was held on May 23, 2016. Respondent attended the informal conference. 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 understanding the alleged violations and the adequacy and sufficiency of the notice provided.

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. Respondent, Edwin McLeod, D.V.M. of Round Rock, Texas, holds Texas veterinary license 2794.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 ("Act"). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners ("Board Rules") (22 Tex. Admin. Code, Chapter 575).

*Docket 2016-123*

3. On February 16, 2015, Renee Santana presented her cat, Tiger, to Dr. McLeod at McLeod Animal Clinic in Round Rock, Texas, for vomiting, anorexia, and lethargy. Dr. McLeod diagnosed Tiger as prediabetic based on a blood glucose level of 232, and diagnosed a viral infection based on decreased total WBC and lymphocyte counts, and a fever of 102.6. Dr. McLeod did not perform any diagnostic tests.

4. On February 18, 2015, Tiger was presented for a recheck. He was still not eating, but it was unclear if he was continuing to vomit. His glucose level was 224. Dr. McLeod diagnosed Tiger with diabetes, switched his diet to Science Diet m/d, and started prozinc insulin at an unspecified dose.

5. On February 22, 2015, Tiger was presented to an emergency clinic for lethargy and weakness. He was diagnosed with hypoglycemia and treated, and was referred back to McLeod Animal Clinic for continued care the following morning.

6. On the morning of February 23, 2015, Tiger was seen at McLeod Animal Clinic by Dr. Taryn Rand with Dr. Vanessa Martz assisting. An ultrasound was performed, which identified a linear foreign body. An exploratory laparotomy was performed, and a long string was removed via a gastrotomy, multiple enterotomies, and a jejunal resection and anastomosis. Tiger was treated successfully with antibiotics and recovered.

*Docket 2016-024*

7. On January 24, 2015, Michael and Linda Flake's dachshund, Peanut, was presented to Dr. McLeod at McLeod Animal Clinic after Peanut had ingested rat poison. The type of rat poison was unknown. Dr. McLeod prescribed 25 mg vitamin K tablets, and instructed Mrs. Flake to give one half tablet once daily. Dr. McLeod also advised Mrs. Flake that she could proceed with Peanut's surgery that was scheduled on January 29, 2015. Dr. McLeod's records do not contain a record of Peanut being treated in the clinic on January 24, 2015.

8. On January 29, 2015, Peanut was presented to Dr. Vanessa Martz at McLeod Animal Clinic for removal of four mammary masses. The surgery was uneventful.

9. On February 2, 2015, Peanut returned for bleeding from the incision. Peanut was anesthetized and the incision was reopened. Peanut vomited post-op and cerenia was given. Upon further questioning, Mrs. Flake related to Dr. Martz the visit to Dr. McLeod nine days earlier. Dr. Martz observed the bottle of vitamin K that had been prescribed by Dr. McLeod. Dr. Martz prescribed an additional 28 tablets and increased the dosage to twice daily.

*Docket 2016-125*

10. A rat terrier named Lady, owned by Donya Long, was seen by Dr. McLeod at McLeod Animal Clinic. Dr. McLeod diagnosed Lady with diabetes and prescribed insulin. Dr. McLeod also prescribed steroids.

11. Dr. McLeod's medical records on Lady are incomplete in that they do not contain exam findings or drug dosages.

*Docket 2016-122*

12. A cocker spaniel named Freckles was presented to Dr. McLeod at McLeod Animal Clinic on May 11, 2015, for vomiting. Based on pre-surgical bloodwork, Dr. McLeod diagnosed Freckles with an infection, diabetes, and kidney failure, and recommended euthanasia. An associate veterinarian performed exploratory surgery and removed a walnut from the proximal duodenum. Freckles made a full recovery.

13. Dr. McLeod's records for his treatment of Freckles on May 11 are incomplete as Dr. McLeod failed to document a temperature; details necessary to substantiate or document an examination or surgeries performed; and the name, dosage, concentration, and routes of administration for medication.

14. On June 29, 2015, an on-site compliance inspection was conducted of Dr. McLeod at McLeod Animal Clinic in Round Rock, Texas. It was discovered during the inspection that Dr. McLeod did not have a balance on hand for any of the controlled substances at the clinic, including tramadol, ketamine, and hydrocodone.

15. It was also discovered during the inspection that the controlled substances were being stored in a small safe that could easily be removed from the room. The door to the room where the safe was located had a spring lock which could easily be opened. Tramadol was not locked in the safe with the other controlled substances.

16. While the Board investigators were at the clinic, a client arrived and asked for a refill of Heartgard. The client was given a refill of the medication without a drug label being affixed to the packaging. The investigators also observed that prescription medication labels did not have the patient's name, client's name, species of animal, or quantity of drug being dispensed.

17. The Board investigators observed Dr. McLeod taking patients in and out of the exam room with no cleaning being done between each patient.

**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 Findings of Fact 3, 4, 7, 10, and 12, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, by failing to exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in the locality or community in which Respondent practices, or in similar communities. Specifically, Respondent:

- a. Misdiagnosed diabetes in Tiger;
- b. Prescribed Peanut the wrong dosage of vitamin K; failed to verify the type of rat poison before recommending treatment; and failed to inform the client that Peanut's surgery should be postponed;
- c. Prescribed steroids to Lady, who was diabetic; and
- d. Failed to perform further diagnostic testing on Freckles before diagnosing diabetes.

3. Based on paragraphs 7, 11, and 13, Dr. McLeod has violated Rule 573.52, VETERINARIAN PATIENT RECORD KEEPING of the Board's Rules of Professional Conduct by failing to make adequate records.

4. Based paragraph 14, Dr. McLeod has violated Rule 573.50, CONTROLLED SUBSTANCES RECORDS KEEPING FOR DRUGS ON HAND of the Board's Rules of Professional Conduct by failing to maintain a log for controlled substance recordkeeping.

5. Based on paragraph 15, Dr. McLeod has violated Rule 573.61, MINIMUM SECURITY FOR CONTROLLED SUBSTANCES of the Board's Rules of Professional Conduct by failing to store controlled substances in a substantially constructed cabinet.

6. Based on paragraph 16, Dr. McLeod has violated Rule 573.40, LABELING OF MEDICATIONS DISPENSED of the Board's Rules of Professional Conduct by failing to include all required information on the labels of medication dispensed.

7. Based on paragraph 17, Dr. McLeod has violated Rule 573.79, MAINTENANCE OF SANITARY PREMISES, of the Board's Rules of Professional Conduct by failing to sufficiently clean exam rooms between patients.

8. Based on Findings of Fact 1 through 17 and Conclusions of Law 1 through 7, Respondent has violated Sections 801.402(6) and (15) 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 ACTION.** A person is subject to denial of a license or to disciplinary action under Section

801.401 if the person:...

(6) engages in practice or conduct that violates the board's rules of professional conduct

...

(15) fails to keep the person's equipment and business premises in a sanitary condition.

9. Based on Conclusions of Law 1 through 8, 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: (a)

- (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.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

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10. Based on the above Conclusions of Law, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent receive a FORMAL REPRIMAND.

The Board further ORDERS that Respondent's license shall be suspended for a period of one (1) year from the effective date of this Order. Beginning on the effective date of the Order, the suspension SHALL be enforced for sixty (60) days, with the remainder of the suspension probated. During the 60-day term of the enforced suspension, pursuant to 22 Tex. Admin. Code

§573.69, the following conditions SHALL apply:

1. Respondent shall not practice nor give the appearance that he is practicing veterinary medicine.
2. Respondent shall not supervise other licensees, nor supervise, encourage, or allow any employee who is not licensed to practice in Texas to perform duties described as the practice of veterinary medicine in the Veterinary Licensing Act or the Rules of Professional Conduct.
3. Respondent shall notify all veterinarian employees and veterinary technician employees with whom the licensee practices of this Order and, within 30 days of the effective date of the Order, acknowledge to the Board in writing of having done so.
4. Respondent may enter McLeod Animal Clinic for administrative purposes only. Examples of administrative purposes are: opening mail, referring patients, accepting payments on accounts, and general office tasks. Respondent may lease the clinic to, or employ, another licensee to continue the clinic business during the term of the suspension.

The Board ORDERS that Respondent pay, within 45 days of the date the Board approves this Order, an ADMINISTRATIVE PENALTY of FIVE THOUSAND DOLLARS (\$5,000.00). If Respondent fails to pay the administrative penalty within 45 days of the date the Board approves this Order, which is the date this Order is signed by the Board, the Board may apply any payment to the Board to renew a license to pay any outstanding administrative fee owed to the Board.

In addition, the Board ORDERS that Respondent complete TWELVE (12) hours of **in-person, pre-approved** continuing education, with nine hours in the area of internal medicine and three (3) hours in the area of recordkeeping, in addition to the seventeen required annually for renewal of Respondent's license to practice veterinary medicine. To meet the terms of this Order, continuing education course information must be submitted to Board offices and be approved by the Board's Executive Director. The twelve (12) hours must be completed within one year of the date the Board approves this Order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days after one year of the date the Board approves this Order. If Respondent fails to provide documentation of completion within thirty (30) days of one year of the date the Board approves this Order, Respondent's license may be suspended until the continuing education penalty is completed and documentation is received by the Board.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, the laws of the State of Texas, and the laws of 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 Agreed 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 understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees to 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 the right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges having understood 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. 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.

**Signature page follows.**

I, EDWIN MCLEOD, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT 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.

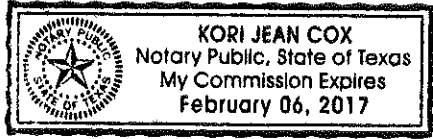
Edwin McLeod DVM  
Edwin McLeod, D.V.M.

6-20-16  
DATE

STATE OF TEXAS §  
COUNTY OF Williamson §

BEFORE ME, on this day, personally appeared Edwin McLeod, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me executing the same for the purposes stated therein.

Given under the hand and seal of office this 20<sup>th</sup> day of June, 2016



Kori Jean Cox  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 19 July, 2016.

R. Lenarduzzi  
Roland Lenarduzzi, D.V.M., Board President