DOCKET NO. DK2018-064

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
BRENT MELLOY, 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 Brent Melloy, 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, Brent Melloy, D.V.M., of Friendswood, Texas, holds Texas veterinary license 6672.

2. On May 19, 2017, Diane Rinkus presented her one-year-old Pit Bull, Molly, to Respondent at Friendswood Animal Clinic in Friendswood, Texas. Ms. Rinkus reported that Molly had gotten into a cloth pencil bag and later began to vomit and not eat.

3. Respondent examined Molly and found that she was dehydrated. Respondent palpated Molly's abdomen and stated the colon felt distended and mushy. Radiographs were performed and confirmed the distended colon. Respondent stated since the abdomen felt mushy on exam, he felt that Molly may pass whatever was in there. Respondent recommended that Molly stay at the clinic for further treatment with enemas to assist in the passing of the possible obstruction.

4. At approximately 5:00 p.m., Ms. Rinkus arrived at the clinic to check on Molly. Molly was lethargic and not her normal self. Molly did not have any bowel movements after the enemas were given. Respondent felt that Molly may have an easier time having a bowel movement if she was in a more familiar environment, such as her backyard. Respondent also stated if Molly did not have a bowel movement, then surgery would be needed. Respondent gave a bottle of Metronidazole (250mg) and a box of Cerenia to be taken at home. Respondent gave instructions on administration and suggested walking Molly to assist with moving her bowels. Respondent requested that Ms. Rinkus contact him on Monday (three days later) to let him know how Molly was doing. Respondent did not recommend immediate surgical intervention, offer to refer Molly to an emergency facility for additional diagnostics or treatment, or take additional radiographs for comparison.
5. After arriving home, Molly still was not herself. On May 20, 2017, at approximately 7 a.m., Ms. Rinkus presented Molly to VCA Emergency Animal Hospital in League City, Texas, for follow-up treatment. Molly was examined by Stephanie Coffey, D.V.M. Dr. Coffey observed that Molly’s abdomen was distended, she was continuously hypersalivating, depressed, and was regurgitation small amounts of fluid. Dr. Coffey discussed the severity of Molly’s condition with Ms. Rinkus and expressed her concern of gastrointestinal foreign body based on Molly’s history and worsening symptoms despite the administration of Cerenia. Radiographs revealed overall, reduced serosal detail, with several large gas distended loops of small intestine and stomach greatly distended with fluid. Dr. Coffey highly suspected a gastrointestinal foreign body, but recommended stabilization before performing an exploratory laparotomy. A CBC/Chemistry panel was obtained and showed evidence of severe dehydration and electrolyte derangements. Molly was started on IV fluids, antibiotics, proton pump inhibitor, and pain medications. Dr. Coffey stated on review of the Respondent’s radiographs, there appeared to be plication of a large section of the small intestines, as well as foreign material within the stomach. During that time, Dr. Coffey’s shift was ending, and Molly’s case was transferred to the day clinician, Kenneth Head, D.V.M. for continued treatment and exploratory surgery.

6. An exploratory laparotomy was performed at approximately 1 p.m. that afternoon. A gastric foreign body consisting of cloth material and other firm substances was anchored at the pylorus and extending into the small bowel as a linear foreign body. A small piece of wood and other firm foreign material was removed from a separate enterotomy distal to the end of the plicated area of the bowel. In total, the stomach and two sites of the small bowel were opened for removal of foreign material.

7. Molly remained in the hospital through the weekend for post op care. On May 22, 2017, at approximately 8:00 a.m., Molly was transferred to Parkwood Animal Hospital in Friendswood, Texas, for continued care. Molly was seen by Eileen Clark, D.V.M. Upon examination, Molly was very depressed and uncomfortable. Dr. Clark suspected that Molly had a ruptured intestinal incision or a ruptured portion of devitalized bowel. An ultrasound was performed and confirmed the stomach was sitting with free fluid. Ms. Rinkus elected to have Molly euthanized. Dr. Clark performed a necropsy and concluded that a devitalized portion of the intestine had ruptured and caused septic peritonitis.

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 Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.

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4. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.

5. 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 and five hundred dollars ($1,500.00) 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 radiology within six months 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 six months 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 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 21st day of November, 2018.

[Signature]

Brent Melloy, D.V.M.

Sworn and subscribed before me this 27th day of November, 2018.

[Signature]

JANET MARTINEZ
Commission # 130380764
My Commission Expires
September 23, 2019

Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 29th day of January, 2019.

[Signature]

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

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Brent Melloy, D.V.M.