DOCKET NO. 2002-48

IN THE MATTER OF § TEXAS STATE BOARD OF

THE LICENSE OF § VETERINARY MEDICAL EXAMINERS

GEORGE C. MOSES, D.V.M. §

AGREED ORDER

On this the 13th day of June, 2002 came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of George C. Moses, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on May 16, 2002. The Respondent attended with 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 understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

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 August 6, 2001 the Board received a complaint from Ms. Lisa Dempsey, an employee of the Moses Animal Clinic, Hurst, Texas alleging that George C. Moses, D.V.M., had failed to promptly euthanize a dog named “Daisy” at the request of the dog’s owners Sue and Howard Grossman.

2. The Grossmans presented “Daisy” to the Moses Animal Clinic on June 6, 2001 because the dog was listless and had not been eating regularly. Dr. Moses examined the dog and gave her an antibiotics injection and recommended that she be kept indoors and to bring her in for a follow-up examination in a day or two. “Daisy” was returned to the clinic on June 8 where a blood sample was ordered, x-rays were taken, and antibiotic and vitamin injections were given. The Grossmans took her home and monitored the dog’s temperature.

3. On June 9, Dr. Moses told the Grossmans that “Daisy’s” platelet count was below normal, her white blood cell count was slightly elevated, and her red blood cell count was low. Dr. Moses suggested that the dog could have a tick-borne disease. He ordered a tick panel, a round of IV
fluids, and another antibiotics injection. On June 12 Dr. Moses ordered a second tick panel because the first one had not been done. "Daisy" was placed on an oral antibiotic and Dr. Moses instructed the Grossmans to continue monitoring her temperature and try feeding her rice with cooked chicken or hamburger.

4. Over the next few days the dog’s condition seemed to improve, but she soon began displaying the same symptoms of loss of appetite, elevated temperature, listlessness and weight loss. On June 18 the Grossmans again took "Daisy" to the clinic and Dr. Moses indicated that the previous tests did not show the presence of any tick-borne diseases. Dr. Moses suggested that the dog might have a virus or other possible problems, and expressed a guarded prognosis. He prescribed a powerful antibiotic that had to be injected twice a day. The Grossmans treated her with the antibiotics for the next two days, but her condition continued to deteriorate.

5. On June 20 or 21 the Grossmans took the dog back to the clinic and left her there for treatment. On June 23 "Daisy" appeared to be improved and Dr. Moses released her to go home. However, on the same day, the symptoms returned and her temperature rose to 106 degrees.

6. The Grossmans returned "Daisy" to the clinic on June 26. Mrs. Grossman authorized euthanization for the dog. She told Patty, a clinic employee, to have the dog's body picked up by the Pine Hill Pet Cemetery. Mrs. Grossman did not sign any written authorizations.

7. About 10 days later Mrs. Grossman called Patty to check on the bill. She was told that Patty would get back to her, but no return call was received. On August 28 Mrs. Grossman called the Pine Hill Pet Cemetery to ask why she had not received a certificate of condolence regarding "Daisy." An employee of the pet cemetery said that he would check on the matter and get back to her, but the employee never called back.

8. On August 29 Dr. Moses called Mrs. Grossman and said that "Daisy" had begun to improve on June 26 and stated that he did not have the heart to put her down. He worked with the dog for the next six weeks to see if he could cure her. The dog did improve and began eating normally, and Dr. Moses hoped to be able to surprise the Grossmans by appearing at their door with a recovered and healthy dog. However, "Daisy’s" health began to fail and Dr. Moses euthanized her on August 2, 2001. Dr. Moses indicated that he had sent the body to the pet cemetery but instructed the cemetery not to issue a certificate of condolence because of the time that had elapsed since the Grossmans thought the dog had died. The Grossmans never received any notice that "Daisy" had been picked up by the pet cemetery or any official notification from the clinic that the dog was euthanized.

9. Dr. Moses’ failure to promptly euthanize the animal at the request of the client and his failure to inform the client that he was continuing to treat the dog, do not constitute the exercise of the
same degree of humane care, skill and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in Hurst, Texas or similar communities.

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 1 through 9, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, of the Board’s Rules of Professional Conduct, which requires veterinarians to exercise the same degree of humane care, skill and diligence in treating patients as is 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 they practice, or in similar communities.

3. Based on Findings of Fact 1 through 9 and Conclusions of Law 1 and 2, 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 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.

6. Based on Conclusions of Law 1 through 3, 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 a civil penalty.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that George C. Moses, D.V.M., be INFORMALLY REPRIMANDED.
The Board further ADOPTS the following terms and conditions:

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 understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he 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 right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he 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, GEORGE C. MOSES, 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.

George C. Moses, D.V.M.

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STATE OF TEXAS
COUNTY OF Tarrant

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

Given under the hand and seal of office this 24th day of May, 2002.

[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 13th day of June, 2002.

[Signature]
Martin Garcia, D.V.M., President

[Stamp]