DOCKET NO. 2003-13

IN THE MATTER OF § TEXAS STATE BOARD OF

THE LICENSE OF §

LONNIE MOORE, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 12th day of June, 2003 came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of LONNIE MOORE, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on March 18, 2003. The Respondent attended without 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. 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 herein.

Findings of Fact

1. Late in the afternoon of September 21, 2001, Ms. Sara Sealander, Dallas, Texas, discovered that her daughter’s kitten was bleeding profusely from her mouth. Ms. Sealander and her daughter immediately took the kitten to the Northwest Animal Clinic, Dallas, Texas, where the kitten was presented to Lonnie Moore, D.V.M.

2. Dr. Moore took the kitten into the examining room and returned in about ten minutes and informed Ms. Sealander that the kitten had swallowed rat poisoning. He also indicated that he had performed medical services to the kitten in the amount of $301. Ms. Sealander indicated that since there was no rat poison in her house, the kitten could not have been poisoned. Ms. Sealander suspected that the kitten had somehow been injured, but Dr. Moore did not take an x-ray. Ms. Sealander’s daughter finally admitted that she had fallen on the kitten, causing the injuries.

3. Dr. Moore told Ms. Sealander that the kitten would probably not survive without a transfusion, and that the transfusion and other charges for care over the weekend could increase the bill to over $1000. Ms. Sealander said that she did not have the money with her. She called a
friend to come to the clinic to pay the bill. During the discussions concerning the bill, the kitten died. At the clinic’s closing time, the bill for the medical services had not been paid.

4. The patient records for the kitten do not contain a diagnosis of the patient, temperature or the names, dosages, concentrations, and routes of administration of each medication administered, and other details necessary to substantiate the examination, diagnosis and treatment provided.

5. On March 30, 2002, Brett Ratliff, Cedar Hill, Texas, presented an 18-year old cat “Sugar” to Dr. Moore because the cat had not eaten for three to four days. Mr. Ratliff informed Dr. Moore that the cat belonged to his 98-year old grandmother, Mrs. Ratliff. Dr. Moore examined the cat and devised a treatment plan. He then called Mrs. Ratliff who approved the plan. Brett Ratliff signed a standard release form authorizing treatment.

6. The CBC and other tests revealed that the cat was azotemic and dehydrated and had bacterial urinary cystitis. Dr. Moore called Mrs. Ratliff and stated that he needed another $700 to start treatment. Mrs. Ratliff agreed and provided a check for $1200 to cover the services already provided and the recommended treatment.

7. On or about April 2, Dr. Moore called Mrs. Ratliff and explained that the cat’s condition was better but that “Sugar” was anemic. He recommended a blood transfusion and asked for an additional $500. He also explained that the anemia was an ongoing problem that would require additional treatment after release from the clinic. Dr. Moore administered the transfusion. Later, a dispute arose as to whether Mrs. Ratliff authorized the transfusion.

8. The patient records for “Sugar” do not contain a diagnosis of the patient and dosages, concentrations, and routes of administration of each medication administered, and other details necessary to substantiate the examination, diagnosis and treatment provided.

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 4 and 8, Respondent has violated Rule 573.52, PATIENT RECORD KEEPING, of the Board’s Rules of Professional Conduct, which states as follows:

   (a) Individual records will be maintained at the veterinarian’s place of business and include, but are not limited to:
   
   (10) names, dosages, concentration, and routes of administration of each drug prescribed, administered and/or dispensed;
   
   (11) other details necessary to substantiate the examination, diagnosis, and
treatment provided, and/or surgical procedure performed.

3. Based on 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.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that LONNIE MOORE, 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 Veterinary 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 has 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, LONNIE MOORE, 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.

Lonnie Moore, D.V.M.

4/5/03

Date

STATE OF TEXAS
COUNTY OF Dallas

BEFORE ME, on this day, personally appeared LONNIE MOORE, 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 15th day of April, 2003.

Mimi D. Davidson
Notary Public, State of Texas
My Commission Expires 03-22-2004

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the _______ day of ______________, 2003.

J. Lynn Lawhon, D.V.M., President