

DOCKET NO. DK2017-239

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
ROY D. MOORE, 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 Roy D. Moore, 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, Roy D. Moore, D.V.M., of Corpus Christi, Texas, holds Texas veterinary license 14449.
2. On January 4, 2017, Jack Solovey presented his 2.5 year old male dachshund, Ziggi, to Respondent at Southside Animal Hospital in Corpus Christi, Texas. Ziggi was scheduled for exploratory surgery to remove foreign objects causing a blockage. Ziggi had previously been examined by Betty Wilson, D.V.M., who diagnosed the foreign bodies and recommended surgery.
3. Respondent performed the surgery and removed multiple linear foreign bodies from Ziggi's stomach. Respondent stated that Ziggi recovered from surgery but remained depressed. Respondent administered injectable antibiotics and intravenous (IV) fluids.
4. Mr. Solovey stated that when he returned to the facility at 2:30 p.m., Ziggi appeared heavily sedated. Mr. Solovey returned again at approximately 5 p.m. and Ziggi still appeared heavily sedated. Mr. Solovey stated that he was told he could either take Ziggi home or leave him unattended at the facility overnight. Respondent disputes Mr. Solovey's account, and stated that he recommended Ziggi be taken to another facility for overnight monitoring.
5. Mr. Solovey elected to take Ziggi home. Ziggi was discharged with an IV catheter in his leg, along with clavamox, Enrofloxacin, and Gabapentin. Mr. Solovey was instructed to bring Ziggi back the following day. That night, Ziggi did not regain consciousness. Mr. Solovey woke at approximately 2 a.m. and found that Ziggi had died.
6. Respondent's medical records from the day of the procedure do not reflect referral to an emergency facility. The medical records from that date state "WE NEED TO RECHECK HIM TOMORROW... TO GIVE HIM ENROFLOXACIN AND PENICILLIN INJECTIONS" and

“nothing to eat or drink the night after surgery.” On January 6, 2017, Respondent amended his medical records to reflect a conversation in which he recommended referral to an emergency facility for overnight observation.

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 573.52, Veterinarian Patient Record Keeping, of the Board’s Rules of Professional Conduct.
4. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.
5. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
6. 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 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 anesthesia, three (3) hours of continuing education in the area of pain management, three (3) hours in the area of emergency critical care, and three (3) hours in the area of patient recordkeeping, within one year of the date the Board approves this Order. These twelve (12) hours shall be in addition to Respondent's annual continuing education requirements. Respondent shall submit documentation of the completed continuing education penalty and the required annual continuing education to the Board within one year and 30 days 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.

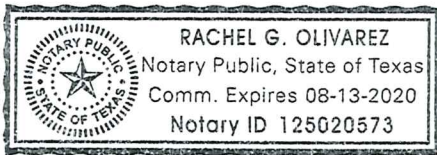
Signed this 15th day of May, 2018.

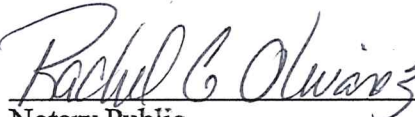


Roy D. Moore, D.V.M.

Sworn and subscribed before me this 15 day of May, 2018.

SEAL:





Rachel G. Olivarez
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 31st day of July, 2018.



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