

DOCKET NO. 2016-172

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

**AGREED ORDER**

On this the 18 day of Oct, 2016, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Jeremiah Moorer, 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 July 18, 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, Jeremiah Moorer, D.V.M. of San Antonio, Texas, holds Texas veterinary license 11488.
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).
3. On November 25, 2015, Raul and Deborah San Miguel's one-year-old female maltipoo canine, Mercedes, was presented to Dr. Moorer for evaluation of a right medial patellar luxation

(MPL). After discussion of treatment options, Ms. San Miguel elected for surgical correction of the right MPL.

4. On November 27, 2015, Mercedes was presented for surgery to Dr. Moorner. Anesthesia was induced, and once Mercedes was under an even plane of anesthesia, she was taken into radiology where radiographs were taken. She was then taken into the operating room where she was connected to the anesthesia and monitoring equipment by a veterinary technician. The technician failed to ensure that the pop-off valve was open.

5. Approximately one to two minutes after Mercedes was attached to the anesthesia and monitoring equipment in the operating room, her heartrate and pulse oximetry readings suddenly decreased. Dr. Moorner examined Mercedes but found no heartbeat. He started cardiopulmonary resuscitation with IV fluids, epinephrine, and atropine. Mercedes was revived with a shock from external paddles. Dr. Moorner contacted Ms. San Miguel to inform her of their efforts to revive Mercedes and alerted her to the fact that the situation had occurred due to the pop-off valve being closed while Mercedes was attached to the anesthesia machine.

6. Between November 27 and 29, 2015, Mercedes was monitored for improvement, but she had suffered neurological damage. On November 29, Mercedes was being monitored by Jocelyn Cooper, D.V.M., DACVIM, when Mercedes suddenly vocalized and collapsed. Dr. Cooper intubated Mercedes and administered atropine and epinephrine with no response.

#### **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. Failing to ensure that pop-off valve is open on anesthesia and monitoring equipment when attaching a patient to the equipment is a violation of Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct.

3. In accordance with Rule 573.11, RESPONSIBILITY FOR UNLICENSED EMPLOYEES, of the Board's Rules of Professional Conduct, Respondent is subject to discipline for the actions of an employee that violate the Board's rules, if the employee is acting within the scope of his or her employment.

4. Based on Findings of Fact 1 through 6 and Conclusions of Law 1 through 3, Respondent has violated Sections 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 practice or conduct that violates the board's rules of professional conduct.

5. Based on Conclusions of Law 1 through 4, 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.

#### **Mitigating Factors**

In determining the appropriate sanction in this matter, the Board considered the following mitigating factors:

1. Dr. Moorer instituted an anesthesia test for veterinary technicians at the practice;
2. A specialist was engaged to care for Mercedes following the accident; and
3. Dr. Moorer fully cooperated with the Board's investigation.

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 an INFORMAL REPRIMAND.

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 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.

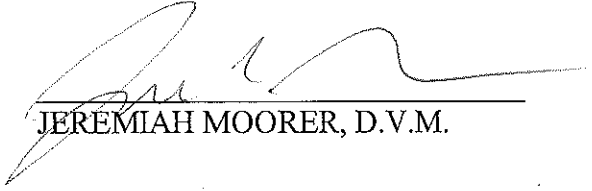
Respondent, by signing this Agreed Order, waives the right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges having understood the right to be represented by legal counsel in this matter.

**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, JEREMIAH MOORER, 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.

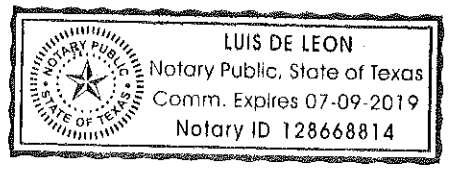
  
JEREMIAH MOORER, D.V.M.


8/3/16  
DATE

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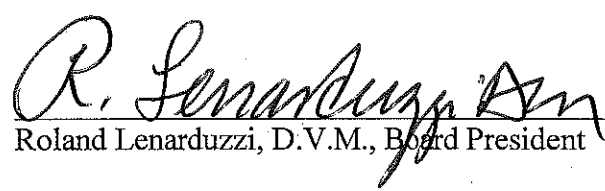
BEFORE ME, on this day, personally appeared Jeremiah Moorer, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me executing the same for the purposes stated therein.

Given under the hand and seal of office this 03 day of August, 2016.



  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 18 Oct, 2016.

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

Received

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