

was transferred to the Best Friends Animal Hospital where he was again treated by Respondent. The two animal clinics are at the same address.

4. On May 27th, Respondent performed surgery on Zeke to remove his eye. During the procedure, a small vessel was nicked. The vessel was ligated and cauterized, but continued to ooze. Hemostasis was achieved with pressure using a sterile gauze and was kept on the oozing tissue for most of the closure. Respondent stated that the eye appeared swollen immediately after surgery which she attributed to the oozing and tissue damage. Respondent asserts that she told Ms. Martin to return for follow up exams in three days and again in two weeks and to follow up with her regular veterinarian. Ms. Martin disagrees that she received such instructions. Such instructions are not in the patient record.

5. On June 27, 2014, Ms. Martin returned to the Grayson County Animal Emergency Clinic as Zeke's wound had not healed properly. Cynthia Franklin, D.V.M. examined Zeke and found that gauze had been left in the wound during the prior surgery. The wound was severely infected, malodorous, and actively draining a purulent matter. Dr. Franklin recommended that Zeke be treated with antibiotics and the wound be left open to drain.

6. Details regarding the surgery are missing from the patient record. The record does not include information regarding a pre-surgical exam, temperature, details of the diagnosis and treatment, or details of the surgery. Respondent asserts that she entered her notes into the computer but did not put her notes into the physical patient file; however, such notes were not located or provided to the Board.

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 the above Findings of Fact, Respondent violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, by failing to remove the gauze when the surgery was complete and, thus, failing to exercise the same degree of humane care, skill, and diligence in treating patients as are 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 the above Findings of Fact, Respondent violated Rule 573.52, VETERINARY PATIENT RECORDKEEPING, of the Board's Rules of Professional Conduct, by failing to include the temperature of the patient; name/dosage/concentration/and route of administration of each drug prescribed, administered, and dispensed; details necessary to substantiate the examination/diagnosis/and treatment provided and/or surgical procedure performed; the identity of the veterinarian who practiced veterinary medicine on the animal; and the date and substance

of any referral recommendation.

4. Based on the above Findings of Fact and Conclusions of Law, 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 practices or conduct that violates the board's rules of professional conduct...

5. Based on the above Conclusions of Law, 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.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

6. Based on the above Conclusions of Law, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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 a FORMAL REPRIMAND.

The Board ORDERS that Respondent pay, within 45 days of the date the Board approves this

Order, an ADMINISTRATIVE PENALTY of FIVE HUNDRED DOLLARS (\$500.00). If Respondent fails to pay the administrative penalty within 45 days of the date that the Board approves this Agreed Order, Respondent's license may be suspended until the penalty is paid, and any payment by the Respondent to the Board to renew her license will be applied toward the payment of any administrative fee owed to the Board, and further enforcement action may be taken.

In addition, the Board ORDERS that Respondent complete THREE (3) hours of continuing education in recordkeeping, in addition to the seventeen required annually for renewal of Respondent's license to practice veterinary medicine, within one year of the date the Board approves this Order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days after one year of the date the Board approves this Order. If Respondent fails to provide documentation of completion within forty-five (45) days of one year of the date the Board approves this Order, Respondent's license may be suspended until the continuing education penalty is completed and documentation is received by the Board.

The Board further ORDERS that:

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 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 her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that she 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 her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she 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. 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, DANA NELSON, 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.

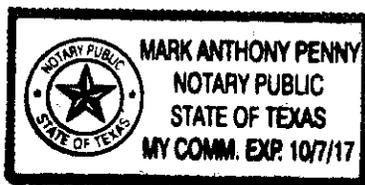
Dana Nelson, DVM
DANA NELSON, D.V.M.

6/17/2015
DATE

STATE OF TEXAS §
COUNTY OF Collin §

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

Given under the hand and seal of office this 17 day of June, 2015.



[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 21 July, 2015.

[Signature]
Bud E. Alldredge, Jr., D.V.M., President