DOCKETED COMPLAINT NO. 1997-09

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS § TEXAS VETERINARY MEDICAL LICENSE NO. 4803

vs.

TIM ODOM, D.V.M. § 1997 RENEWAL CERTIFICATE

§ NUMBER 0686

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Mike Carroll, who after being duly sworn, did depose and say:

I, Mike Carroll, an employee of the Texas State Board of Veterinary Medical Examiners, on or about October 5, 1995, did in the course of my employment, make certain investigations into the professional conduct of Tim Odom, D.V.M., Brazos Animal Hospital, Highway 67 South, Graham, Texas, 76046, Veterinary License Number 4803, 1997 Renewal Certificate Number 0686, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Mike Carroll, do hereby present the following complaint against Tim Odom, D.V.M.

I.

On September 13, 1995, Irene Foley took her ten month old male Australian shepherd mix "Miller", to the Brazos Animal Hospital, Highway 67 South, Graham, Texas. The dog was presented to the clinic to be neutered by Dr. Tim Odom.

II.

Ms. Foley was required to place the dog in a cage because it attempted to bite an employee. The cage was marked with a sign that read "aggressive." Ms. Foley stated that she understood this precaution.

III.

When Dr. Odom attempted to take the dog out of the cage it became very aggressive and lunged at the door. Dr. Odom and his staff attempted to sedate the dog with a pole syringe, but the dog destroyed the syringe. Dr. Odom and his staff tried to use a snare, but the dog would not permit them to unlatch the cage.

IV.

Dr. Odom next took a spray bottle from above the cage. He sprayed the dog so that it would move away from the front of the cage. The dog was snared, sedated and surgery was performed.
V.

Dr. Odom noticed a strong bleach odor when he sprayed the dog. At that time he discovered the spray bottle contained straight bleach and not diluted bleach. He believed diluted bleach was normally used to sanitize the cages. While the dog was under anesthesia for surgery, Dr. Odom stained the dog's eye and determined it was ulcerated. He washed the dog's eye out with water and applied ophthalmic ointment. Neither bleach or diluted bleach are appropriate solutions to spray in the face of an unruly animal.

VI.

On September 14, 1995, "Miller" was discharged to Ms. Foley. Ms. Foley was not informed of the ulceration of "Miller's" eye nor dispensed medicated ointment. Later that day, Ms. Foley discovered the injury to "Miller's" eye.

VII.

On September 15, 1995, Ms. Foley called the Brazos Animal Hospital. At this time, Dr. Odom told her about the application of bleach to the dog's face. Ms. Foley returned to the clinic to pickup the eye ointment and was given instructions in its application.

VIII.

The gentocin ophthalmic ointment, dispensed to Ms. Foley, by the Brazos Animal Hospital did not have a dispensing label attached to it.

IX.

"Miller's" patient records indicate that on December 16, 1994, Strongit - T, a prescription drug, was given to "Miller" but no amount was shown, nor was there a diagnosis written. "Miller's" patient record indicated that on March 13, 1995 and September 13, 1995, he was anesthetized to treat a dog fight wound and to be neutered. The type, amount or strength of the anesthesia administered is not reflected in the patient record for either March 13, 1995 or September 13, 1995.

X.

By failing to use proper restraint methods, notify the client of the injury to her dog and dispense the necessary medication as described in paragraphs III through VII, Dr. Odom has violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.

XI.

By failing to properly label the medication dispensed as described in paragraph VIII, Dr. Odom has violated Rule 573.40 - Labeling of Medication Dispensed of the Rules of Professional Conduct.
XII.

By failing to include the necessary information in his patient records as described in paragraph IX., Dr. Odom has violated Rule 573.52 - Patient Record Keeping of the Rules of Professional Conduct.

XIII.

By violating the above listed Rules of Professional Conduct, Dr. Odom also violated Section 14 (a) (5) of the Veterinary Licensing Act, Article 8890.

ARTICLE 8890, SECTION 14

(a) . . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee . . . if it finds that a licensee:

(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with a law;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 17th day of April, 1997.

Further, Affiant sayeth not.

[Signature]
Mike Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 17th day of April, 1997.

[Signature]
Charles A. Adkins, Notary Public in and for Texas

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Tim Odom, D.V.M. under Docketed Number 1997-09 this the 18th day of April, 1997.

[Signature]
Robert I. Hughes, Jr., D.V.M., Board Secretary
Texas State Board of Veterinary Medical Examiners
DOCKET NO. 1997-09

IN THE MATTER OF THE LICENSE OF § TEXAS STATE BOARD OF
TIM ODOM, D.V.M. § § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 12th day of February, 1997, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of TIM ODOM, DVM, ("Respondent" or "Dr. Odom"). Pursuant to the Veterinary Licensing Act ("Act") § 18F and Board Rules of Disciplinary Procedure 575.27, on February 28, 1997, Respondent appeared in person, at an Informal Conference in response to a letter of invitation from the Board. The Board was represented at the Informal Conference by the Enforcement Committee.

Respondent wishes to waive a formal adjudicative hearing and to enter into this Agreed Order. In waiving an adjudicative hearing Respondent acknowledges understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon 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. Tim Odom, DVM, is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 4803, 1997 renewal certificate number 0686. Respondent is not subject to prior disciplinary action by the Board.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.
3. On September 13, 1995, Irene Foley took her ten month old male Australian Shepherd mix "Miller", to the Brazos Animal Hospital, Highway 67 South, Graham, Texas. The dog was presented to the clinic to be neutered by Dr. Tim Odom.
4. Respondent attempted to take the dog out of the cage, it became very aggressive and lunged at the door. Respondent and his staff attempted to sedate the dog with a pole syringe, but the dog destroyed the syringe. Respondent and his staff next tried to use a snare, but the dog would not permit them to unlatch the cage.
5. Respondent took a spray bottle from above the cage and sprayed the dog so that it would move away from the front of the cage. The dog was snared, sedated and surgery was performed.

6. Respondent noticed a strong bleach odor when he sprayed the dog. Respondent discovered the spray bottle contained straight bleach and not diluted bleach, which he believed was normally used to sanitize cages. While the dog was under anesthesia for surgery, Respondent stained the dog's eye and determined it was ulcerated. Respondent washed the dog's eye out with water and applied ophthalmic ointment. Neither bleach or diluted bleach are appropriate solutions to spray in the face of an unruly animal.

7. Respondent's staff discharged the dog to its owner. The owner was not informed of the ulceration nor did the staff dispense the medicated ointment.

8. When contacted by the owner Respondent explained to her about the application of bleach to the dog's face. The owner returned to the clinic to pickup eye ointment and was given instructions in its application.

9. Respondent dispensed a medication, Gentocin Ophthalmic Ointment, without a dispensing label attached to it.

10. Respondent's patient records failed to reflect the type, amount or strength of the medication administered or dispensed. Respondent's patient records also failed to include a diagnosis prior to treatment.

**Conclusions of Law**

1. Respondent is required to comply with the provision of the Act and Board Rules.

2. Section 14(a) of the Act authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based on certain acts.

3. Based on Findings of Fact 3 through 8, Respondent has violated Rule 573.22 by failing to use proper restraint methods, notify the client of the injury to the dog and dispense necessary medication.

4. Based on Finding of Fact 9, Respondent has violated Rule 573.40 by failing to properly label medication dispensed.

5. Based on Finding of Fact 10, Respondent has violated Rule 573.52 by failing to include the necessary information in his patient records.
6. Based on Findings of Fact 3 through 10, Respondent has violated Act § 14 (a) (5) by engaging in practices or conduct in connection with the practice of veterinary medicine which were violative of the standards of professional conduct duly promulgated by the Board.

7. Based on any one of Conclusion of Law 3 through 6 Respondent is subject to disciplinary action by the Board under Act 14(a).

Based on the above finding of fact and conclusions of law, the Board ORDERS that Dr. Odom's veterinary license is SUSPENDED; however the suspension may be STAYED and placed on PROBATION under the following terms and conditions:

1. Respondent's veterinary license be suspended for a period of 6 months with said suspension stayed and placed on probation for the entire period.

2. Respondent's suspension of his license shall be probated subject to the following terms and conditions:
   a. Respondent must take and pass the State Board Jurisprudence Examination within forty-five (45) days of Board approval of this Agreed Order.
   b. Respondent must submit samples of his patient record keeping system to the Board office and agrees to make any changes directed by the Board staff, within thirty (30) days of Board approval of the Agreed Order.

3. Respondent shall immediately notify the Board of any circumstances which occur after the date of the Order and constitute a breach of his condition of probation. Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers and other employees and agents, to verify that respondent has complied and is in compliance with the order.

4. Failure by Respondent to comply with the terms of this Agreed Order or with all other provisions of the Act or the Board Rules, may result in further disciplinary action.

Respondent, Tim Odom, DVM, by signing this Agreed Order, agrees to its terms acknowledges his understanding of it and the notice, findings of fact and conclusions of law set forth in the Agreed Order and agrees he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action of the Board.
Respondent, Tim Odom, DVM, by signing this Agreed Order waives his right to a formal hearing and any right to seek judicial review of this Agreed Order.

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 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 date of this Agreed Order shall be the date it is adopted by the Texas State Board of Veterinary Medical Examiners.

I, TIM ODOM, DVM, HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.


TIM ODOM, DVM
RESPONDENT

STATE OF TEXAS
COUNTY OF

BEFORE ME, on this day personally appeared Tim Odom, DVM, known to me, who, first being duly sworn, signed the foregoing Agreed Order in my presence.

SIGNED on this 5th day of May, 1997.

Notary Seal

BETSY HENDERSON
NOTARY PUBLIC
STATE OF TEXAS
My Commission Expires 3-8-2000

Notary Public, in and for the State of Texas
This agreed order has been entered between Dr. Tim Odom and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.

RON ALLEN, Executive Director, TSBVME

STATE OF TEXAS
COUNTY OF

BEFORE ME, on this day personally appeared Ron Allen, known to me, who, first being duly sworn, signed in agreement to the foregoing Agreed Order in my presence. SIGNED on this 13th day of May, 1997.

JUDY C. SMITH
Notary Public, in and for the State of Texas

Notary Seal
The foregoing Agreed Order, in Docketed case 1997-09 entered into between Dr. Tim Odom and/or legal counsel representing Dr. Odom, the Board Secretary, and the Board's Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 12th day of June, 1997, ordered that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 12th day of June, 1997.

James M Gomez, D.V.M., President

Michael J. McCulloch, D.V.M., Vice-President

RECUSED
Robert I. Hughes, Jr., D.V.M., Secretary

Howard Head, D.V.M., Member

D. Carter King, D.V.M., Member

Sharon O. Matthews, Member

Jean McFaddin, Member

Joyce A. Schiff, Member

John A. Wood, D.V.M., Member

Date 6-12-97

Date 6-12-97

Date 6-12-97

Date 12/6/97