DOCKET NO. 2011-73

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
MICHAEL W. PAVLOV, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 18th day of Oct., 2011, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Michael W. Pavlov, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on November 30, 2009. The Respondent was represented counsel, Keith O'Connell. 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 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 below.

Findings of Fact

1. Respondent, Michael W. Pavlov, D.V.M. of San Antonio, Texas, holds Texas veterinary License 6853.

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 (Art). 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 May 27, 2009, Elizabeth Hill presented her 12 year-old female German Shepherd-mix canine, "Ethel," to Respondent at Pavlov's Animal Hospital ("Clinic") in San Antonio, Texas for
grooming, annual vaccines, and because she was concerned that “Ethel” was lethargic and not eating enough.

4. In keeping with the Clinic’s normal procedures, Respondent examined “Ethel” first thing that morning. He noted that “Ethel” had lost 11.8 pounds in the past year, but since her vital signs—including her temperature—were normal, he administered her annual vaccines.

5. In his medical records, however, Respondent neglected to note “Ethel’s” temperature or her thin body condition.

6. On May 29, 2009, Respondent took radiographs of “Ethel.” The radiographs revealed a mass at the base of the heart, which Respondent diagnosed as advanced cancer of the dorsal thorax. Respondent informed Ms. Hill of this diagnosis when she arrived at the Clinic to pick up “Ethel” that afternoon. Respondent referred “Ethel” to an emergency clinic for further treatment, but neglected to note the referral in his medical records.

7. The medical records for “Ethel” do not meet the requirements set forth under Rule of Professional Conduct §573.52 because the records do not note the temperature, despite the fact that he relied on it for diagnosis and treatment.

8. The medical records for “Ethel” also do not meet the requirements set forth under Rule of Professional Conduct §573.23 because the records do not note the date and substance of any referral recommendations, and do not include any reference to the response of the client.

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 1 through 8, Respondent has violated Rule 573.52, PATIENT RECORD KEEPING, which requires veterinarians to record the patient’s temperature if required for diagnosis or treatment, and note any other details necessary to substantiate the examination, diagnosis and treatment provided.

3. Based on Findings of Fact 1 through 6 and 8, Respondent has violated Rule 573.23, BOARD CERTIFIED SPECIALISTS AND DUTY OF LICENSEE TO REFER A CASE, which requires a licensee to enter the date and substance of any referral recommendations, with a reference to the response of the client, in the patient’s record.

4. Based on Findings of Fact 1 through 8 and Conclusions of Law 1 through 3, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board.

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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 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.

(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.

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 be INFORMALLY REPRIMANDED.

In addition, the Board ORDERS that Respondent complete an additional THREE (3) hours of continuing education in recordkeeping within one year of the date of this order. Documentation of the completion of the continuing education penalty shall be received by thirty (30) days following the end of the period to receive the continuing education required for this Order. If Respondent fails to provide documentation of completion within forty-five (45) days from the end of the period to receive the continuing education, Respondent’s license shall be suspended until the continuing education penalty is completed and documentation is received by the Board.

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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 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 his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, 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 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, MICHAEL W. PAVLOV, 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.

[Signature]
Michael W. Pavlov, D.V.M.

[Date]
07/13/2011
STATE OF TEXAS
COUNTY OF __________

BEFORE ME, on this day, personally appeared Michael W. Pavlov, 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 18th day of _________, 2011

[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL
EXAMINERS on this the __________, 2011.

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

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