DOCKET NO. DK2017-211

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
JUSTIN PELLA, 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 Justin Pella, 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, Justin Pella, D.V.M., of Stafford, Texas, holds Texas veterinary license 14223.

2. On January 10, 2017, Taylor Kotulja presented her approximately 1-year-old rabbit, Binky, to Respondent at Pecan Acres Pet Care in Lake, Jackson, Texas, for castration.

3. Ms. Kotulja declined pre-surgical bloodwork. Respondent stated that he pre-medicated Binky with ketamine (35mg/kg), xylazine (3mg/kg), and acepromazine (1mg) subcutaneously. Respondent's medical records include an invoice for "Preanesthetic medication-Canine." Respondent's medical records do not include the dosages or concentrations of the medications used to anesthetize Binky.

4. Binky was maintained on 3% isoflurane gas. Intubation was attempted twice, but was unsuccessful, so Binky was masked instead. During the procedure, Binky was monitored with a 3-lead ECG and portable pulse oximeter. Respondent stated that Binky's vitals were taken every five minutes. However, the anesthesia log does not appear in Respondent's medical records.

5. Following the procedure, Binky was placed in a heated recovery cage. Respondent reversed the xylazine using yohimbine. Respondent's medical records do not include the dosages or concentrations for the medications used to reverse anesthesia. Respondent stated that the time between initial sedation and reversal was approximately 40 minutes. Respondent's medical records indicate that Binky was slow to recover and appeared very sedated.

6. Respondent stated that a technician monitored Binky for the first 90 minutes of recovery. After 90 minutes, Binky was rousable but not fully awake. Later that afternoon, a facility employee contacted Ms. Kotulja to recommend that Binky remain at the facility overnight for monitoring.
Ms. Kotrujja understood that Binky would be monitored overnight, but Respondent stated that the intent was to re-evaluate Binky the following morning.

7. Respondent examined Binky before leaving the facility at approximately 5 p.m., and found that Binky was still very sedate but was rousable and could hold his head up on his own. The last employee left the facility at approximately 7:20 p.m. Respondent did not recommend referral to another facility that could provide overnight monitoring.

8. On January 11, 2017, at approximately 7:55 a.m., a veterinary assistant found Binky deceased in the recovery cage.

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 573.24, Responsibility of a Veterinarian to Refer a Case, of the Board’s Rules of Professional Conduct.

4. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board’s Rules of Professional Conduct.

5. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.

6. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.

7. 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 informally reprimanded by the Board. This informal reprimand will not be published in the Board’s newsletter and will not be routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database. A copy of this informal reprimand will
be forwarded to the AAVSB if specifically requested by that organization.

2. ADMINISTRATIVE PENALTY

a. Respondent shall pay an administrative penalty of one thousand dollars ($1,000.00) 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 exotics, and three (3) hours of continuing education in the area of patient record keeping, within one year of the date the Board approves this Order. These nine (9) 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.
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 8th day of May, 2018.

Justin Pella, D.V.M.

Sworn and subscribed before me this 8th day of May, 2018.

SEAL:

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 Quillian, D.V.M., Presiding Board Member

Agreed Order DK2017-211
Justin Pella, D.V.M.