DOCKET NO. 2008-08

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
TERRY MAC PERKINS, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 14th day of February, 2008, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Terry Mac Perkins, 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, 2007. The Respondent was represented by 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. On March 1, 2007, Paul K. Bray of Richardson, Texas, presented "Bamble", a two year-old male Welsh Corgi dog to Terry Perkins, D.V.M., Richardson, Texas, of The Arapaho Road Animal Clinic (TARAC) for toxic ingestion of Advil medication.

2. Previously, on February 28, 2007, "Bamble" had ingested an unknown amount of Advil tablets. Mrs. Kaori Bray had immediately took "Bamble" to the Emergency Animal Clinic (EAC) in Dallas, Texas. EAC hospitalized "Bamble" overnight and ran a mini-panel bloodwork. The next morning, March 1, 2007, when EAC released "Bamble" Mrs. Bray took "Bamble" to TARAC. Mrs. Bray provided the dog's history and records from EAC. TARAC monitored "Bamble" for two days, March 1<sup>st</sup> and 2<sup>nd</sup>, during office hours and the Brays took "Bamble" home during overnight hours. The Brays presented "Bamble" for examination on March 3<sup>rd</sup>. During this period of observation by TARAC, "Bamble" was not eating, did not vomit, drank
water and seemed more alert. On March 3rd, Dr. Perkins administered Neutracal. Dr. Perkins did not continue the IV fluids during his treatment of “Bamble.” Dr. Perkins did not provide any prescription medication to protect “Bamble’s” gastrointestinal tract from the possible ingestion of Advil. Dr. Perkins released “Bamble” to the Bray’s care on the afternoon of March 3rd.

3. In the evening of March 3, 2007, “Bamble” vomited. On March 4, 2007, the Brays returned “Bamble” to the EAC. Dr. Triplett at EAC repeated the mini-panel bloodwork, which revealed an increase in ALT and BUN/Crea. EAC treated “Bamble” with IV fluids, Famotidine and Carafate, and hospitalized “Bamble” overnight. On March 5, 2007, the Brays presented “Bamble” to Dr. Bratton at Holt Veterinary Clinic. Dr. Bratton continued IV fluids and treated for toxicity and stomach irritation. “Bamble’s” kidney and liver functions returned to normal levels and “Bamble” was released on March 6, 2007.

4. Dr. Perkins’ failure to provide appropriate and recommended treatment for ingestion of Advil in “Bamble” does not represent the same degree of humane care, skill, and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in Richardson, Texas or similar communities. The failure to follow through with standard treatment for ingestion of Advil by a canine by Dr. Perkins caused “Bamble” undue pain and discomfort, and could have led to renal failure.

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 Finding of Facts 1 through 4, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, of the Board’s Rules of Professional Conduct, which requires veterinarians to exercise the same degree of humane care, skill and diligence in treating patients as is 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 Finding of Facts 1 through 4 and Conclusions of Law 1 and 2, Respondent has violated Section 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.

Agreed Order 2008-08
Terry Mac Perkins, D.V.M.
4. Based on Conclusions of Law 1 through 3, 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:

(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.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Terry Mac Perkins, D.V.M., be FORMALLY REPRIMANDED.

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 herein 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. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT’S RIGHTS UNDER STATUTE OR UNDER 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 effective date of this Agreed Order shall be the date it is adopted by the Board.
I, TERRY MAC PERKINS, 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.

[Terry Mac Perkins, D.V.M.

[12-28-07

Date

STATE OF TEXAS
COUNTY OF Dallas

BEFORE ME, on this day, personally appeared TERRY MAC PERKINS, 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 28th day of December, 2007.

[Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 14th day of February, 2008.

[Agreed Order 2008-08
Terry Mac Perkins, D.V.M.