DOCKETED COMPLAINT NO. 1991-01

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

EDWARD L. PIGOTT, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 1995
1990 RENEWAL CERTIFICATE NUMBER 06000

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 4th day of October, 1990, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Wyndham Hotel, 4140 Governor's Row, Austin, Travis County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint as well as for consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said EDWARD L. PIGOTT, D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present to-wit:

Dr. Fred K. Soifer, President
Dr. Robert D. Lewis, Vice President
Dr. Mary E. Mainster, Secretary
Dr. Larry M. Dubuisson, Member
Ms. Olivia Eudy, Member
Dr. Alton F. Hopkins, Jr., Member
Mr. Mike Levi, Member
Dr. Guy A. Sheppard, Member
Mr. Clark S. Willingham, Member

At the appointed hour, the President of the Board, DR. FRED K. SOIFER ordered the case to proceed at which time it was ascertained that EDWARD L. PIGOTT, D.V.M. was present, and represented by Mr. Robert N. Ray, legal counsel; the Board then proceeded to hear the evidence presented by the State, and on the same day, October 4, 1990 all of the above members of said Board being present and participating with the exception of the Secretary of the Board, makes the following findings to-wit:

FINDINGS OF FACT

I.

EDWARD L. PIGOTT, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 1995, and 1990 Renewal Certificate Number 06000.

II.

Dr. Pigott received notice of this hearing on or about September 11, 1990.

III.

During the period of September, 1987 to February 15, 1989, Respondent routinely and repeatedly allowed his employee, Kenneth Harvey, an
unlicensed individual, to practice veterinary medicine, i.e. castration of cats, a surgical procedure.

CONCLUSIONS OF LAW
I.

By routinely and repeatedly allowing his employee, Kenneth Harvey, an unlicensed individual, to practice veterinary medicine, i.e. castration of cats, during the period of September, 1987 to February 15, 1990, as described in Paragraph III, Respondent has violated Rules of Professional Conduct 573.10, 573.11, 573.26, 573.5 and Article 8890, Sec. 14(a)(3), (5), (6), and (15) which state in pertinent part:

573.10 DIRECT SUPERVISION OF LAYMEN
(a.) A licensed veterinarian shall not allow an unlicensed person to issue presigned certificates with the veterinarian’s signature affixed thereto. The licensee shall not permit an unlicensed person to inoculate or treat animals unless the inoculation or treatment are done under the direct supervision of the licensed veterinarian; provided however, an unlicensed individual shall not perform the following health care services: surgery; diagnosis and prognosis of animal diseases; and prescribing of drugs, medicine, and appliance for domestic animals. (emphasis supplied)

(b.) ***

573.11 DISCOURAGEMENT OF UNAUTHORIZED PRACTICE

A licensed veterinarian shall be professionally and legally responsible for the unauthorized practice of veterinary medicine by unlicensed employees within the scope of their employment. An employee’s unauthorized practice of veterinary medicine without a license constitutes grounds for the Texas State Board of Veterinary Medical Examiners to take action against the licensed veterinarian.

573.26 HONESTY, INTEGRITY, AND FAIR DEALING

Licensed veterinarians shall conduct their practice with honesty, integrity, and fair dealing to clients in time and services rendered, and in the amount charged for services, facilities, appliances, and drugs.

573.5 AVOIDANCE OF CORRUPTION OF OTHERS

A veterinarian shall not render any service or advice directed towards the corruption of any person or persons exercising a public office or private trust, or deception, or betrayal of the public.

Article 8890, Sec. 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 license... if it finds that... a licensee:
(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(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 law;

(6) has permitted or allowed another to use his license, or certificate to practice veterinary medicine in this State;

(15) has committed gross malpractice or is guilty of a pattern of acts indicating consistent malpractice, negligence, or incompetence in the practice of veterinary medicine.

II.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Edward L. Pigott's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a)(3), (5), (6) and (15) which state.

Article 8890, Sec. 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 license ... if it finds that ... a licensee:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(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 law;

(6) has permitted or allowed another to use his license, or certificate to practice veterinary medicine in this State;

(15) has committed gross malpractice or is guilty of a pattern of acts indicating consistent malpractice, negligence, or incompetence in the practice of veterinary medicine.

ORDERS

It is therefore ORDERED that EDWARD L. PIGOTT, D.V.M., License Number 1995 heretofore issued by the Texas Board of Veterinary Medical Examiners be Officially Reprimanded and assessed a civil penalty in the sum of $500.00.
The foregoing Findings and Orders of the Texas State Board of Veterinary Medical Examiners are ORDERED to be entered as the FINDINGS AND ORDERS of the Board, a quorum and a majority of the members of such Board being present and participating in such hearing, deliberations and decision, and such FINDINGS AND ORDERS are made on the 4th day October, 1990, in Austin, Travis County, Texas.

The Secretary of the Board is hereby ordered to prepare the Board’s Findings and Orders in appropriate form and submit to the members of the Board for their signatures and to mail a copy of same to the Respondent at his last known address.

Executed this 4th day of October, 1990.

Fred K. Boifer, D.V.M., President

Robert D. Lewis, D.V.M., Vice-President

Mary E. Mainster, D.V.M., Secretary

Larry M. Dubuisson, D.V.M., Member

Mrs. Olivia R. Eudaly, Member

Alton F. Hopkins, Jr., D.V.M., Member

Mr. Mike Levi, Member

Guy A. Sheppard, D.V.M., Member

Mr. Clark S. Willingham, Member

Date 10-4-90

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TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

vs.

EDWARD L. PIGOTT, D.V.M.

TEXAS VETERINARY MEDICAL LICENSE NO. 1995
1990 RENEWAL CERTIFICATE NUMBER 0600

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared JOSEPH J. RIZZO, who after being duly sworn, did depose and say:

On or about June 13, 1989, Joseph J. Rizzo, being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one EDWARD L. PIGOTT, D.V.M., Pigott Animal Hospital, 2810 West Loop 410 South, San Antonio, Bexar County, Texas, Veterinary License Number 1995, 1990 Renewal Certificate Number 0600, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Joseph J. Rizzo, do hereby present the following complaint against EDWARD L. PIGOTT, D.V.M., who is hereinafter called Respondent.

I.

During the period of September, 1987 to February 15, 1990, Respondent routinely and repeatedly allowed his employee, Kenneth Harvey, an unlicensed individual, to practice veterinary medicine, i.e. castration of cats, a surgical procedure.

II.

On or about March 16, 1989, Olga de Hoyos presented her cat to Respondent’s clinic for castration. On or about March 18, 1990, the cat died from a secondary bacterial infection of the spermatic cord with a purulent distension of the spermatic cord and 2 cm. proximal to the point of severance. Respondent failed to maintain adequate patient records pertaining to the castration of Olga de Hoyos’ cat in that the records do not reflect the names and dosages of medications administered and Respondent is unable to identify the individual performing the surgery.

III.

On or about February 15, 1990 and May 3, 1990, Respondent knowingly and intentionally provided Board staff with false, dishonest and deceptive information relative to the practice of veterinary medicine by Kenneth Harvey, an unlicensed individual employed by the Respondent.

IV.

By routinely and repeatedly allowing his employee, Kenneth Harvey, an unlicensed individual, to practice veterinary medicine, i.e. castration of cats, during the period of September, 1987 to February 15, 1990, as described in Paragraph I, Respondent has violated Rules of Professional
Conduct 573.10; 573.11, 573.26, 573.5 and Article 8890, Sec. 14(a)(3), (5), (6), and (15) which state in pertinent part:

573.10 DIRECT SUPERVISION OF LAYMEN
(a.) A licensed veterinarian shall not allow an unlicensed person to issue presigned certificates with the veterinarian’s signature affixed thereto. The licensee shall not permit an unlicensed person to inoculate or treat animals unless the inoculation or treatment are done under the direct supervision of the licensed veterinarian; provided however, an unlicensed individual shall not perform the following health care services: surgery; diagnosis and prognosis of animal diseases; and prescribing of drugs, medicine, and appliance for domestic animals. (emphasis supplied)

(b.) * * *

573.11 DISCOURAGEMENT OF UNAUTHORIZED PRACTICE

A licensed veterinarian shall be professionally and legally responsible for the unauthorized practice of veterinary medicine by unlicensed employees within the scope of their employment. An employee’s unauthorized practice of veterinary medicine without a license constitutes grounds for the Texas State Board of Veterinary Medical Examiners to take action against the licensed veterinarian.

573.26 HONESTY, INTEGRITY, AND FAIR DEALING

Licensed veterinarians shall conduct their practice with honesty, integrity, and fair dealing to clients in time and services rendered, and in the amount charged for services, facilities, appliances, and drugs.

573.5 AVOIDANCE OF CORRUPTION OF OTHERS

A veterinarian shall not render any service or advice directed towards the corruption of any person or persons exercising a public office or private trust, or deception, or betrayal of the public.

Article 8890, Sec. 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 license . . . if it finds that . . . a licensee:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

(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 law;

(6) has permitted or allowed another to use his license, or certificate to practice veterinary medicine in this State;
(15) has committed gross malpractice or is guilty of a pattern of acts indicating consistent malpractice, negligence, or incompetence in the practice of veterinary medicine.

V.

Through failure to identify the individual performing the surgery on Olga de Hoyos' cat and failure to maintain adequate patient records reflecting medications, dosages and treatment administered during the treatment of the cat, as described in Paragraph II, Respondent has violated Rule 573.52 of the Rules of Professional Conduct which states:

573.52 PATIENT RECORD KEEPING

(a.) Individual records will be maintained at the place of business and include, but are not limited to, identification of patient, patient history, including immunization records, dates of visits, x-rays, name and dosages of medications administered and/or dispensed, and other detailed necessary to substantiate diagnosis and treatment.

(b.) Patient records shall be current and maintained on the business premises for a period of three years and are the responsibility and property of the employing veterinarian.

(c.) When appropriate, licensees may substitute the words "herd", "flock" or other collective term in place of the word "patient" in subsections (a.) and (b.) of this section. Records to be maintained on these animals may be kept in a daily log, or the billing records, provided that the treatment information that is entered is adequate to substantiate the identification of these animals and the medical care provided. In no case does this eliminate the requirement to maintain drug records as specified by state and federal law and Board rules.

VI.

By his actions in Paragraph III, when on two separate occasions Respondent knowingly and intentionally provided the Board staff with false, dishonest and deceptive information relative to the practice of veterinary medicine by his unlicensed employee, Kenneth Harvey, Respondent has violated Article 8890, Sec. 14(a)(3) which states:

Article 8890, Sec. 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 license... if it finds that... a licensee:

(3) has engaged in dishonest or illegal practices in or connected with the practice of veterinary medicine;

VII.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Edward L Pigott's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14(a)(3), (5), (6) and (15)
which state.

Article 8890, Sec. 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 license ... if it
finds that ... a licensee:

(3) has engaged in dishonest or illegal practices in or
connected with the practice of veterinary medicine;

(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 law;

(6) has permitted or allowed another to use his license, or
certificate to practice veterinary medicine in this State;

(15) has committed gross malpractice or is guilty of a
pattern of acts indicating consistent malpractice,
negligence, or incompetence in the practice of veterinary
medicine.

The foregoing complaint is submitted to the Secretary of the Texas
Board of Veterinary Medical Examiners on this the 5th day of
September, 1990.

Further, Affiant sayeth not.

JOSEPH J. RIZZO, Affiant

SUBSCRIBED and SWORN TO before me by the said JOSEPH J. RIZZO, this the
5th day of September, 1990.

JUDY C. SMITH
Notary Public in and for Texas
My Commission Expires: September 13, 1993

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. EDWARD L. PIGOTT, D.V.M.
under Docketed Number 1991-01, this the 5th day of September, 1990.

MARY E. MAINSTER, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners