DOCKET NO. 1998-10

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

AGREED ORDER

On this the 11th day of June, 1998, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of RUANN PITTMAN, D.V.M., ("Respondent" or "Dr. PITTMAN"), pursuant to the Veterinary Licensing Act ("Act") § 18F and Board Rule 575.27. On March 5, 1998, Respondent chose not to appear at an Informal Conference in response to a letter of invitation from the Board. Dr. Pittman submitted a signed Waiver of Conference form dated February 12, 1998. 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 her.

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. Ruann Pittman, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 4756, 1998 renewal certificate number 3504. Respondent has been subject to prior disciplinary action by the Board in the form of an OFFICIAL REPRIMAND.

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 or about December 30, 1996, Ms. Patricia Coufal, Temple, Texas took her dog "Rocking", a nine year old male Blue Merle/Shepherd mix to the Loop 363 Animal Hospital, Temple, Texas, for removal of a possible perianal tumor.

April 9, 1998
4. On or about December 30, 1996, at approximately 8:30 p.m., Dr. Ruann Pittman, 363 Animal Hospital, surgically removed a perianal mass to the right of the anus. The tumor measured 3 1/2" X 2" in size which was sent to a laboratory to be examined by a pathologist. "Rocking’s" recovery from the anesthesia was uneventful, but the dog was straining constantly to urinate and was vomiting. Dr. Pittman informed Ms. Coufal that the vomiting was a common post anesthesia problem, but that the straining to urinate was a concern. One possible cause discussed was post surgical swelling and pressure on the urethra and colon.

5. On or about December 31, 1996, "Rocking" was discharged to recover at home. This decision was made in part on the insistence of Ms. Coufal and the aggressive nature of the dog.

6. On or about January 2, 1997, the vomiting and straining continued and "Rocking" was hospitalized. Fluid therapy was started and injectable antibiotics were administered. A urinary catheter was inserted to monitor the flow of urine.

7. On or about January 3, 1997, the histopath report indicated a diagnosis of Moderate Prostatic Hyperplasia and mild to moderate chronic fibrosing Prostatitis.

8. On or about January 3, 1997, Dr. Pittman informed Ms. Coufal of the results of the biopsy and stated that she probably had made a mistake and damaged "Rocking’s" urethra during surgery. Treatment would consist of keeping the urinary catheter in place until the urethra had healed, continue with the fluid therapy and injectable antibiotics.

9. On or about January 5, 1997, "Rocking" was not improving and Ms. Coufal was considering euthanasia. Dr. Pittman recommended referring "Rocking" to the Texas A & M Veterinary School for treatment.

10. On or about January 8, 1997, "Rocking" was evaluated at Texas A & M College of Veterinary Medicine, College Station, Texas. The evaluation disclosed a Bilateral Perineral Hernia, Inadvertent Prostatectomy with Urethral Transection, Uroabdomen, Urethral Stricture, and Heart Worm Disease.

11. On or about January 9, 1997, corrective surgery was performed at Texas A & M. The urethra was found to be transected approximately 1 cm distal to the neck of the bladder. The severed distal urethra was identified within the pelvic canal and repositioned.
Anastomosis of the urethra was also performed. Multiple suture ligatures were discovered within the tissue of the bladder neck and were removed. An Orchidectomy was also performed at this time. “Rocking’s” recovery from surgery and anesthesia was uneventful.

12. The acts and/or failures to act set out in Findings of Fact numbered 3 through 8 and 10 through 11 do not constitute the exercise of 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 Temple, Texas, or similar community.

13. Dr. Pittman alleges that she has made a surgical error, but alleges that she has handled the matter in a professional and honest manner. She alleges that she has paid for the corrective surgery, care, and treatment of “Rocking” at Texas A & M in the amount of $3,800.00. She alleges to have taken several steps to avoid such incidents in the future. Dr. Pittman alleges that she has restricted her surgical schedule to normal working hours only, cut her surgical load from 12 to 18 surgeries a day to 5 to 10 surgeries a day. She alleges that she is looking for a full time associate who will be the primary surgeon.

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 upon the findings of non-compliance with the Act or Board Rules.
3. Based on Findings of Fact 3 through 8 and 10 through 12, Respondent has violated Rule 573.22 - Professional Standard of Humane Treatment.
4. Based on the Findings of Fact 3 through 8 and 10 through 12, Respondent has violated Act § 14 (a) (5) for 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.
5. Based on any one of the Conclusions of Law 3 and 4, Respondent is subject to disciplinary action by the Board under the Act §14 (a).
NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

   Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Dr. Ruann Pittman’s License to Practice Veterinary Medicine be SUSPENDED for a period of one (1) year commencing on the date of the Board’s approval of the Agreed Order. The Board further ORDERS that an Administrative Penalty of five hundred and one dollars ($501.00) is assessed against Dr. Ruann Pittman, payable within forty-five (45) days of the Board’s approval of the Agreed Order. Said license suspension is stayed, and Respondent is placed on Probation, for the entire period of suspension, provided that Respondent fully complies with the following terms and conditions of probation:

1. Respondent timely remits the Administrative Penalty.

2. Respondent shall successfully complete 15 hours of continuing education in the subjects of diagnostics and/or surgery within twelve (12) months of the Board’s approval of the Agreed Order.

3. 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.

4. Respondent shall cooperate with the Board’s attorneys, investigators, compliance officers and other employees and agents investigating Respondent’s compliance with this order.

Respondent, Ruann Pittman, D.V.M., by signing this Agreed Order, agrees to its terms, acknowledges her understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that she 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, Ruann Pittman, D.V.M., by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she is entitled to be represented by an attorney of Respondent’s choice at her expense. Respondent has voluntarily represented herself.

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

I, RUANN PITTMAN, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, 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.

RUANN PITTMAN, D.V.M.
Respondent

STATE OF TEXAS
COUNTY OF Beel

BEFORE ME, on this day, personally appeared Ruann Pittman, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 20th day of April, 1998.

TERRY DUDLEY
Notary Public

This agreed order has been entered between Dr. Ruann Pittman 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

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the ___ day of _____________, 1998.

MICHAEL J. MCCULLOCH, D.V.M.
President
DOCKETED COMPLAINT NO. 1998-10

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 4756

vs.
§ 1998 RENEWAL CERTIFICATE

RUANN PITTMAN, DVM § NUMBER 3504

COMPLAINT AFFIDAVIT

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

On or about June 18, 1997, Charles Adkins, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Ruann Pittman, D.V.M., Loop 363 Animal Hospital, 106 S.W. HK Dodgen Loop, Temple, Texas, 76504, Veterinary License Number 4756, 1997 Renewal Certificate Number 3504, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Charles Adkins, do hereby present the following complaint against Ruann Pittman, DVM.

I.

On or about December 30, 1996, Ms. Patricia Coufal, Temple, Texas, took her dog “Rocking”, a nine year old male Blue Merle/Shepherd mix to the Loop 363 Animal Hospital, Temple, Texas, for removal of a possible perianal tumor.

II.

On or about December 30, 1996, at approximately 8:30 p.m., Dr. Ruann Pittman, Loop 363 Animal Hospital, surgically removed a perianal mass to the right of the anus. The tumor measured 3 1/2" X 2" in size which was sent to a laboratory to be examined by a pathologist. “Rocking’s” recovery from the anesthesia was uneventful, but the dog was straining constantly to urinate and was vomiting. Dr. Pittman informed Ms. Coufal that the vomiting was a common post anesthesia problem, but that the straining to urinate was a concern. One possible cause discussed was post surgical swelling and pressure on the urethra and colon.

III.

On or about December 31, 1996, “Rocking” was discharged to recover at home. This decision was made in part on the insistence of Ms. Coufal and the aggressive nature of the dog.

IV.

On or about January 2, 1997, the vomiting and straining continued and “Rocking” was hospitalized. Fluid therapy was started and injectable antibiotics were administered. A urinary catheter was inserted to monitor the flow of urine.

March 12, 1998
V.
On or about January 3, 1997, the histopath report indicated a diagnosis of Moderate Prostatic Hyperplasia and mild to moderate chronic fibrosing Prostatitis.

VI.
On or about January 3, 1997, Dr. Pittman informed Ms. Coufal of the results of the biopsy and stated that she probably had made a mistake and damaged "Rocking's" urethra during surgery. Treatment would consist of keeping the urinary catheter in place until the urethra had healed, continue with the fluid therapy and injectable antibiotics.

VII.
On or about January 5, 1997, "Rocking" was not improving and Ms. Coufal was considering euthanasia. Dr. Pittman recommended referring "Rocking" to the Texas A & M Veterinary School for treatment.

VIII.
On or about January 8, 1997, "Rocking" was evaluated at Texas A & M College of Veterinary Medicine, College Station, Texas. The evaluation disclosed a Bilateral Perineral Hernia, Inadvertent Prostatectomy with Urethral Transection, Uroabdomen, Urethral Stricture, and Heart Worm Disease.

IX.
On or about January 9, 1997, corrective surgery was performed at Texas A & M. The urethra was found to be transected approximately 1 cm distal to the neck of the bladder. The severed distal urethra was identified within the pelvic canal and repositioned. Anastomosis of the urethra was also performed. Multiple suture ligatures were discovered within the tissue of the bladder neck and were removed. An Orchidectomy was also performed at this time. "Rocking's" recovery from surgery and anesthesia was uneventful.

X.
The acts and/or failures to act alleged in the above paragraph II, do not constitute the exercise of 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 Austin, Texas, or similar community.

XI.
Dr. Pittman alleges that she has made a surgical error, but alleges that she has handled the matter in a professional and honest manner. She alleges that she has paid for the corrective surgery, care, and treatment of "Rocking" at Texas A & M in the amount of $3,800.00. She alleges to have taken several steps to avoid such incidents in the future. Dr. Pittman alleges that she has restricted her surgical schedule to normal working hours only, cut her surgical load from 12 to 18 surgeries a day to 5 to 10 surgeries a day. She alleges that she is looking for a full time associate who will be the primary surgeon.
XII.
Based on paragraph II, Dr. Pittman violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.

XIII.
Based on the above in paragraph XII, Dr. Pittman 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 the law;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 19th day of MAY, 1998.

Further, Affiant sayeth not.

Charles Adkins Affiant

SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 19th day of

MAY, 1998

Mike Carroll, Notary Public
STATE OF TEXAS
My Comm. Exp. 12-21-98

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. Ruann Pittman, D.V.M. under Docketed Number 1998-10, this the 21st day of MAY, 1998.

Howard M. Head, DVM
Texas State Board of Veterinary Medical Examiners

March 12, 1998