DOCKETED COMPLAINT NO. 1997-08

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 980
vs. § 1997 RENEWAL CERTIFICATE
NORMAN C. RALSTON, D.V.M. § NUMBER 1600

COMPLAINT AFFIDAVIT

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

On or about March 5, 1996, Mike Carroll, 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 Norman C. Ralston, D.V.M., LBJ Animal Clinic, 12500 Lake June Road, Mesquite, Texas, 75180, Veterinary License Number 980, 1997 Renewal Certificate Number 1600, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Mike Carroll, do hereby present the following complaint against Norman C. Ralston, D.V.M.

I.

On June 28, 1991, Ms. Karen Payne took her ten year old female Domestic Short Haired cat "Princess Kitty", to the LBJ Animal Clinic, 12500 Lake June Road, Mesquite, Texas. The cat was presented to the clinic for a general examination.

II.

On the patient records, Dr. Ralston indicated that the cat was over weight, nervous, and scared of dogs. Dr. Ralston dispensed four homeopathic medications to be administered to the cat.

III.

On June 28, 1995, Dr Ralston dispensed to Ms. Payne, in Florida, by mail "ant crude", a homeopathic medication for "Princess Kitty". At this time there was no current examination or diagnosis on which to base the dispensing of the medication. Dr. Ralston had not examined "Princess Kitty" for four years.

IV.

On August 24, 1995, Ms. Payne presented the cat to Dr. Ralston for examination and treatment of feline acne. Dr. Ralston performed an x-ray to evaluate the location of a foreign body. After reviewing the x-ray, Dr. Ralston observed a pellet near the cat's spine. Ms. Payne was aware of the pellet and had been told by other veterinarians that it was inert. Dr Ralston strongly
recommended surgery and told Ms. Payne that it was a very minor procedure. A surgery date was set for December 15, 1995. Dr. Ralston also prescribed and dispensed a number of homeopathic medications for the treatment of the feline acne.

V.

On August 28, 1995, September 28, 1995, and October 20, 1995, more homeopathic medications were mailed to Ms. Payne, in Florida, by Dr. Ralston.

VI.

On December 13, 1995, Ms. Payne took "Princess Kitty" to Dr. Ralston’s clinic for a medical evaluation prior to the surgery. Dr Ralston did not perform a medical evaluation on the cat or perform any laboratory test..

VII.

On December 14, 1995, Dr. Ralston contacted Ms. Payne and informed her that the surgery had been changed to that day instead of December 15, 1995, as originally planned. Ms. Payne was given a one hour notice to get the cat to the clinic. The cat had not fasted and had eaten a full meal approximately two hours before. Dr. Ralston performed a two and one half hour surgery.

VIII.

During the surgery, Dr. Ralston moved the cat several times from the sterile surgical environment to take more x-rays. Dr. Ralston failed to maintain a sterile environment during these x-rays. No antiseptic was applied to the surgical site by Dr. Ralston or his staff subsequent to x-rays. Dr. Ralston failed to remove the pellet during surgery.

IX.

After the surgery, Dr. Ralston did not prescribe or administer any antibiotics to the cat. Dr. Ralston administered homeopathic medications following surgery. Dr. Ralston did not explain to Ms. Payne the contents or the purpose of the homeopathic medications administered. No specific pain medication was prescribed or administered. The only medication listed on the patient record on the day of the surgery was "rescue". Dr. Ralston maintains he gave the cat a penicillin injection before surgery and twice the next day. Dr. Ralston’s patient records reflect that penicillin was only given once, on December 16, 1995.

X.

The cat was released in a tranquilized condition to Ms. Payne approximately thirty minutes after the two and one half hour surgery. The cat was totally non-responsive and immobile. No post-operative instructions were given to Ms. Payne by Dr. Ralston. Verbal instructions were limited to administration of homeopathic drugs every two to four hours and a feeding schedule.
"Princess Kitty" developed an infection at the site of the surgical incision on or about December 15, 1995. "Princess Kitty" was unable to stand, walk, defecate, eat or drink anything after the surgery, without assistance. The cat urinated once on December 15, 1995 and once on December 16, 1995.

"Princess Kitty" was taken to Dr. Ralston on December 16, 1995. At this visit Dr. Ralston drew blood for a blood screen, but performed no other diagnostic tests and prescribed no treatment. The blood was taken to the Emergency Animal Clinic, 12101 Greenville Avenue, Dallas, Texas, by Ms. Payne. The blood sample was not adequate nor preserved properly. Dr. Ralston did not make a referral to a specialist despite his inability to perform the necessary tests. Dr. Ralston failed to furnish complete medical records and x-rays to Ms. Payne.

On December 17, 1995, Ms. Payne took "Princess Kitty" to the Emergency Animal Clinic, 12101 Greenville Avenue, suite 118, Dallas, Texas. The cat was treated for cardiomyopathy at this facility by Dr. Michael McFarland and Dr. Michael Walters until December 21, 1995, when the cat died. A necropsy was performed and the results indicated that the cause of death was heart disease; the condition may have been complicated by an anaerobic bacterial infection at the surgery site.

Dr. Ralston's patient records, on "Princess Kitty" failed to contain the necessary information including a record of treatment. On December 14, 1995, the day of the surgery, there is no anesthesia listed, and no reference to x-rays, or to the administration of antibiotics. The records do not give any details of the surgery or the condition of the cat after the surgery. Also, the amount, strength or how to administer the homeopathic remedy "rescue" is not in the record. There is no listing of the penicillin Dr. Ralston claims to have administered on December 15, 1995. The patient record reflects "penicillin inj.", but does not give amount or strength on December 16, 1995. Dr. Ralston's patient records for December 21, 1995, do not reflect that he prescribed and dispensed homeopathic medicine and a food supplement to Ms Payne.

The dispensing labels from the medications that Dr. Ralston either mailed or personally dispensed to Ms. Payne fail to include the client name, species of animal, strength and quantity of the drug dispensed and contents of the bottle.
By failing to properly diagnose and treat "Princess Kitty" as described in the above paragraphs, Dr. Ralston has violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.

XVII.

By failing to maintain complete patient records as described in the above paragraphs, Dr. Ralston has violated Rule 573.52 - Patient Record Keeping of the Rules of Professional Conduct.

XVIII.

By failing to properly complete labels on medication dispensed as described in paragraph XV, Dr. Ralston has violated Rule 573.40 - Labeling of Medications Dispensed of the Rules of Professional Conduct.

XIX.

By violating the Rules of Professional Conduct as described in paragraphs XVI through XVIII, Dr. Ralston has also violated Section 14 (a) (5), (11), (12) and (15) 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 a law;

(11) has performed or prescribed unnecessary or unauthorized treatment;

(12) has ordered prescription drugs or controlled substances for the treatment of an animal without first establishing a valid veterinarian-patient-client relationship;

(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 780 day of November, 1997.

Further, Affiant sayeth not.

Mike Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 356th day of November, 1997.

Charles A. Adkins, Notary Public in and for Texas

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. Norman C. Ralston, D.V.M. under Docketed Number 1997-08 this the 14th day of November, 1997.

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