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DEC 17 2014

Texas State Board  
of Veterinary Medical Examiners

DOCKET NO. 2014-137

IN THE MATTER OF § TEXAS BOARD OF  
 THE LICENSE OF § VETERINARY  
 NOEL RAMIREZ, D.V.M. § MEDICAL EXAMINERS

**AGREED ORDER**

On this the 27 day of January, 2015 came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Noel Ramirez, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on October 20, 2014. Respondent did attend the informal conference and was not represented by counsel. 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. Respondent, Noel Ramirez, D.V.M. of Mission, Texas, holds Texas veterinary license 12813.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 ("Act"). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners ("Board Rules") (22 Tex. Admin. Code, Chapter 575).

3. On October 9, 2013, Karsten Heggen (the "Complainant") presented her five year old female Australian Shepherd dog named Lola to the Rio Rico Veterinarian Services (the "Hospital") for a spay procedure.

4. Later that same day, the Complainant found out that Noel Ramirez, D.V.M. (the "Respondent") performed the procedure. The Complainant stated that had she known the Respondent was going to perform the procedure in advance, she would not have allowed him to perform the procedure due to his reputation for animals dying under his care.

5. On October 10, 2013, Lola passed away. The Complainant asserted that the death was due to internal bleeding as blood came from Lola's mouth and rectum when she died. Lola's body was not presented to another veterinarian.

6. Respondent stated that he was unaware that Lola was being treated for heartworms when he performed the spay procedure. He stated that a pre-surgical release form was not signed and completed by the Complainant. Lola's medical records do not reflect that Respondent performed any examination of Lola prior to surgery and fail to show detail as to the surgery performed.

7. Respondent stated that during surgery, Lola did hemorrhage, but ligatures were placed and the abdomen was flushed. He stated that there was no evidence of hemorrhage noted prior to closing the abdominal walls. He stated that Lola recovered and was sent home bright, alert, and responsive. He stated that no post-surgical complications were reported by the Complainant.

8. Jackie A. Valerius, D.V.M. checked the Complainant into the Hospital on October 9, 2013. He neglected to have her complete a pre-surgical release form; however, he stated that the Complainant was aware that Lola was heartworm positive, but that she still wanted to pursue the spay procedure. This information does not appear in the medical records. Further, Dr. Valerius stated that he did not discuss Lola being heartworm positive with the Complainant or that Lola was not a good candidate for surgery.

9. Lindsay A. Fultz, D.V.M., also employed by the Hospital, was the veterinarian that originally diagnosed Lola with heartworms. She stated that she was not aware that the Complainant wished to have the spay procedure and, therefore, did not tell the Complainant that Lola was a bad candidate for surgery.

### **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 the above paragraphs, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, by performing a spay procedure on a dog that was heartworm positive.

3. Based on the above paragraphs, Respondent has violated Rule 573.52, VETERINARIAN PATIENT RECORDKEEPING, of the Board's Rules of Professional Conduct, by failing to include details necessary to substantiate any pre-surgical examination or any surgical procedure performed.

4. Based on Findings of Fact 1 through 9 and Conclusions of Law 1 through 3, Respondent has violated Sections 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 practice or conduct that violates the board's rules of professional conduct.

5. Based on Conclusions of Law 1 through 4, 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: (a)

- (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.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent receive an INFORMAL REPRIMAND.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of FIVE HUNDRED DOLLARS (\$500.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, which is the date

this Order is signed by the Board, the Board may apply any payment to the Board to renew a license to pay any outstanding administrative fee owed to the Board.

In addition, the Board ORDERS that Respondent complete THREE (3) hours of continuing education in recordkeeping and THREE (3) hours of continuing education in surgical anesthesia, in addition to the seventeen required annually for renewal of Respondent's license to practice veterinary medicine, within one year of the date of this Order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days after one year of the date of this Order. If Respondent fails to provide documentation of completion within forty-five (45) days of one year of the date of this Order, Respondent's license may be suspended until the continuing education penalty is completed and documentation is received by the Board.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, the laws of the State of Texas, and the laws of 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 Agreed 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 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. 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, NOEL RAMIREZ, 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 THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

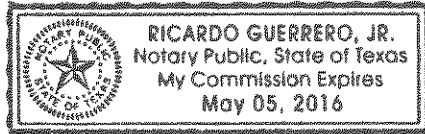
Noel Ramirez  
NOEL RAMIREZ, D.V.M.

12-1-14  
DATE

STATE OF TEXAS §  
COUNTY OF Hidalgo §

BEFORE ME, on this day, personally appeared Noel Ramirez, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 1<sup>st</sup> day of December, 2014



Ricardo Guerrero Jr  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 27 of January, 2015.

Bud E. Alldredge, Jr.  
Bud E. Alldredge, Jr., D.V.M., President