DOCKET NO. DK2017-203

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

AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners ("Board") considered the matter of the license of Jennifer Ramirez, D.V.M. ("Respondent").

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT


2. On January 21, 2016, Sheridan and Jacqueline Chitambar (the Chitambars) presented their two year old Chihuahua, Sara, to her regular veterinarian Jennifer Link, D.V.M. for a pregnancy checkup. After an examination, Dr. Link found that Sara was not in active labor but would likely go into active labor in the next 24 hours. Dr. Link palpated the puppy and found that it was moving. Dr. Link had previously advised the Chitambars that the puppy was too large for a natural delivery. Dr. Link advised the Chitambars that a C-section could be done that day, and provided emergency clinic referrals in case it was necessary that night.

3. At approximately 8:30 p.m. that evening, Sara began experiencing contractions. The Chitambars contacted the Emergency Animal Hospital of Collin County ("the facility") in Plano, Texas. The Chitambars were informed that they could probably delay coming in for some time unless Sara was in distress.

1. At approximately 9:30 PM, the Chitambars presented Sara to Respondent at the facility. Respondent palpated the puppy and found that Sara was having occasional soft contractions but was not in distress. The Chitambars advised Respondent that Dr. Link had said the puppy was too large to be delivered naturally. Respondent advised the Chitambars that Sara was in the early stages of labor and did not appear to be in distress, and recommended that they wait before the C-section was performed. Respondent informed the Chitambars that there were three doctors available at the clinic to treat or monitor Sara until 8:00 AM the following day. The Chitambars advised Hospital staff that they would be waiting in their car outside the Hospital. The Chitambars believed they were waiting for a veterinarian to perform the C-section.
4. At approximately 10:30 p.m., Sara began to dilate and the sac was exposed. The Chitambers went inside the Hospital and were placed in a treatment room. Hospital staff checked in approximately every 30 minutes until 3 a.m.

5. Respondent left the facility between midnight and 1 a.m. on January 22, 2016.

6. At approximately 3 a.m. on January 22, 2016, J. Randell Bridges, D.V.M., entered the Chitambers's room and examined Sara. At this time, the sac was protruding from the vulva. The Chitambers reiterated their concerns and Dr. Link's earlier recommendation for a C-section. Dr. Bridges performed a complete examination and asked the Chitambers if they wanted a C-Section performed. Dr. Bridges then left to write up an estimate for the procedure. The Chitambers paid the required deposit.

7. According to the medical records, Dr. Bridges began surgery at approximately 5 a.m. on January 22, 2016. The Chitambers waited in their car outside the Hospital until approximately 5:30 a.m., when Hospital Staff called to say that the puppy's heart was beating but it was not breathing on its own. The surgery was completed at approximately 6 a.m. Sometime after 6 a.m., Dr. Bridges told the Chitambers that the puppy had not survived.

**CONCLUSIONS OF LAW**

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules. Respondent received notice as required by law.

2. Respondent has violated Board Rule 573.22, Professional Standard of Care, of the Board’s Rules of Professional Conduct.

3. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.

4. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.

5. Pursuant to Board Rule 575.25, Respondent's violations are Class B violations, and Respondent is subject to disciplinary action under that Rule.

**TERMS OF ORDER**

Now, therefore, the Board and Respondent agree to the following terms:

Agreed Order DK2017-203
Jennifer Ramirez, D.V.M.
1. **REPRIMAND**

   a. Respondent is hereby informally reprimanded by the Board. This informal reprimand will not be published in the Board’s newsletter and will not be routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database. A copy of this informal reprimand will be forwarded to the AAVSB if specifically requested by that organization.

2. **ADMINISTRATIVE PENALTY**

   a. Respondent shall pay an administrative penalty of one thousand dollars ($1,000.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701. Partial payments will not be accepted.

   b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent’s license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter may be referred to the Attorney General for collection, pursuant to Texas Occupations Code, Section 801.458.

3. **ADHERENCE TO THE LAW AND BOARD RULES**

   a. Respondent shall abide by the Board’s Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.

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

   c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

_Certification and signature page follows._

Agreed Order DK2017-203
Jennifer Ramirez, D.V.M.
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this $26^6$ day of July, 2018.

Jennifer Ramirez, D.V.M.

Sworn and subscribed before me this $28^4$th day of July, 2018.

[Seal]

IVY LINDAAS
Notary Public
State of Washington
My Appointment Expires Oct 26, 2020

Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order.
This Order is effective and final on this $23^rd$ day of October, 2018.

Jessica Quillivan, D.V.M., Presiding Board Member

Agreed Order DK2017-203
Jennifer Ramirez, D.V.M.