DOCKET NO. 2016-058

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

AGREED ORDER

On this the __19__ day of __April__, 2016 came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of William Rasch, D.V.M. ("Respondent"). Pursuant to Section 801.408 of the Texas Occupations Code, and Board Rule 575.29, an informal conference was held on February 22, 2016. Respondent attended the informal conference. 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


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 July 30, 2015, Lalo Gutierrez presented his dog, Murphy, who had been struck by a car, to William Rasch, D.V.M. at Hooves and Paws Veterinary Clinic. Dr. Rasch examined
Murphy and found a dime-sized puncture wound in the left inguinal region near the penis. Dr. Rasch placed an intravenous catheter. Murphy was given 100 mg Banamine intravenously for pain and inflammation and 8cc of a mixture of dexamethasone, penicillin, and vitamin B12 subcutaneously for pain and infection.

4. Although by the next day, Murphy had received almost 1000mL of fluids, he had not yet urinated, so Dr. Rasch performed surgery on Murphy, revealing a massive degloving injury that extended from the L-axilla to the L-inguinal region, and fluid leaking from the area around the penis. Dr. Rasch closed the large defect, placed several Penrose drains along its ventral aspects, and placed a urinary catheter because he suspected a urethral tear. Murphy continued to received Baytril intravenously 200 mg, and 8cc PenG subcutaneously pre-surgery.

5. At some point before discharge, Murphy removed the Elizabethan collar and pulled out the catheter and at least some of the drain tubes. Under Dr. Rasch’s instruction, a technician stapled closed the holes that remained from the pulled drain tubes. Murphy was administered Baytril and Banamine and was sent home with amoxicillin on August 3.

6. On August 4, Murphy returned to the clinic with reports of drainage from the surgery site. The incision site had dehisced and areas of necrosis had set in. Dr. Rasch explained to the owners that a referral to a specialist would be appropriate, but the owners elected to keep Murphy with Dr. Rasch. On August 7, Dr. Rasch performed a second surgery, wherein he removed as much of the necrotic tissue as possible and flushed the defect with saline and Amikacin. SSD cream was placed within the defect and a walking suture was used to reattach the dermis to the underlying tissue. Necrotic tissue was removed, and Dr. Rasch placed a Jackson Pratt drain.

7. The next day, August 8, Murphy spiked a fever. Mr. Gutierrez authorized chilled IV fluids and Banamine, which brought the fever down, and Murphy was alert. Because of the lack of overnight support staff, Dr. Rasch stated that he was not comfortable leaving Murphy overnight at the clinic. Murphy was taken home the morning of August 8, but was euthanized later that day.

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 Findings of Fact, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board’s Rules of Professional Conduct. Specifically, Respondent:
   a. Administered Banamine, which was not an appropriate medication given the presentation of the patient;
   b. Failed to administer the appropriate pain medication;
c. Failed to timely refer Murphy when it became apparent that he could not render adequate treatment; and

d. Instructed a technician to staple closed the holes where Murphy had pulled the drain tubes out.

3. Based on the above Findings of Fact, Respondent has violated Rule 573.52, VETERINARIAN PATIENT RECORD KEEPING, of the Board’s Rules of Professional Conduct. Specifically, Respondent’s records contain no record of a referral and it is unclear whether the patient was kept at the hospital or released home.

4. Based on Findings of Fact 1 through 7 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.

6. Based on the above Conclusions of Law, Respondent may be required to provide restitution to the client as set out in Section 801.408(e), INFORMAL PROCEEDINGS.

Agreed Order 2016-058
William Rasch, D.V.M.
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 a FORMAL REPRIMAND.

The Board further ORDERS that Respondent pay restitution to Mr. Gutierrez in the amount of $1,000 for the second surgery performed by Respondent and related treatment. Proof of restitution SHALL be provided to the Board no later than forty-five (45) days from the effective date of this Order.

In addition, the Board ORDERS that Respondent complete NINE (9) hours of continuing education with three (3) hours in critical care, three (3) hours in record keeping, and three (3) hours in pain management, in addition to the seventeen required annually for renewal of Respondent’s license to practice veterinary medicine, within one year of the date the Board approves this Order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days after one year of the date the Board approves this Order. If Respondent fails to provide documentation of completion within thirty (30) days of one year of the date the Board approves 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.

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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.

Signature page follows.
I, WILLIAM RASCH, 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.

William Rasch, D.V.M.  3-21-16

STATE OF TEXAS
COUNTY OF KERR

BEFORE ME, on this day, personally appeared William Rasch, 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 21 day of March, 2016

Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 19 April, 2016

Roland Lenarduzzi, D.V.M., Board President