DOCKET NO. 1998-11

IN THE MATTER OF § TEXAS STATE BOARD OF
MICHAEL H. REVES, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 20th day of October, 1998, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of MICHAEL H. REVES, D.V.M., ("Respondent" or "Dr. Reves"), pursuant to the Veterinary Licensing Act ("Act") § 18F and Board Rule 575.27. On May 21, 1998, Respondent appeared in person at an Informal Conference in response to a letter of invitation from the Board. The Board was represented at the Informal Conference by the 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 Agreed Order. In waiving an adjudicative hearing, Respondent acknowledges understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

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. Michael H. Reves, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 5129, 1998 renewal certificate number 1136. Respondent is subject to prior disciplinary action by the Board.
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 June 4, 1997, Michael H. Reves, D.V.M., was presented with “Lady Gaylord,” a four year old spayed female Doberman Pinscher at the Animana Veterinary Center, Inc., Houston, Texas, by the co-owner, Thurmond Gaylord. The owner described problems the dog was having holding its urine. Dr. Reves examined the dog and recommended using a series of ECP (estradiol cypionate) injections to control the incontinence because he has had success using this medication. Dr. Reves informed the owner that ECP injectable treatment posed a risk of blood disorders and symptoms of estrus. The dog was injected with 1.0 ml (2 mg) of Vetalog and 1.0 ml (2 mg) of ECP. Vetalog 1.5 mg tablets were prescribed for use at home.

4. On or about June 9, 1997, “Lady Gaylord” was presented to Dr. Reves who administered 1.0 ml of injectable ECP.

5. On or about June 16, 1997, “Lady Gaylord” was presented to Dr. Reves. The dog was given an injection of 1.0 ml (2 mg) ECP.

6. On or about June 23, 1997, “Lady Gaylord” was presented to Dr. Reves who performed a blood profile on “Lady Gaylord.” Dr. Reves was advised by Mr. Gaylord that the dog did not appear to be improving. Mr. Gaylord declined a referral to a specialist. Dr. Reves injected the dog with 1.5 ml (3 mg) of ECP.

7. On or about June 24, 1997, Mr. Gaylord called Dr. Reves. Test results and medications were discussed. Dr. Reves suggested radiographs and to return in one week for a repeat CBC to monitor the dog’s blood count. Dr. Reves dispensed 40 Amoxicillin, 400 mg tablets, and 60 Soloxine, 0.8 mg tablets, for pick-up by Mr. Gaylord. The dog was not presented again to Dr. Reves.

8. On or about July 14, 1997, “Lady Gaylord” was presented to Dr. Dennis M. Key in Humble, Texas. His examination revealed that the dog had muffled heart sounds, a good pulse, enlarged vaginal folds and purulent vaginal discharge. Treatment consisted of an IV catheter with Lactated Ringers Solution, and injection of Baytril 4 ml, Dipyrone 50%, 2 ml and Rimadyl 75 mg.

9. “Lady Gaylord” was treated by Dr. Key through on or about July 16, 1997, when a bone marrow aspirate revealed a true marrow hypoplasia present. A whole blood transfusion was administered by Dr. Key.

10. On or about July 18, 1997, “Lady Gaylord” died. On or about that same day, the dog was received by the Texas Veterinary Medical Diagnostic Laboratory. The reported necropsy result was bone marrow hypoplasia.
11. The label information provided by the manufacturer of ECP states that the drug provides an estrogen: estradiol-17β. The label states that the drug is only intended for use in cattle used for breeding purposes. A warning is stated for use in canines. Thomas Yonkers D.V.M., a representative of the manufacturer, states that canines were removed from the product label. The use of this drug in canines existed in earlier veterinary medical texts, but none suggested the dosage administered by Dr. Reves to “Lady Gaylord.”

12. The acts and/or failures to act alleged in paragraphs 3 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 Houston, Texas, or similar community.

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 findings of non-compliance with the Act or Board Rules.

3. Based on Findings of Facts 3 through 12, Respondent has violated Rule 573.22, Professional Standard of Humane Treatment.

4. Based on Findings of Facts 3 through 12 and Conclusion of Law 3, 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 promulgated by the Board.

5. Based on 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. Reves receive an OFFICIAL REPRIMAND. The Board further ORDERS that an Administrative Penalty of two hundred dollars is assessed against Dr. Michael H. Reves, payable within forty-five (45) days of the Board’s approval of the Agreed Order, Respondent agrees to the following terms and conditions:
1. Respondent shall timely remit the Administrative Penalty.

2. 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.

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

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

Respondent, Michael H. Reves, D.V.M., by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, 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 of the Board.

Respondent, Michael H. Reves, D.V.M., 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 is entitled to be represented by an attorney of Respondent’s choice at his expense. Respondent has voluntarily represented himself.

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, MICHAEL H. REVES, 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.

MICHAEL H. REVES, D.V.M.
Respondent

DATE 8-17, 1998

STATE OF TEXAS,
COUNTY OF Harris

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

Given under the hand and seal of office this 17 day of Aug., 1998.

DEBORAH EDWARDS
Notary Public

This agreed order has been entered between Dr. Michael H. Reves 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

DATE 8-26, 1998

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 17 day of Oct., 1998.

MICHAEL J. MCCULLOCH, D.V.M.
President
DOCKETED COMPLAINT NO. 1998-11

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 5129
vs. § 1998 RENEWAL CERTIFICATE
MICHAEL H. REVES, DVM § NUMBER 1136

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 August 25, 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 Michael H. Reves, D.V.M., Animana Veterinary Center, Inc., 12888 I-10 East, Houston, Texas, 77015, Veterinary License Number 5129, 1998 Renewal Certificate Number 1136, 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 Michael H. Reves, D.V.M.

I.

On or about June 4, 1997, Michael H. Reves, D.V.M., was presented with "Lady Gaylord," a four year old spayed female Doberman Pinscher at the Animana Veterinary Center, Inc., Houston, Texas, by the co-owner, Thurmond Gaylord. The owner described problems the dog was having holding its urine. Dr. Reves examined the dog and recommended using a series of ECP (estradiol cypionate) injections to control the incontinence because he has had success using this medication. Dr. Reves informed the owner that ECP injectable treatment posed a risk of blood disorders and symptoms of estrus. The dog was injected with 1.0 ml (2 mg) of Vetalog and 1.0 ml (2 mg) of ECP. Vetalog 1.5 mg tablets were prescribed for use at home.

II.

On or about June 9, 1997, "Lady Gaylord" was presented to Dr. Reves who administered 1.0 ml of injectable ECP.

III.

On or about June 16, 1997, "Lady Gaylord" was presented to Dr. Reves. The dog was given an injection of 1.0 ml (2 mg) ECP.

IV.

On or about June 23, 1997, "Lady Gaylord" was presented to Dr. Reves who performed a blood profile on "Lady Gaylord." Dr. Reves was advised by Mr. Gaylord that the dog did not appear to be improving. Mr. Gaylord declined a referral to a specialist. Dr. Reves injected the dog with 1.5 ml (3 mg) of ECP.

September 23, 1998
On or about June 24, 1997, Mr. Gaylord called Dr. Reves. Test results and medications were discussed. Dr. Reves suggested radiographs and to return in one week for a repeat CBC to monitor the dog’s blood count. Dr. Reves dispensed 40 Amoxicillin, 400 mg tablets, and 600 Soloxine, 0.8 mg tablets, for pick-up by Mr. Gaylord. The dog was not presented again to Dr. Reves.

On or about July 14, 1997, “Lady Gaylord” was presented to Dr. Dennis M. Key in Humble, Texas. His examination revealed that the dog had muffled heart sounds, a good pulse, enlarged vaginal folds and purulent vaginal discharge. Treatment consisted of an IV cathether with Lactated Ringers Solution, and injection of Baytril 4 ml, Dipygone 50%, 2 ml and Rimadyl 75 mg.

“Lady Gaylord” was treated by Dr. Key through on or about July 16, 1997, when a bone marrow aspirate revealed a true marrow hypoplasia present. A whole blood transfusion was administered by Dr. Key.

On or about July 18, 1997, “Lady Gaylord” died. On or about that same day, the dog was received by the Texas Veterinary Medical Diagnostic laboratory. The reported necropsy result was bone marrow hypoplasia.

The label information provided by the manufacturer of ECP states that the drug provides an estrogen: estradiol-17β. The label states that the drug is only intended for use in cattle used for breeding purposes. A warning is stated for use in canines. Thomas Yonkers D. V. M., a representative of the manufacturer, states that canines were removed from the product label. The use of this drug in canines existed in earlier veterinary medical texts, but none suggested the dosage administered by Dr. Reves to “Lady Gaylord.”

Based on paragraph X, Dr. Reves violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.

Based on the above in paragraph XI, Dr. Reves 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 25th day of September, 1998.

Further, Affiant sayeth not.

Charles Adkins, Affiant

SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 25th day of September, 1998.

MIKE CARROLL
Notary Public
STATE OF TEXAS
My Comm. Exp. 12-21-98

Mike Carroll, 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. Michael H. Reves, D.V.M. under Docketed Number 1998-11, this the 26th day of September, 1998.

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