DOCKET NO. 1998-08

IN THE MATTER OF THE LICENSE OF § TEXAS STATE BOARD OF
DANIEL SALAS, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the __ day of __, 1998, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Daniel Salas, D.V.M., ("Respondent" or "Dr. Salas"), pursuant to the Veterinary Licensing Act ("Act") § 18F and Board Rule 575.27. On March 5, 1998, a Informal Conference was held in response to a letter of invitation from the Board. Respondent waived his right to appear in person at this Informal Conference. 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 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. Daniel Salas, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 2553, 1998 renewal certificate number 0914. Respondent is subject to prior disciplinary action by the Board, entering into Negotiated Settlements in Docket Numbers 1988-21 and 1993-12. Allegations of insufficient patient records were part of each of the Negotiated Settlements.

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 May 6, 1997, Ms. Christi Armstrong took her five year old neutered male domestic short hair cat "Mickey", to the Angelina Animal Hospital, 503 Locke, Lufkin, Texas. The cat was presented to the clinic to be declawed. The declaw procedure was performed by Daniel Salas, D.V.M.

4. On or about May 7, 1997, Ms. Armstrong telephoned the clinic to determine the cat's condition. She was told by the secretary that the cat was doing fine.

5. On or about May 9, 1997, Ms. Armstrong arrived at the clinic at approximately 8:30 am to pick up her cat. She was instructed to return at 1:00 pm. She returned at 1:00 pm and picked up the cat. She paid her bill and was told by the secretary to use scoopable cat litter for about two weeks. She did not receive a receipt or any other after care instructions.

6. On or about May 9, 1997, at approximately 10:30 pm, Ms. Armstrong's husband picked up "Mickey" and told Ms. Armstrong that his stomach felt unusual. Upon examining the cat's stomach they noticed that it had been shaved. There was an incision and stitches. They attempted to call Dr. Salas, but apparently he did not have an after hours number.

7. On or about May 10, 1997, Ms. Armstrong went to Dr. Salas' clinic and spoke with him concerning the cat. At that time, Dr. Salas apologized for what had happened. At no time prior to this meeting had Dr. Salas attempted to contact Ms. Armstrong and relate to her the events that had occurred.

8. Dr. Salas admitted to the Board that he attempted to spay the wrong cat and should not have operated on "Mickey".

9. During the review of Dr. Salas' patient records it was determined by the Board that the records failed to meet the necessary requirements for record keeping. Dr. Salas' patient record for "Mickey" also included two other cats instead of being an individual record as required.

10. The acts and/or failures to act alleged in paragraphs 3 through 8 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 Lufkin, 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 8, and 10, Dr. Salas has violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.
4. Based on Findings of Fact 9, Dr. Salas has violated Rule 573.52 - Patient Record Keeping of the Rules of Professional Conduct. Based on Findings of Fact 1 and 9, Dr. Salas has been found to have violated Rule 573.52 and/or its predecessors three times.
5. Based on any one of the 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. Daniel Salas’ license to practice veterinary medicine be SUSPENDED for a period of six (6) months commencing on the date of the Board’s approval of the Agreed Order. The Board further ORDERS that an Administrative Penalty of two thousand dollars ($2,000) is assessed against Dr. Daniel Salas, payable within forty-five (45) days of the Boards’s approval of the Agreed Order. The penalty is assessed as follows: Five hundred dollars ($500) for the violation set out in Conclusion of Law 3, and one thousand five hundred dollars ($1,500) for the violations set out in Conclusions of Law 4.

Said license suspension is stayed, and Respondent is placed on Probation, for the entire period of suspension, provided that Respondent fully complies with the following terms and conditions of probation:

1. Respondent shall take and pass the Jurisprudence Examination, within forty-five (45) days of Board approval of this Agreed Order.
2. Respondent shall submit ten (10) patient records each month, for six (6) months, of patients seen that month, and no record may be submitted more than once during this period. The monthly submissions must begin the month the Board approves this Agreed Order.
3. 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.

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

5. 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, Daniel Salas, D.V.M., by signing this Agreed Order, agrees to its terms, 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, Daniel Salas, 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 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, DANIEL SALAS, 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.

Daniel Salas, D.V.M.
Respondent

DATE 4/22 1998
STATE OF TEXAS  
COUNTY OF  

BEFORE ME, on this day, personally appeared Daniel Salas, 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 22nd day of April, 1998.

[Signature]
Notary Public

This agreed order has been entered between Dr. Daniel Salas 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
May 5, 1998

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

MICHAEL J. MCCULLOCH, D.V.M.
President
DOCKETED COMPLAINT NO. 1998-08

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 2553
vs. § 1998 RENEWAL CERTIFICATE
DANIEL SALAS, DVM § NUMBER 0914

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 May 23, 1997, 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 Daniel Salas, D.V.M., Angelina Animal Hospital, 503 Locke, Lufkin, Texas, 75901, Veterinary License Number 2553, 1998 Renewal Certificate Number 0914, 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 Daniel Salas, D.V.M.

I.

On or about May 6, 1997, Ms. Christi Armstrong took her five year old neutered male domestic short hair cat, "Mikey", to the Angelina Animal Hospital, 503 Locke, Lufkin, Texas. The cat was presented to the clinic to be declawed. The declaw procedure was performed by Daniel Salas, D.V.M.

II.

On or about May 7, 1997, Ms. Armstrong telephoned the clinic to determine the cat’s condition. She was told by the secretary that the cat was doing fine.

III.

On or about May 9, 1997, Ms. Armstrong arrived at the clinic at approximately 8:30am to pick up her cat, she was instructed to return at 1:00pm. She returned at 1:00pm and picked up the cat. She paid her bill and was told by the secretary to use scoopable cat litter for about two weeks. She did not receive a receipt or any other after care instructions.

IV.

On or about May 9, 1997, at approximately 10:30pm, Ms. Armstrong’s husband picked up "Mikey" and told Ms. Armstrong that his stomach felt unusual. Upon examining the cat’s stomach they noticed that it had been shaved. There was an incision and stitches. They attempted to call Dr. Salas, but he does not have an after hours number.
V.

On or about May 10, 1997, Ms. Armstrong went to Dr. Salas' clinic and spoke with him concerning the cat. At that time, Dr. Salas apologized for what had happened. At no time prior to this meeting had Dr. Salas attempted to contact Ms. Armstrong and relate to her the events that had occurred.

VI.

Dr. Salas admitted to the Board that he attempted to spay the wrong cat and should not have operated on "Mikey".

VII.

During the review of Dr. Salas' patient records it was determined by the Board that the records failed to meet the necessary requirements for record keeping. Dr. Salas' patient record for "Mikey" also included two other cats instead of being an individual record as required.

VIII.

The acts and/or failures to act alleged in paragraphs II through VI 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 Lufkin, Texas or similar community.

IX.

Based on paragraphs II through VI, and paragraph VIII, Dr. Salas has violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.

X.

Based on paragraph VII, Dr. Salas has Violated Rule 573.52 - Patient Record Keeping of the Rules of Professional Conduct.

XI.

Based on paragraphs IX and X, Dr. Salas has 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 20th day of May 1998.

Further, Affiant sayeth not.

Mike Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 20th day of May, 1998.

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. Daniel Salas, D.V.M. under Docketed Number 1998-08 this the 21st day of May 1998.

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