

DOCKET NO. 2017-232

Texas State Board of  
Veterinary Medical Examiners

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
SAM SCARMARDO, 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 Sam Scarmardo, 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**

1. Respondent, Sam Scarmardo, D.V.M., of College Station, Texas, holds Texas veterinary license 3318.
2. On November 23, 2016, Ray and Shelley Holliday presented their dog, Raisin, to Respondent at Anderson Ridge Veterinary Hospital in College Station, Texas, for a loose tooth. Respondent recommended that the tooth be removed. On November 28, 2016, Respondent performed labwork necessary to determine if Raisin was healthy enough for the tooth extraction. Respondent told the Hollidays that the results were normal and recommended that they schedule the extraction procedure.
3. Respondent ceased working at the facility on November 30, 2016, in anticipation of the sale of the practice.
4. On December 6, 2016, Ms. Holliday dropped off Raisin at the facility for the extraction procedure. Another veterinarian performed the procedure. Raisin died as a result of complications during the procedure.
5. The Hollidays had taken their animals to Respondent for approximately 20 years. Respondent did not inform the Hollidays that he was selling his practice and that he would not be performing the treatment he recommended.

**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 573.20(c), Responsibility for Acceptance of Medical 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 C 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:

#### 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. 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.*

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. 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.

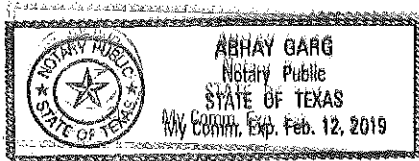
Signed this 27<sup>th</sup> day of August, 2017.

Sam Scarmardo, D.V.M.

Sam Scarmardo, D.V.M.

Sworn and subscribed before me this 24<sup>th</sup> day of AUGUST, 2017.

SEAL:



[Signature]

Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 10<sup>th</sup> day of October, 2017.

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