TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
333 Guadalupe, Suite 2-330
Austin, Texas 78701-3998

DOCKET NUMBER 1996-01
ROGER SWENSON, DVM
LICENSE NUMBER 7675

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Roger Swenson, and the Executive Director of the Texas State Board of Veterinary Medical Examiners, and in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement, the defendant, Dr. Swenson, will be granted a continuance at his option.

Dr. Swenson does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that: (1) the Board may treat the allegations of fact and law as true; and (2) the findings shall have the same force and effect as if evidence and argument were presented in support of the allegations. Respondent understands and intends that by so stating, he is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES: Dr. Roger Swenson has violated Rule of Professional Conduct 573.22 Professional Standard of Humane Treatment by failing to properly treat "Cuddles" in a manner consistent with the same degree of humane care, skill, and diligence used by members of the veterinary profession in the same or similar circumstances in the locality or community in which they practice, and Section 14 (a) (5) of the Veterinary Licensing Act, article 8890.

RECOMMENDED DISCIPLINARY ACTION:

Official Reprimand.

CONDITIONS:

None.

Roger Swenson, D.V.M.  11/18/95
ROGER SWENSON, D.V.M.

Ron Allen, Executive Director  11/18/95
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS
DOCKETED COMPLAINT NO. 1996-01

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 7675
vs. § 1996 RENEWAL CERTIFICATE
ROGER SWENSON, DVM §

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Chuck Adkins, who after being duly sworn, did depose and say:

On or about August 8, 1995, I, Chuck 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 Roger Swenson D.V.M., 12166 Metric Blvd., #283, Austin, Texas 78758, Veterinary License Number 7675, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Chuck Adkins, do hereby present the following complaint against Roger Swenson, DVM.

I.

On or about January 23, 1995, "Cuddles", a black male cat, owned by Loyce Curry, was taken to the Wells Branch Pet & Bird Clinic, Austin, Texas, for a second feline leukemia shot and dental cleaning and polishing. The cat was to be picked up later the same day. Dr. Roger Swenson performed the procedures.

II.

On or about January 23, 1995, upon arriving at the clinic, the family was advised that "Cuddles"
experienced a reaction to the anesthetic and required hospitalization overnight as a precaution. The cat appeared to have a swollen right eye and appeared very stressed. Upon recovery, the upper airway appeared congested with clear mucus. Atropine was administered to reduce the secretions.

III.

On or about January 24, 1995, it was noted that mucus was still present in major airways. "Cuddles" was dispensed Clavomox, 1cc BID for seven days and 5mg Prednisone 1/2 tablet for 5 days.

IV.

On or about January 25, 1995, Loyce Curry called the clinic and advised Dr. Gary Smrstick that "Cuddle's" breathing was raspy; the family was concerned. He stated that if there was no improvement by the following day, the cat should be brought back to the clinic.

V.

On or about January 26, 1995, "Cuddles" was taken back to the clinic and re-examined by Dr. Swenson. Vital signs were checked and "Cuddles" was sent home and was to continue taking the prescribed medications. He was also prescribed 2mg Diazepam SID for three days.

VI.

On or about January 27, 1995, "Cuddles" was taken to Emergency Animal Hospital of Northwest Austin where he was diagnosed as depressed, dehydrated, severely dyspnic, hypothermic and bradycardic. Chest radiographs disclosed "Cuddles" was believed to have pneumonia and was in septic shock. Fluids and antibiotics were administered and the cat was kept overnight. "Cuddles"
was released on January 28, 1995, and referred to his regular veterinarian.

VII.

On or about January 28, 1995, "Cuddles" was examined by Dr. Liza Banks at the Emergency Animal Hospital of Northwest Austin and was diagnosed as moribund with a temperature of 97.4, severely dyspnic and dull mentation. Symptoms and radiographs were consistent with aspiration pneumonia. The prognosis was grave and the owner elected euthanasia.

VIII.

Dr. Swenson has violated Rule of Professional Conduct 573.22, Professional Standard of Humane Treatment by failing to properly treat "Cuddles" in a manner consistent with the same degree of humane care, skill, and diligence used by members of the veterinary profession in the same or similar circumstances in the locality or community in which they practice, and 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;

ARTICLE 8890, SECTION 14B
(a) If a person violates this act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess an administrative penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 27th day of October, 1995.

Further, Affiant sayeth not.

Chuck Adkins, Affiant

SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 27th day of October, 1995.

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 Roger Swenson, D.V.M. under Docketed Number 1996-01 this the 30th day of October 1995.

James N. Gomez, DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners
The foregoing Agreed Settlement, entered into between Dr. Roger Swenson, the Board Secretary, and the Board's Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 7th day of February, 1996, ordered that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 7th day of February, 1996.

John A. Wood, D.V.M., President

James N. Gomez, D.V.M., Vice-President

Michael J. McCulloch, D.V.M., Secretary

Alton F. Hopkins, Jr., D.V.M., Member

Robert I. Hughes, Jr., D.V.M., Member

Sharon O. Matthews, Member

Joyce G. Schiff, Member

Guy A. Sheppard, D.V.M., Member

Gail S. Willingham, Member

Date 2/7/96

Date 2/7/96

Date 2/7/96

Date 2/7/96