DOCKET NO. 2013-134

IN THE MATTER § TEXAS STATE BOARD OF

OF THE LICENSE OF §

ROBERT THONI, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this, the 22 day of October, 2013, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of Robert Thoni, D.V.M. ("Respondent"). Pursuant to Section 801.2056, Texas Occupations Code, a committee of the Board’s staff met on June 25, 2013 to consider alleged violations of the Veterinary Licensing Act and the Board’s rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a conference under Section 801.408 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him.

Upon the recommendation of the staff 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. Respondent, Robert Thoni, D.V.M. of Kilgore, Texas, holds Texas veterinary license 4892.

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).


4. Respondent diagnosed Laddie as suffering from colic. Respondent treated Laddie at the Clinic overnight, but Laddie’s condition only deteriorated.

RECEIVED
JUL 30 2013
TBVME
LEGAL DEPT.
Robert Thoni, D.V.M.
Agreed Order 2013-134
Page 2

5. On October 25, 2012, Respondent recommended euthanasia for Laddie. Ms. Reiner agreed, but wanted to transport Laddie from the Clinic to her home and have the euthanasia take place at her home, so that it would be easier for her to bury Laddie at home.

6. Respondent had other patients at the Clinic that required his attention, so he was unable to go to Ms. Reiner’s home to euthanize Laddie. Respondent therefore delegated the task to his veterinary technician, Shelly Gish.

7. At Respondent’s instruction and with euthanasia solution that Respondent had prescribed and dispensed for Laddie, Ms. Gish traveled alone to Ms. Renier’s home and euthanized Laddie, while Respondent remained at the Clinic.

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 Findings of Fact 1 through 7, Respondent has violated Rule 573.10, SUPERVISION OF NON-LICENSED PERSONS, of the Board’s Rules of Professional Conduct, which states that euthanasia may be performed by a non-veterinarian only under the immediate supervision of a veterinarian.

3. Based on Conclusions of Law 1 and 2, Respondent has violated Section 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 practices or conduct that violates the board’s rules of professional conduct.

4. Based on Conclusions of Law 1 through 3, 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:

(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

5. Based on Conclusions of Law 1 through 4, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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 an INFORMAL REPRIMAND.

The Board further ORDERS that Respondent shall take and pass the Texas veterinary jurisprudence examination within 90 days from the date of this Agreed Order.

The Board further ORDERS that:

1. 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.

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

3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provision of the 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, 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 by the Board.

Respondent, by signing this Agreed Order, waives his right to a hearing and any right to seek judicial review of this Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense in any hearing before the Board.

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 date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary
Robert Thoni, D.V.M.
Agreed Order 2013-134
Page 4

Medical Examiners.

I, ROBERT THONI, 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.

Robert Thoni, D.V.M. 7/24/2013

STATE OF TEXAS
COUNTY OF Rusk

BEFORE ME, on this day, personally appeared Robert Thoni, 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 29th day of July, 2013.

TRISHA TACKETT
Notary Public

Signed and entered by the Texas Board of Veterinary Medical Examiners on this the 22nd day of October, 2013.

Bud E. Allredge, Jr., D.V.M.
President of the Board