

6. On June 6, 2016, Ms. Killian presented Odin to David Faulkner, D.V.M., at Hope Veterinary Clinic for a follow-up exam. Dr. Faulkner cleaned the wound, continued the antibiotic treatment and administered fluids. On Thursday, June 9, 2016, Ms. Killian again presented Odin to Dr. Faulkner because Odin was having difficulty breathing. Odin was treated overnight at the clinic with oxygen and IV fluids. Odin was discharged on Saturday, June 11th.

7. On June 14th, Ms. Killian returned to Hope Veterinary Clinic for Odin's medication. According to Ms. Killian, Odin had gained some weight, but he was still weak. Odin was treated with an appetite stimulant and Ms. Killian was instructed to monitor him for any problems. Later that day, Odin continued to struggle to breathe. Ms. Killian presented Odin to Dr. Faulkner the following morning. Upon arrival, Odin was treated with oxygen. Odin did not respond to treatment and died later that day.

8. A necropsy was performed at Texas A&M Veterinary Medical Diagnostic Laboratory. The necropsy noted lung lesions that indicated acute respiratory distress syndrome leading to aspiration of gastric secretions. The necropsy concluded that there was a bacterial component in the tips of the right and left cranial lobes. The necropsy notes that the pulmonary edema and secondary toxemia from the lung necrosis were responsible for Odin's death.

2017-150 (Smokey Blue, Male)

9. On May 30, 2016, Stephanie Braddock presented her one year old male cat, Smokey Blue, to Respondent at Ross Osage Animal Clinic in Amarillo, Texas, for neutering.

10. Respondent directed Ms. Braddock to hold Smokey Blue still so that Respondent could administer an injection of acepromazine for sedation. Respondent did not examine Smokey Blue prior to attempting to administer sedatives. Smokey Blue reacted negatively and Respondent released the needle, leaving it protruding from Smokey Blue's side. Respondent and Ms. Braddock dispute whether he actually administered the medication. Smokey Blue was extremely agitated, so Respondent and Ms. Braddock attempted to calm him. Respondent left the room briefly, at which point Smokey Blue bit and scratched Ms. Braddock. A facility employee then asked Ms. Braddock to leave and told her to return around noon to pick up Smokey Blue.

11. Respondent did not properly prepare the surgical site by clipping the hair. During the surgery, Respondent found that Smokey Blue had left side inguinal cryptorchidism. Respondent's medical records do not include details necessary to substantiate or document the examination, treatment provided, and surgical procedure performed.

12. Ms. Braddock picked up Smokey Blue that afternoon. Respondent did not prescribe or dispense medication for pain management.

13. On June 4, 2016, Ms. Braddock noted that Smokey Blue's incision appeared to be open and infected. Ms. Braddock presented Smokey Blue to Robin Carlson, D.V.M. at Bushland Small Animal Veterinary Clinic in Amarillo, Texas. Dr. Carlson examined Smokey Blue and observed that the hair was at 2 mm in length around the incision area, the scrotum had not been de-haired,

and that there was hair deep inside both incisions. Dr. Carlson noted that both wounds were infected and the pre-scrotal incision was open and gaping. Dr. Carlson performed surgery to clean the wounds and resuture the incision site.

2017-151 (Smokey Blue, Female)

14. On May 30, 2016, Melissa Cochran presented her one year old female cat, Smokey Blue, to Respondent at Ross Osage Animal Clinic in Amarillo, Texas, for a spay procedure.

15. Respondent asked Ms. Cochran to hold Smokey Blue still so that Respondent could administer an injection of acepromazine for sedation. Ms. Cochran declined.

16. Respondent did not properly prepare the surgical site by clipping the hair. During the surgery, Respondent discovered that Smokey Blue was in heat. Respondent's medical records do not include details necessary to substantiate or document the examination, treatment provided, and surgical procedure performed.

17. Ms. Cochran picked up Smokey Blue later that day. Ms. Cochran was informed by clinic staff that there would be an additional charge because Smokey Blue was in heat. Respondent did not prescribe or dispense medication for pain management.

18. On June 4, 2016, Ms. Cochran noted that the incision site was producing green discharge and appeared inflamed. Later that day, Ms. Cochran presented Smokey Blue to Robin Carlson, D.V.M. at Bushland Small Animal Veterinary Clinic in Amarillo, Texas. Dr. Carlson examined Smokey Blue and observed that the spay incision site was infected. Dr. Carlson also noted that the surgical area had not been adequately prepared for surgery and that there was hair incorporated into the closure of the skin incision, which may have contributed to the infection. Dr. Carlson cleaned the area, administered a convenia injection, and dispensed onsiar.

2017-152 (Star)

19. On June 1, 2016, Tami McCroskey presented her seven year old dog, Star, to Respondent at Ross Osage Animal Clinic in Amarillo, Texas, for a spay procedure. Ms. McCroskey was instructed to pick up Star at the end of the day.

20. Respondent's medical records do not include details necessary to substantiate or document the examination and surgical procedure performed. Following the surgery, Respondent administered 8cc of penicillin and 4cc of Metacam.

21. Ms. McCroskey telephoned the clinic at 5 p.m. and was told that Star was still asleep and that she would be notified when Star was ready for pick up. At approximately 7:30 p.m., Ms. McCroskey telephoned again and was told that Star was still asleep, and instructed to pick up Star the following day. Ms. McCroskey wanted to take star home, so she went to the clinic and picked up Star that evening. Respondent stated that he told Ms. McCroskey that Star might have kidney or liver failure that was contributing to her slow recovery from anesthesia. Ms. McCroskey requested pain medication and was given Meloxicam 7.5mg, but Respondent told her that antibiotics were unnecessary.

22. On June 3, 2016, Ms. McCroskey observed blood on the floor where Star had been laying. Ms. McCroskey was concerned by the visible hair in Star's incision site. On June 5, 2016, Star was still bleeding from the incision site and vomited. Ms. McCroskey presented Star to Wendi Johnson, D.V.M., at the Small Animal Emergency Clinic in Amarillo, Texas. Ms. McCroskey declined diagnostics and recommended treatment for financial reasons. Dr. Johnson administered an antibiotic injection and directed Ms. McCroskey to take Star back to Respondent for further treatment as soon as possible.

23. On June 6, 2016, Star was transported to Respondent's clinic by Ms. McCroskey's friend. Respondent asked to keep Star overnight for observation and Ms. McCroskey agreed. The friend also informed Ms. McCroskey that Respondent had observed an ulcer during the previous surgery, but had not mentioned it to Ms. McCroskey. Respondent stated that he observed fluid leaking from Star's incision site. Respondent sedated Star and performed exploratory surgery. Respondent stated that the abdominal fascia had stretched out following surgery, so Respondent trimmed the loose tissue and closed the incision. Respondent did not obtain Ms. McCroskey's consent to perform this procedure. Ms. McCroskey was informed that Respondent wanted to keep Star until June 8, 2016, for healing.

24. On June 8, 2016, Ms. was informed that Star was not eating well. Respondent directed Ms. McCroskey to bring food for Star to eat. Ms. McCroskey observed yellow fluid oozing from Star's incision site, and noted that Star was having difficulty walking. Respondent requested to keep Star until June 10, 2016.

25. Later that day, Ms. McCroskey scheduled an appointment for a second opinion. Ms. McCroskey notified Respondent that she was picking up Star. Respondent advised against this and stated that he wanted to keep Star until June 13, 2016. When Ms. McCroskey arrived to pick up Star, she noted that Star was barely breathing and unresponsive.

26. Ms. McCroskey presented Star to David Faulkner, D.V.M., at Hope Veterinary Clinic in Amarillo, Texas. Upon arrival, Dr. Faulkner noted that Star's abdomen was covered in green fluid that smelled of feces leaking from an 8-10 inch incision along the ventral midline. Dr. Faulkner noted dehiscence of the abdominal incision. Star's side and back were soaked in urine and feces. Star appeared near comatose and her extremities were cold. Dr. Faulkner administered fluids and began blood work. Dr. Faulkner diagnosed Star as septic and attempted to stabilize her and prepare for surgery. Blood work showed Star was suffering kidney and pancreas failure. Star died later that day.

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.

2017-149 (Odin)

2. Respondent has violated Board Rule 573.22, Professional Standard of Care, of the Board's Rules of Professional Conduct.
3. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.
4. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting conduct that violates the Board's rules of professional conduct.

2017-150 (Smokey Blue, Male)

5. Respondent has violated Board Rule 573.22, Professional Standard of Care, of the Board's Rules of Professional Conduct.
6. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.
7. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting conduct that violates the Board's rules of professional conduct.

2017-151 (Smokey Blue, Female)

8. Respondent has violated Board Rule 573.22, Professional Standard of Care, of the Board's Rules of Professional Conduct.
9. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.
10. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting conduct that violates the Board's rules of professional conduct.

2017-152 (Star)

11. Respondent has violated Board Rule 573.22, Professional Standard of Care, of the Board's Rules of Professional Conduct.
12. Respondent has violated Board Rule 573.24, Responsibility of a Veterinarian to Refer a Case, of the Board's Rules of Professional Conduct.
13. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.
14. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting conduct that violates the Board's rules of professional conduct.
15. Respondent has violated Section 801.402(12) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting the performance of unauthorized treatment.

16. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.

17. Pursuant to Board Rule 575.25, Respondent's violations are Class A 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. SUSPENSION AND PROBATION

- a. Respondent's license shall be suspended for 2 years, beginning two weeks from the effective date of this order, with said suspension stayed and Respondent placed on probation for the entire period of the suspension.
 - i. During the first three-month period of probation, the following terms shall apply:
 1. Respondent shall limit Respondent's practice of veterinary medicine to exclude all surgical procedures.
 2. Respondent shall complete nine (9) hours of continuing education, as further detailed below in Terms of Order, Section 4.
- b. If Respondent does not timely and satisfactorily comply with any of the terms of this Order, the Board may rescind Respondent's probation pursuant to Board Rule 575.36. Should the Board allege a violation of this Order or allege a subsequent violation of the Veterinary Licensing Act or Board Rules, Respondent will be provided an opportunity to show compliance, and notice and hearing in accordance with Texas Government Code 2001, the Veterinary Licensing Act and Board Rules.

2. REPRIMAND

- a. Respondent is hereby formally reprimanded by the Board. This formal reprimand may be published in the Board's newsletter and routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database.

3. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of two thousand dollars (\$2,000.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701. Partial payments will not be accepted.

- b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent's license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter may be referred to the Attorney General for collection, pursuant to Texas Occupations Code, Section 801.458.

4. CONTINUING EDUCATION

- a. In addition to the annual continuing education required for license renewal, Respondent shall complete three (3) hours of continuing education in the area of patient recordkeeping, three (3) hours of in the area of surgery, and three (3) hours in the area of internal medicine. These nine (9) total hours shall be completed within the first three months of the period of Respondent's probation. These hours shall be in addition to Respondent's annual continuing education requirements. Respondent shall submit documentation of the completed continuing education penalty and the required annual continuing education to the Board within one year of the effective date of this Order. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

5. 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.

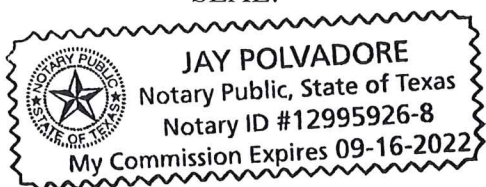
Signed this 3rd day of October, 2018.

Kent & Trinh

Kent Trinh, D.V.M.

Sworn and subscribed before me this 3rd day of October, 2018.

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 23rd day of October, 2018.

[Signature]
Jessica Quillivan, D.V.M., Presiding Board Member