DOCKET NO. 2009-80

IN THE MATTER OF § TEXAS BOARD OF

THE LICENSE OF § VETERINARY

GREGOR A. ULTEIG, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 22 day of March, 2010, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Gregor A. Ulteig, D.V.M. ("Respondent"). Pursuant to §801.408 of the Veterinary Licensing Act and Board Rule 575.27, an informal conference was held on August 7, 2009. Respondent appeared at the conference. The Board was represented at the conference by the Board’s Enforcement Committee.

Respondent 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 Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided him. Upon the recommendation of the Enforcement 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. On February 19, 2009, Stefanie Wray, Plano, Texas, presented her three year old male cat, “Zee” to Coit Hedgecoxe Animal Hospital ("CHAH") for injuries sustained to his pelvic area. “Zee” had been missing for three days prior to presentation and was found in a storm drain, possibly hit by a car. Beth Hartai, D.V.M., examined and stabilized “Zee.” Dr. Hartai diagnosed “Zee” with a dislocated right hip and broken pelvis and recommended a femoral head ostectomy (FHO) for a femoral head fracture. The surgery was scheduled for February 23, 2009, with Gregor A. Ulteig, D.V.M. ("Respondent").

2. “Zee” was presented to Respondent at CHAH for surgery on February 23, 2009. However, when “Zee” was presented to Mrs. Wray in the examination room post-surgery, she discovered that Respondent amputated the cat’s right leg. There was no medical reason for amputation of “Zee’s” leg, and Respondent admitted his mistake. Respondent apologized and refunded the cost of “Zee’s” treatment. Mrs. Wray wished only to have the office procedures changed so this mistake would never happen again. Respondent changed his office procedures to ensure this mistake would never occur again.
3. Respondent stated on the morning of February 19, 2009, two cats were presented to CHAH (one being “Zee”). The other cat had a severely fractured rear right leg, which required amputation. “Zee” was presented with a femoral head fracture and dislocated hip. After reviewing “Zee’s” radiographs and records on February 23, 2009, Respondent confused the two cats and erroneously amputated “Zee’s” right hind leg, rather than performing the FHO procedure. Respondent accepted full responsibility for the amputation of “Zee’s” leg.

4. Based on the above Paragraphs, Respondent has violated Rule of Professional Conduct §573.22 PROFESSIONAL STANDARD OF HUMANE TREATMENT, by erroneously amputating “Zee’s” healthy, right hind leg, and causing “Zee” undue pain and suffering. Respondent also violated §801.402 of the Veterinary Licensing Act prohibiting practices in violation of Board Rules. Respondent is subject to disciplinary action under §801.401.

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 & 2, Respondent has violated Rule of Professional Conduct 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, which requires veterinarians to exercise 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 the locality or community in which they practice, or in similar communities.

3. Based on the Findings of Fact and Conclusions of Law, Respondent has violated §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 §801.401 if the person:

   (6) engages in practices or conduct that violates the board’s rules of professional conduct.

4. Based on the Conclusions of Law, Respondent is subject to disciplinary action under §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 §801.402, the Board may:
   (1) refuse to examine an applicant or to issue or renew a license;
   (2) revoke or suspend a license;

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(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.

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 be FORMALLY REPRIMANDED.

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 provisions of the Licensing 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, and Findings of Fact and Conclusions of Law herein set forth herein, 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. The effective date of this Agreed Order shall be the date it is adopted by the Board.

Respondent, by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he had the right to be represented by legal counsel in this matter.

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.
I, GREGOR ULTEIG, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND 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.

Gregor A. Ulteig, D.V.M.

Date

12-17-09

STATE OF TEXAS
COUNTY OF Collin

BEFORE ME, on this day, personally appeared GREGOR ULTEIG, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 17 day of December, 2009

WENDY J WILSON
Notary Public
STATE OF TEXAS
My Comm. Exp. May 24, 2010

Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 22 day of March, 2010.

Bud E. Alldredge, Jr., D.V.M., President

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