DOCKET NO. 1998-06

IN THE MATTER OF THE LICENSE OF $ TEXAS STATE BOARD OF $ VETERINARY MEDICAL EXAMINERS

SAVITA M. WADHWANI, D.V.M.

AGREED ORDER

On this the $ February, $ day of 1998, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of SAVITA M. WADHWANI, DVM, ("Respondent" or "Dr. Wadhwani"). Pursuant to the Veterinary Licensing Act ("Act") § 18F and Rule 575.27, on January 6, 1998, Respondent appeared in person at an Informal Conference in response to a letter of invitation from the Board. The Board was represented at the Informal Conference by the Enforcement Committee.

Respondent wishes to waive a formal adjudicative hearing and to enter into this Agreed Order. In waiving an adjudicative hearing Respondent acknowledges her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

Upon 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. Savita M. Wadhwani, DVM, is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 6888, 1997 renewal certificate number 3661. Respondent is not subject to prior disciplinary action by the Board.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.
3. On or about May 6, 1997, Ms. Andrea Holder took her 3-year-old female cat, "Chloe" to South Branch Pet and Bird Clinic, Austin, Texas, for annual immunization and to be spayed.
4. On or about May 6, 1997, Ms. Holder released the cat to the clinic staff for surgery. That morning, Dr. Savita Wadhwani sedated the cat with 0.7 ml of Ketamine/Acepromazine, [1ml (10 mg) Ace to 10 ml ketamine mixture] given IM. The surgery was completed at approximately 11:30 A.M., and no complications were noted.

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5. After the surgery, Dr. Wadhwani administered the cat’s vaccinations and 1 ml of Penicillin. Because the cat was fractious, it was then placed in its carrier and checked while it was recovering. Nothing unusual was noted.

6. On or about May 6, 1997, between 5:30 P.M. and 6:00 P.M., Ms. Holder arrived at the clinic to retrieve her cat. After paying her bill, Ms. Holder was handed the carrier containing her cat. She then went outside. Upon looking inside the carrier she noticed that her cat was not moving. She then touched the cat and found it dead and stiff. Ms. Holder then immediately returned to the clinic with the cat.

7. On or about May 6, 1997, at approximately 6:00 P.M., Dr. Wadhwani examined the cat and determined that it was deceased and “cold” to the touch.

8. Respondent failed to provide proper post operative monitoring during the cat’s recovery from surgery.

9. On or about May 7, 1997, Ms. Holder retrieved her cat from the South Branch Pet and Bird Clinic and took its frozen remains to Dr. Kay L. Wiley, Century Animal Hospital, Austin, Texas. Ms. Holder was assisted by the clinic staff in wrapping the remains for shipment to the Texas Veterinary Medical Diagnostic Lab for a necropsy. The necropsy revealed no obvious cause to explain the cat’s death other than “unexplained anesthetic death”.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Act and Board Rules.

2. Act § 14 (a) authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings of non-compliance with the Act or Board Rules.

3. Based on Findings of Fact 3 through 8, Respondent’s failure to provide proper post operative monitoring and the release of the cat after it had expired, do not constitute the exercise of 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 Austin, Texas or similar community. Therefore Respondent has violated Board Rule 573.22.
Based on Findings of Fact 3 through 8, Respondent has violated Act § 14 (a) (5) by engaging in practices or conduct in connection with the practice of veterinary medicine which were violative of the standards of professional conduct duly promulgated by the Board.

Based on any one of Conclusions of Law 3 or 4, Respondent is subject to disciplinary action by the Board under Act § 14(a).

Based on the above findings of fact and conclusions of law, the Board ORDERS that Dr. Savita M. Wadhwani be administered an OFFICIAL REPRIMAND, under the following terms and conditions:

2. Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers and other employees and agents, to verify that Respondent has complied and is in compliance with this Agreed Order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with all other provisions of the Act or the Board Rules, may result in further disciplinary action.

Respondent, Savita M. Wadhwani, DVM, by signing this Agreed Order, agrees to its terms, acknowledges her understanding of it and the notice, findings of fact and conclusions of law herein set forth in the Agreed Order, and agrees that she will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action of the Board.

Respondent, Savita M. Wadhwani, DVM, by signing this Agreed Order waives her right to a formal hearing and any right to seek judicial review of this Agreed Order.

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 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.

The date of this Agreed Order shall be the date it is adopted by the Texas State Board of Veterinary Medical Examiners.
I, SAVITA M. WADHWANI, DVM, HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS I SIGN IT VOLUNTARILY. I UNDERSTAND THIS ORDER CONTAINS THE ENTIRE AGREEMENT REGARDING ITS SUBJECT MATTER AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: Feb 7, 1998

Savita M. Wadhwan, DVM
Respondent

STATE OF TEXAS

COUNTY OF

Before me, Savita M. Wadhwan, on this day personally appeared Savita M. Wadhwan, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreement, and acknowledged to me that she executed the same for the purposes stated therein.

Given under my hand and seal of office this the 7th day of Feb 1998.

Kathryn Jackson
Notary Public

This agreed order has been entered between Dr. Savita M. Wadhwan and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.

Ron Allen, Executive Director, TSBVME

January 31, 1998
SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on the 26th day of February, 1998.

[Signature]

Michael J. McCulloch, D.V.M., President
DOCKETED COMPLAINT NO. 1998-06

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS $ § TEXAS VETERINARY MEDICAL LICENSE NO. 6888 $ § 1997 RENEWAL CERTIFICATE NUMBER 3661 $ §

vs.

SAVITA M. WADHWANI, DVM §

COMPLAINT AFFIDAVIT

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

On or about May 15, 1997, Peter C. Hartline, 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 Savita M. Wadhwani, D.V.M., 403 E. Ben White Blvd., Suite C, Austin, Texas, 78704, Veterinary License Number 6888, 1997 Renewal Certificate Number 3661 a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Peter C. Hartline, do hereby present the following complaint against Savita M. Wadhwani, D.V.M.

I.

On or about May 6, 1997, Ms. Andrea Holder took her 3-year-old female cat, “Chloe” to South Branch Pet and Bird Clinic, Austin, Texas, for annual immunizations and to be spayed.

II.

On or about May 6, 1997, Ms. Holder released the cat to the clinic staff for surgery. That morning, Dr. Savita Wadhwnani sedated the cat with 0.7 ml of Ketamine/Acepromazine, [1 ml (10 mg) Ace to 10 ml ketamine mixture] given IM. The surgery was completed at approximately 11:30 A.M., an no complications were noted.

III.

After the surgery, Dr. Wadhwnani administered the cat’s vaccinations and 1ml of Penicillin. Because the cat was fractious, it was then placed in its carrier and checked while it was recovering. Nothing unusual was noted.

IV.

On or about May 6, 1997, between 5:30 P.M. and 6:00 P.M., Ms. Holder arrived at the clinic to retrieve her cat. After paying her bill, Ms. Holder was handed the carrier containing her cat. She then went outside. Upon looking inside the carrier she noticed that her cat was not moving. She then touched the cat and found it dead and stiff. Ms. Holder then immediately returned to the clinic with the cat.

January 8, 1998
V.

On or about May 6, 1997, at approximately 6:00 P.M., Dr. Wadhwani examined the cat and determined that it was deceased and "cold" to the touch.

VI.

On or about May 7, 1997, Ms. Holder retrieved her cat from the South Branch Pet and Bird Clinic and took its frozen remains to Dr. Kay L. Wiley, Century Animal Hospital, Austin, Texas. Ms. Holder was assisted by the clinic staff in wrapping the remains for shipment to the Texas Veterinary Medical Diagnostic Lab for a necropsy. The necropsy revealed no obvious cause to explain the cat\'s death other than "unexplained anesthetic death".

VII.

The acts and/or failures to act alleged in the above paragraphs numbered III, IV, and V do not constitute the exercise of 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 Austin, Texas or similar community.

VIII.

Based on the above, it is alleged Dr. Wadhwani has violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct by failing to provide proper post-operative monitoring during the cat\'s recovery from surgery and by releasing the cat after it had expired.

IX.

Based on the above, it is alleged, Dr. Wadhwani has also violated 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;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 9th day of Jan. 1998.
Further, Affiant sayeth not.

Peter C. Hartline, Affiant

SUBSCRIBED and SWORN TO before me by the said Peter C. Hartline this the 9th day of January, 1998.

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. Savita M. Wadhwani, D.V.M., under Docketed Number 1998-06, this the 17th day of Jan 1998.

Howard M. Head, D.V.M., Board Secretary
Texas State Board of Veterinary Medical Examiners