DOCKET NO. 2014-19

IN THE MATTER OF § TEXAS BOARD OF

THE LICENSE OF § VETERINARY

STEPHANIE WEBB, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 18th day of February, 2014, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Stephanie Webb, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on October 21, 2013. The Respondent was represented by Keith B. O'Connell at the informal settlement conference. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, 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 her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

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 August 29, 2012, the Williamson County Animal Shelter presented a two month old female terrier mix named Jessie to Stephanie Webb, D.V.M. at the San Gabriel Animal Hospital in Georgetown, Texas because she was limping and not bearing weight on her left hind leg.

2. Stephanie Webb, D.V.M. examined Jessie and performed radiographs. She diagnosed Jessie as having a distal fracture of the left rear femur and a luxated hip. The Williamson County Animal Shelter opted to treat the fracture by amputating the left rear leg, rather than attempting to repair it, because amputation was cheaper.

3. On September 4, 2012, Dr. Webb performed surgery on Jessie. The patient records do not contain details necessary to substantiate an examination of Jessie by Dr. Webb prior to surgery,
and in her response to the Board, Dr. Webb did not state that she had examined Jessie prior to surgery. The medical records for Jessie completed by Dr. Webb fail to properly document details necessary to substantiate or document the examination, diagnosis, treatment provided, and surgical procedure performed.

4. Instead, Jessie was prepared for surgery by a veterinary technician under Dr. Webb’s supervision. The technician induced anesthesia and prepared the right rear leg for surgery. The patient records do not contain concentrations of the drugs administered.

5. Dr. Webb began surgery on the right rear leg, cutting the muscles and nerves in preparation to amputate the limb. Dr. Webb only noticed that she was operating on the wrong leg when she attempted to remove the leg at the hip and found that the hip joint was still intact and not luxated. Dr. Webb completed the amputation on the right rear leg. The notes from the surgery in the patient record do not indicate that the wrong leg was amputated or contain other details necessary to substantiate the surgery and treatment performed.

6. When Dr. Webb informed Madelen Moser-Landis, the Kennel Manager, at the Williamson County Animal Shelter that she had amputated the wrong leg, the Williamson County Animal Shelter requested that she euthanize Jessie. Williamson County Animal Shelter reported the death as due to anesthesia so as to prevent gossip. Dr. Webb then contacted Ms. Moser-Landis to report that she decided not to euthanize Jessie. Dr. Webb decided to pay to have the fractured left rear leg repaired surgically at her own expense, so that Jessie could walk. Ms. Moser-Landis told Dr. Webb that Jessie could not be returned to the shelter as she had already been reported as dead due to anesthesia. Kirk Lewis, D.V.M. performed a successful surgery to repair the leg that afternoon. Dr. Webb did not correct Williamson County Animal Shelter’s records nor did she report the matter to Ms. Moser-Landis’ supervisor within the Williamson County Animal Shelter.

7. Dr. Webb’s failure to properly examine Jessie and perform the amputation of the correct left leg does not represent 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 Georgetown, Texas, or similar communities, and constitutes a violation of Rule of Professional Conduct §573.22 Professional Standard of Humane Treatment.

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 the above Findings of Fact, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, of the Board’s Rules of Professional Conduct, 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 above Findings of Fact, Respondent has violated Rule 573.52 PATIENT RECORD KEEPING, which requires veterinarians to document details necessary to substantiate or document the examination, diagnosis, treatment provided, and surgical procedure performed; details of a pre-surgery examination; and dosages and routes of administration of each drug administered.

4. Based on the above Findings of Fact and Conclusions of Law, 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.

5. Based on the above Conclusions of Law, 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

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a
NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Stephanie Webb, D.V.M., be FORMALLY REPRIMANDED.

In addition, the Board ORDERS that Stephanie Webb, D.V.M. complete an additional SIX (6) hours of continuing education, three (3) of which in recordkeeping, and three (3) of which in ethics within one year of the date of this order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days of the end of the period to complete the continuing education. If Respondent fails to provide documentation of completion within forty-five (45) days of the end of the period to complete the continuing education, further enforcement action will be taken.

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 her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, 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 by the Board.

Respondent, by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she 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. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.
The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, STEPHANIE WEBB, 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.

[Signature]
Stephanie Webb, D.V.M.

Date

STATE OF TEXAS
COUNTY OF

BEFORE ME, on this day, personally appeared STEPHANIE WEBB, 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 3 day of December, 2013

[Notary Seal]

Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 18th day of February, 2014.

[Signature]
Bad E. Aldridge, Jr., D.V.M.
President