DOCKET NO. 1997-22

IN THE MATTER OF THE LICENSE OF § TEXAS STATE BOARD OF
MICHAEL N. WILLIAMS, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 21st day of July, 1998, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of MICHAEL N. WILLIAMS, DVM, ("Respondent" or "Dr. WILLIAMS"). Pursuant to the Veterinary Licensing Act ("Act") § 18F and the Board Rules of Disciplinary Procedure 575.27, on August 22, 1997, 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 understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

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. Michael N. Williams, DVM, is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 3666, 1997 renewal certificate number 2566. 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 December 16, 1995, Mr. Bob Beagle, Winona, Texas took his dog "Dutches", a three year old female Basset Hound, to the North Tyler Animal Veterinary Clinic (NTAVC), Tyler, Texas, to be spayed.
4. On or about December 26, 1995, "Dutches" was seen by Dr. Michael N. Williams, NTAVC, Tyler, Texas, for spay surgery. The animal was sedated and prepared for surgery.
During surgery "Dutches" began moving and Dr. Williams administered additional anesthesia. After the surgery, "Dutches" was placed in the recovery area. At approximately 1:00 p.m. the dog was checked by Mr. Beagle and Dr. Williams and it appeared to have good eye reflex and was waking up. At approximately 4:00 p.m. "Dutches" was not responding well and an IV solution was started. At 6:30 p.m. the dog was comatose. Dr. Williams telephoned the client and advised him of the situation. A short time later "Dutches" died. Attempts to resuscitate the dog failed. Mr. Beagle was notified of the death. Mr. Beagle declined a necropsy and picked up the body on the evening of December 26, 1995.

5. Upon inspection by the Board, the patient records of "Dutches" created and maintained by Dr. Williams did not contain an entry for a pre-operative examination prior to the above described surgery. In addition, these medical records did not contain an entry for the route of administration for medications used for the above described surgery.

Conclusions of Law

1. Respondent is required to comply with the provision of the Act and Board Rules.
2. Act § 14 (a) of the Act 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 5, Respondent has violated Rule 573.52 by failing to properly annotate the animal’s medical records to reveal a pre-operative examination and route of administration for medications used for surgery.
4. Based on Findings of Fact 5, Respondent has violated Act § 14 (a) (5) for 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.
5. Based on any one of the Conclusions of Law 3 and 4 Respondent is subject to disciplinary action by the Board under Act § 14 (a).

Based on the above finding of fact and conclusions of law, the Board ORDERS that Dr. Williams receive an OFFICIAL REPRIMAND under the following terms and conditions:

1. Respondent shall take and pass the Jurisprudence examination, within forty-five (45) days of Board Approval of this Agreed Order.

November 5, 1997

3. Respondent shall cooperate with its attorneys, investigators, compliance officers and other employees and agents, to verify that respondent has complied and is in compliance with the order.

4. 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, Michael N. Williams, DVM, by signing this Agreed Order, agrees to the terms of the order, and acknowledges his understanding of the order and the notice, the findings of fact and conclusions of law herein set forth in the Agreed Order 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 of the Board.

Respondent, Michael N. Williams, DVM, by signing this Agreed Order waives his 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, MICHAEL N. WILLIAMS, 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 AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.


MICHAEL N. WILLIAMS, DVM
RESPONDENT

November 5, 1997
STATE OF TEXAS
COUNTY OF Smith

Before Me, Diana Fernandez, on this day personally appeared Michael N. Williams, DVM, 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 my hand and seal of office this 5th day of December, 1997.

DIANA FERNANDEZ
Notary Public

This agreed order has been entered between Dr. Michael N. Williams 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

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

Michael J. McCulloch, D.V.M., President
DOCKETED COMPLAINT NO. 1997-22

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS § LICENSE NO. 3666
vs. § 1997 RENEWAL CERTIFICATE
MICHAEL N. WILLIAMS, DVM § NUMBER 2566

COMPLAINT AFFIDAVIT

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

On or about December 30, 1996 Charles Adkins, 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 Michael N. Williams, D.V.M., 1129 Loop 323 E. N.E., Tyler, Texas, 75708-1003, Veterinary License Number 3666, 1997 Renewal Certificate Number 2566, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Charles Adkins, do hereby present the following complaint against Michael N. Williams, D.V.M.

I.

On or about December 16, 1995, Mr. Bob Beagle, Winona, Texas, took his dog "Dutches", a three year old female Basset Hound, to the North Tyler Animal Veterinary Clinic (NTAVC), Tyler, Texas, to be spayed.

II.

On or about December 26, 1995, "Dutches" was seen by Dr. Michael N. Williams, NTAVC, Tyler, Texas, for spay surgery. The animal was sedated and prepared for surgery. During surgery "Dutches" began moving and Dr. Williams administered additional anesthesia. After the surgery, "Dutches" was placed in the recovery area. At approximately 1:00 p.m. the dog was checked by Mr. Beagle and Dr. Williams and it appeared to have good eye reflex and was waking up. At approximately 4:00 p.m. "Dutches" was not responding well and an IV solution was started. At 6:30 p.m. the dog was comatose. Dr. Williams telephoned the client and advised him of the situation. A short time later "Dutches" died. Attempts to resuscitate the dog failed. Mr. Beagle was notified of the death. Mr. Beagle declined a necropsy and picked up the body on the evening of December 26, 1995.

III.

Upon inspection by the Board, the patient records of "Dutches" created and maintained by Dr. Williams did not contain an entry for a pre-operative examination prior to the above described surgery. In addition, these medical records did not contain an entry for the route of administration for medications used for the above described surgery.
IV.

Based on paragraph III, Dr. Williams violated Rule 573.52 - Patient Record Keeping of the Rules of Professional Conduct.

V.

Based on the above in paragraph IV, Dr. Williams 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 5th day of November, 1997.

Further, Affiant sayeth not.

Charles Adkins Affiant

SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 5th day of November, 1997

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. Michael N. Williams, D.V.M. under Docketed Number 1997-22, this the 14th day of November, 1997.

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