DOCKET NO. 2010-46

IN THE MATTER OF § TEXAS BOARD OF

THE LICENSE OF § VETERINARY

JANICE WOLF, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 22 day of November, 2010, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Janice Wolf, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on January 6, 2010. The Respondent appeared before the Enforcement Committee without legal counsel. 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 February 1, 2008, Barbara Robertson of Amarillo, Texas, presented her eight year-old female miniature poodle, “Ebony” to Janice E. Wolf, D.V.M. of Canyon Road Animal Hospital, Amarillo, Texas, for a voracious appetite and a greatly distended stomach.

2. Dr. Wolf examined “Ebony” and ran bloodwork and determined an initial diagnosis of a thyroid condition. On February 21, 2008, Dr. Wolf prescribed thyroid medications. On April 7, 2008, Dr. Wolf examined “Ebony” and noted rapid weight gain and an enlarged abdomen. Dr. Wolf ordered diagnostic testing done which showed “Ebony’s” liver enzymes were elevated. On April 9, 2008, Dr. Wolf recommended a Cushing’s test. On April 21, 2008, Dr. Wolf diagnosed “Ebony” with mild Cushing’s disease. On April 24, 2008, Dr. Wolf prescribed Lysodren and Prednisone. On May 12, 2008 Dr. Wolf again prescribed Lysodren.

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4. On November 29, 2008, Ms. Robertson presented “Ebony” to Laveta Bryan, D.V.M., of Animal Medical Center, because “Ebony” was consuming large amounts of water. Dr. Bryan stated “Ebony” appeared to be in a ketoacidotic state with possible sepsis and was given a guarded prognosis. Due to the holiday weekend, “Ebony” was referred to Natalie Garvey, D.V.M., of the Small Animal Emergency Clinic, Amarillo, Texas. Dr. Garvey gave “Ebony” a grave diagnosis. Ms. Robertson elected to have “Ebony” euthanized. Dr. Bryan stated that in her clinic, dogs with Cushing’s or Addison’s disease are monitored every month to 6 months with an ACTH test depending on the dog’s response. Dr. Bryan stated also that electrolytes should be carefully monitored with Addison’s disease and serum chemistries and urines would be warranted at least twice yearly but more frequently if clinical signs such as polyuria/polydipsia warranted.

5. Dr. Wolf’s failure to perform monitoring blood work and the monitoring of electrolytes while prescribing Percorten-V in the treatment of “Ebony” 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 Amarillo, Texas, or similar communities.

6. Dr. Wolf’s medical records were disorganized, confused and lacking in detail. These details and organization were necessary to substantiate the examination, diagnosis and treatment provided, and were not present.

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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 Facts 1 through 5, 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 Findings of Facts 1 and 6, Respondent has violated Rule 573.52 PATIENT RECORD KEEPING, which requires veterinarians to provide other details necessary to substantiate the examination, diagnosis, and treatment provided by the veterinarian.

4. Based on Findings of Facts 1 through 6 and Conclusions of Law 1 through 3, 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 Conclusions of Law 1 through 3, 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 continuing education program.

6. Based on Conclusions of Law 1 through 3, the Board may order the license holder to refund an amount not to exceed the amount a client paid to the license holder instead of or in addition to imposing an administrative penalty, under Section 801.408 of the Veterinary Licensing Act, Texas Occupations Code.

7. Based on Conclusions of Law 1 through 3, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

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

The Board further ORDERS that Respondent pay, within 30 days of the date of this Order, RESTITUTION of ONE THOUSAND TWO HUNDRED AND FIFTY-TWO DOLLARS AND TWENTY-NINE CENTS ($1,252.29). If Respondent fails to pay the restitution within 30 days of the date of this Order, enforcement action will be taken.

The Board further ORDERS that Respondent pay, within 30 days of the date of this Order, an ADMINISTRATIVE PENALTY of FIVE HUNDRED DOLLARS ($500.00). If Respondent fails to pay the administrative penalty within 30 days of the date of this Order, any payment by the Respondent to the Board to renew her license will be applied toward the payment of any administrative fee owed to the Board, and further enforcement action may be taken.

In addition, the Board ORDERS that Janice Wolf, D.V.M. complete an additional SIX (6) hours of continuing education total, THREE (3) in recordkeeping and THREE (3) in endocrinology 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.

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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, JANICE WOLF, 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.

Janice Wolf, D.V.M.                                          2-16-2010
Date

STATE OF TEXAS
COUNTY OF POTTER

BEFORE ME, on this day, personally appeared JANICE WOLF, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she

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executed the same for the purposes stated therein.

Given under the hand and seal of office this 16th day of February, 2010

Notary Public

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

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

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