

DOCKET NO. 2010-66

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| IN THE MATTER OF | § | TEXAS BOARD OF |
| THE LICENSE OF | § | VETERINARY |
| JAIME M. AHUMADA, D.V.M. | § | MEDICAL EXAMINERS |

AGREED ORDER

On this the 28 day of June, 2010, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Jaime M. Ahumada, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on March 23, 2010. The Respondent was represented by counsel, Don Ferrill. 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 his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to 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 29, 2008, Will Logg, of Dallas, Texas presented "Bunny," an eight year-old female cat to Jaime M. Ahumada, DVM of A-B Animal Clinic in Dallas, Texas with an infected tooth.

2. Dr. Ahumada examined "Bunny" and diagnosed an infected tooth. Dr. Ahumada recommended the extraction of the infected tooth. On March 4, 2008, Dr. Ahumada extracted two infected teeth with a "modified extraction" procedure. On March 11, 2008, Mr. Logg presented "Bunny" again to Dr. Ahumada and "Bunny" had some weight loss but appeared well. No x-rays were performed. On March 18, 2008, Dr. Ahumada re-examined "Bunny" due to neurological symptoms presenting to the owner. No x-rays were performed. "Bunny" had gained some weight but Mr. Logg stated that "Bunny" had twitching on her right side of her face and front legs. Dr. Ahumada did not observe the neurological symptoms during the examination. On

April 14, April 22, and May 2, 2008, examinations disclosed continuing problems with disorientation, weight loss, and coordination. Dr. Ahumada prescribed Prednisone on April 22, 2008.

3. Dr. Mary L. Brown, Park Cities VDOS of Dallas, Texas examined "Bunny" on May 12, 2008, for a second opinion and found that Dr. Ahumada had performed crown amputations instead of extractions for the infected teeth, where no diagnostic x-rays were performed. Dr. Ahumada had left amputated roots in "Bunny's" mouth. Dr. Brown performed corrective surgery but during the recovery period from the surgery "Bunny" passed away.

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, by his failure to perform post-operative x-rays with the presenting symptoms.

3. Based on Finding of Fact 1 through 3 and Conclusions of Law 1 and 2, 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.

4. 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.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Jaime M. Ahumada, D.V.M., be INFORMALLY 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.

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.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, **JAIME M. AHUMADA**, 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.


Jaime M. Ahumada, D.V.M.

4/26/10
Date

STATE OF TEXAS §
COUNTY OF DALLAS §

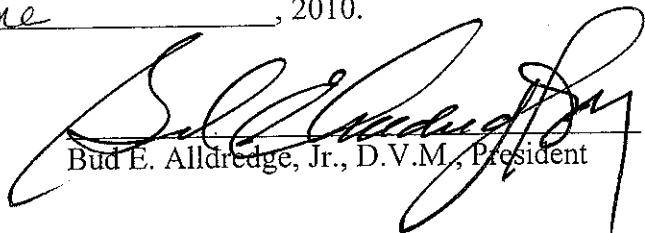
BEFORE ME, on this day, personally appeared JAIME M. AHUMADA, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 26th day of APRIL, 2010.


Notary Public



SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 28 day of June, 2010.


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