

DOCKET NO. 2017-093

IN THE MATTER OF                                            §     TEXAS BOARD OF  
THE LICENSE OF                                            §     VETERINARY  
CHARLES ANDERSON, D.V.M.                            §     MEDICAL EXAMINERS

**AGREED ORDER**

On this day the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Charles Anderson, D.V.M. (“Respondent”).

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

**FINDINGS OF FACT**

1. Respondent, Charles Anderson, D.V.M., of San Antonio, Texas, holds Texas veterinary license 7705.
2. San Antonio Emergency Pet Center (SAEPC) is co-owned by Respondent and Neil Shaw, D.V.M. Respondent also owns South Texas Veterinary Specialists (STVS), which is a separate practice that shares a building with SAEPC. STVS is not an emergency practice.
3. On Saturday, February 27, 2016, Milton Fagin’s nine-year old cocker spaniel, Markee, began having trouble breathing. Mr. Fagin called SAEPC to let them know he was on his way. Mr. Fagin chose SAEPC because Markee had previously been seen at STVS for the same issues.
4. When Mr. Fagin arrived, there was no receptionist at the front desk. Approximately ten minutes later, a female staff member came from the treatment area, and Mr. Fagin told her he had called ahead. Respondent stated that the staff member who checked in Mr. Fagin was a staff member for SAEPC, but mistakenly believed that Mr. Fagin was there for care from STVS. Mr. Fagin then waited for over an hour in the waiting area with Markee as he struggled to breathe. Veterinary staff for SAEPC continued to treat other patients during this time, including patients arriving after Markee.
5. After approximately an hour passed, Mr. Fagin left with Markee and went to a different emergency care facility. The treating veterinarian at that facility stated that Markee was in critical condition upon arrival. Markee passed away a few hours later.
6. Following these events, Respondent modified the protocol for both facilities to direct all after-hours patients through SAEPC for an emergency assessment.

### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules. Respondent received notice as required by law.
2. Respondent has violated Board Rule 573.11, Responsibility for Unlicensed Employees, of the Board's Rules of Professional Conduct.
3. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.
4. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
5. Pursuant to Board Rule 575.25, Respondent's violations are Class B violations, and Respondent is subject to disciplinary action under that Rule.

### TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

1. ADMINISTRATIVE PENALTY
  - a. Respondent shall pay an administrative penalty of one thousand dollars (\$1,000.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701. Partial payments will not be accepted.
  - b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent's license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter may be referred to the Attorney General for collection, pursuant to Texas Occupations Code, Section 801.458.
  - c. If Respondent timely pays the administrative penalty, the assessment of the administrative penalty will not be published in the Board's newsletter and will not be routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database. A copy of this Agreed Order will be forwarded to the AAVSB if specifically requested by that organization.

2. ADHERENCE TO THE LAW AND BOARD RULES

- a. Respondent shall abide by the Board's Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.
- b. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.
- c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

*Certification and signature page follows.*

RESPONDENT'S CERTIFICATION

~~DK~~ I understand that I have the right to legal counsel prior to signing this Order. ~~I waive representation by counsel.~~ I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

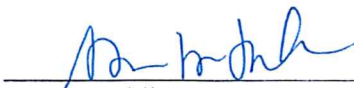
Signed this 2<sup>nd</sup> day of October, 2018.



Charles Anderson, D.V.M.

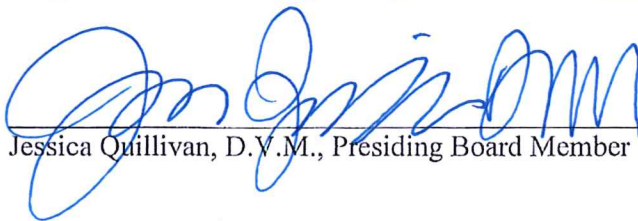
Sworn and subscribed before me this 2<sup>nd</sup> day of October, 2018.

SEAL:



Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 23<sup>rd</sup> day of October, 2018.



Jessica Quillivan, D.V.M., Presiding Board Member