

DOCKET NO. 2012-128

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

**AGREED ORDER**

On this the 30<sup>th</sup> day of October, 2012 came to be considered by the Texas Board of Veterinary Medical Examiners (Board) the matter of the license of Scott Bagwell, D.V.M. (Respondent). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on August 24, 2012. Respondent received notice of the conference but chose not to attend. Respondent was not represented by 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 his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

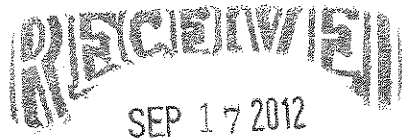
Upon the recommendation of the Enforcement Committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

**Findings of Fact**

1. Respondent, Scott Bagwell, D.V.M. of Lubbock, Texas, holds Texas veterinary license 5690.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (Act). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners (Board Rules) (22 Tex. Admin. Code, Chapter 575).

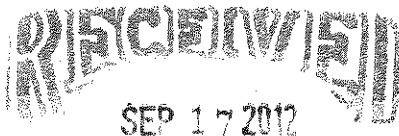
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3. On October 18, 2010, Andrea Trujillo presented "Max," an adult male Schnauzer, to Respondent at the University Animal Hospital in Lubbock, Texas because "Max" was having difficulty urinating.
4. Respondent inserted a catheter into "Max" to check for a blockage and to perform a urinalysis. Respondent found no blockage, and the urinalysis revealed no infection. Respondent prescribed Baytril and sent "Max" home.
5. On October 20, 2010, Yolanda Trujillo presented "Max" to Respondent because Max was vomiting and having urgency and frequency in urination but a decreased urinary flow. Respondent took radiographs, which revealed bladder stones. Respondent recommended surgery to remove the bladder stones.
6. On October 21, 2010, Respondent performed surgery on "Max" to remove the bladder stones. Respondent inserted a catheter to be sure that the urethra was intact. Respondent removed all of the stones he could find in the bladder and rubbed the bladder cavity with gauze. Respondent did not flush the urethra with saline from the tip of the penis into the bladder to remove stones in the urethra. Respondent removed 12 stones from "Max's" bladder during the course of the surgery. A chemical analysis of the stones showed that they were composed of calcium oxalate.
7. On October 25, 2010, Yolanda Trujillo called University Animal Hospital because "Max" was displaying urinary incontinence. The staff at University Animal Hospital told her it was likely a bladder infection, and it could take as long as two weeks for "Max" to regain normal bladder control after surgery. Respondent prescribed another week of Baytril for "Max."
8. On November 15, 2010, Yolanda Trujillo presented "Max" again to Respondent because "Max" was not urinating. Respondent inserted a catheter into "Max" and found no blockage. At Ms. Trujillo's request, Respondent referred "Max" to C. Collins "Andy" Anderson, D.V.M. at South Texas Veterinary Specialists.
9. Ms. Trujillo presented "Max" to Dr. Anderson on November 16, 2010. Dr. Anderson performed an ultrasound and radiographs, both of which revealed that more than ten bladder stones still remained in "Max's" bladder, the largest of which was approximately 4 mm in diameter.
10. Dr. Anderson then performed surgery on "Max" to remove the remaining bladder stones. After removing stones from the bladder, Dr. Anderson placed a catheter at the tip of the penis, and flushed saline through the catheter up the urethra and into the bladder. Dr. Anderson repeatedly ran the catheter up "Max's" urethra, flushing it with saline as he went, and then removed the stones that had been flushed into the bladder through this process. Dr. Anderson then placed the catheter from the bladder into the urethra and again flushed copiously with saline



until there was no grit remaining in either the bladder or the urethra. Dr. Anderson removed an additional 22 stones from "Max's" bladder.

11. Research from the University of Minnesota shows that calcium oxalate uroliths take approximately 90 days to form. It is thus highly unlikely that the bladder stones Dr. Anderson removed from "Max" on November 16, 2010 had formed after Respondent performed surgery on October 21, 2010.

### 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 Conclusions of Law 1 through 11, Respondent violated Rule of Professional Conduct 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, 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 Fact 1 through 11 and Conclusions of Law 1 through 2, Respondent has violated Sections 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

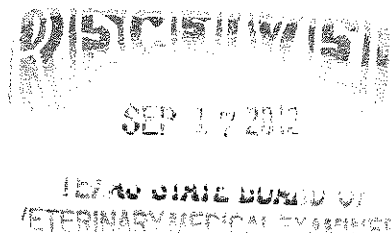
801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:...

(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: (a)

- (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.

5. 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:

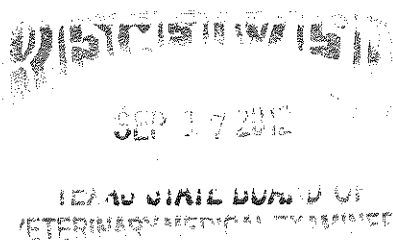
Based on the above Findings of Fact and Conclusions of Law, the Board orders that Respondent receive a FORMAL REPRIMAND.

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent pay, within 30 days of the date of this Order, RESTITUTION of EIGHT HUNDRED NINETEEN DOLLARS AND FIFTY CENTS (\$819.50), and send proof of payment to the Board. In addition, any debt collection agency or credit rating bureau contacted regarding this matter must be informed of the resolution of the debt owed. If Respondent fails to pay the restitution within 30 days of the date of this Order, enforcement action will be taken.

In addition, the Board ORDERS that Respondent complete an additional THREE (3) hours of continuing education in soft tissue surgery 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 after one year of the date of this order. If Respondent fails to provide documentation of completion within forty-five (45) days of one year of the date of this order, Respondent's license may be suspended until the continuing education penalty is completed and documentation is received by the Board.

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 Agreed 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 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. 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, SCOTT BAGWELL, 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.

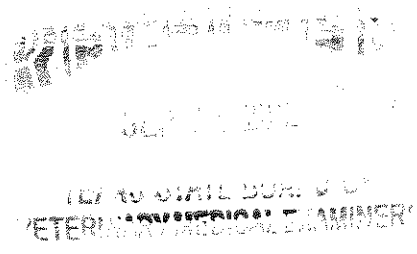
Scott Bagwell  
SCOTT BAGWELL, D.V.M.

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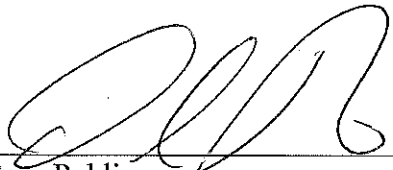
STATE OF TEXAS §  
COUNTY OF LUBBOCK §

BEFORE ME, on this day, personally appeared Scott Bagwell, 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.

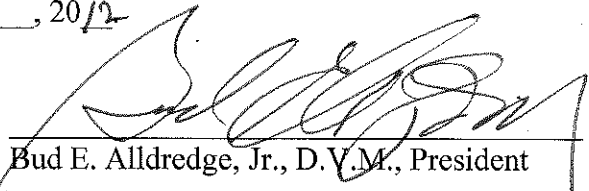
Given under the hand and seal of office this 12<sup>TH</sup> day of SEPTEMBER, 2012

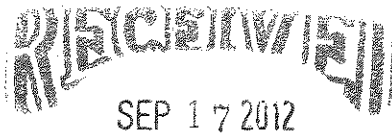




  
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Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 30<sup>th</sup> day of Oct., 2012

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



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