

CP21-264, CP21-315, CP21-351 AND CP21-366

IN THE MATTER OF	§	TEXAS BOARD OF
	§	
THE LICENSE OF	§	VETERINARY
	§	
DANA BOEHM, 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 Dana Boehm, 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, Dana Boehm, D.V.M., of Taylor, Texas, holds Texas veterinary license #9524.
2. Respondent boarded a canine Jax at her facility from March 13, 2021 to March 20, 2021.
3. After the canine was picked up by the owners, he was subsequently taken to an emergency clinic for ulcers on his back legs and possible urine scalding.
4. Jax was ultimately euthanized due to his injuries.
5. On May 20, 2021, the Williamson County Sheriff’s Office executed a search warrant on the Respondent’s premises. TBVME conducted a simultaneous inspection.
6. The surgery room was found to be in an unsanitary condition.
7. Some of the kennels for boarding had urine and feces and some boarded animals did not have access to water, although the majority of these animals were scheduled for surgery which necessitated them being placed on NPO orders by Respondent.
8. Animal control officers determined that the boarded animals were not being provided adequate care and seized all the animals.
9. On the date of inspection, Respondent could not produce some of the requested medical records or controlled substance logs.

10. Respondent's controlled substance cabinet was not secured.
11. On June 16, 2021, Williamson County issued an arrest warrant for Respondent alleging violations of Texas Penal Code Section 42.092, Cruelty to Non-Livestock Animals.
12. On June 16, 2021, Respondent turned herself in, posted bond and was released the same day.
13. On October 11, 2021 Williamson County issued four arrest warrants for Respondent alleging two additional counts of violations of Cruelty to Non-Livestock Animals and two counts of tampering with a government document.
14. On October 11, 2021, Respondent turned herself in, posted bond and was released the same day.
15. Respondent was Temporarily Suspended on October 28, 2021 by a Panel of the Board.
16. Respondent appeared at in Informal Conference on November 9, 2021 pursuant to TEX. OCC. CODE § 801.409(c), where it was recommended that Staff prepare a notice of hearing setting out the details of the complaint and recommended sanctions, and forward the notice of hearing to the State Office of Administrative Hearings for setting of an administrative hearing
17. On December 27, 2021 Respondent's License to Practice Veterinary Medicine was REINSTATED by Operation of Law pursuant to TEX. OCC. CODE § 801.409(d) as Respondent was not provided notice of or a hearing as required by the Texas Veterinary Practice Act or Board Rule § 575.35(g).
18. Subsequently Respondent and Staff Negotiated this Agreed Order to resolve all outstanding matters with the Board; to include file numbers CP21-264, CP21-315, CP21-351 and CP21-366.

MITIGATING FACTORS

1. Respondent has cooperated in this investigation and has worked with Staff to address the concerns raised by the Temporary Suspension and subsequent investigations.
2. Respondent has thoroughly sanitized her clinic and established protocols to address the handling of controlled substances and the record keeping attendant thereto.
3. The owners of the canine referred to in Finding of Fact No. 4 (Jax), elected not to proceed with the continued care and treatment of Jax.
4. Per Respondent, she has had no deaths or post-operative infections due to sterility concerns or standard of care violations in the last 10 years.

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.
2. Respondent has violated Board Rule 573.22, Standard of Care, of the Board's Rules of Professional Conduct.
3. Respondent has violated Board Rule 573.4, Adherence to Law, of the Board's Rules of Professional Conduct.
4. Respondent has violated Board Rule 573.50, Controlled Substances Record Keeping, of the Board's Rules of Professional Conduct.
5. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.
6. Respondent has violated Board Rule 573.61, Minimum Security for Controlled Substances, of the Board's Rules of Professional Conduct.
7. Respondent has violated Board Rule 573.79, Maintenance of Sanitary Premises, of the Board's Rules of Professional Conduct.
8. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting acts that violate the Board's Rules of Professional Conduct.

TERMS OF ORDER

Now, therefore, the Board orders that Respondent comply with the following terms:

1. SUSPENSION AND PROBATION

- a. Respondent's license shall be suspended until the resolution of the underlying criminal matter the subject of this complaint, effective August 3, 2021, with said suspension stayed and Respondent placed on probation for the entire period of the suspension.

2. GENERAL SUPERVISION

During the period of this Order, unless modified or terminated by a Superseding Order of the Board Respondent shall be indirectly precepted as follows:

- a) Respondent shall be generally supervised by a responsible veterinarian.
"General supervision" shall have the same meaning as defined in Texas Occupations

Code 801.002(4). This provision is defined as follows by the Act: "*General supervision*" means supervision of a person by a responsible veterinarian who is readily available to communicate with the person;

- b) While under this supervision. Respondent shall obtain prior written approval by the Board's Executive Director for any supervising veterinarian. Respondent shall submit three (3) names of potential supervisors within 30 days of approval of this order.
- c) Respondent shall notify all present and prospective employers of this Order. Respondent shall cause employers to provide written acknowledgement to the Board that they have read and understood the Order. This acknowledgement must be provided within 30 days of the effective date of the Order for present employers, or within 15 days of undertaking new employment. This acknowledgment shall be submitted to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

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.
- d. If Respondent does not timely and satisfactorily comply with any of the terms of this Order, the Board may rescind Respondent's probation pursuant to Board Rule 575.36.

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

Respondent's Certification and Signature Page Follows.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. 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.

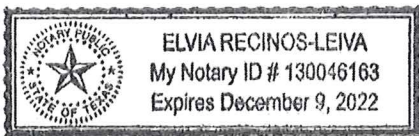
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions 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 if properly proven by a preponderance of the evidence or by admission.

Signed this 19th day of January, 2021.

Dana Boehm, D
Dana Boehm, D.V.M.

Sworn and subscribed before me this 19 day of January, 2021

SEAL:



Elvia Recinos-Leiva
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 25th day of January, 2021.

Jessica Quillivan, DVM

Jessica Quillivan, Presiding Board Member