

DOCKET NO. 2008-64

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

**AGREED ORDER**

On this the 19<sup>th</sup> day of June, 2008, came on to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Nancy Bolduc, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on May 20, 2008. The Respondent was represented by counsel, L. Keith Slade. 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 their understanding of the alleged violations and the adequacy and sufficiency of the notice provided to them.

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 21, 2007, Judy and Melvin Robinson presented their fifteen year-old Maltese female canine "Noel" to Nancy Bolduc, D.V.M., of the River Oaks Animal Hospital in Houston, Texas, for her annual examination and coughing. Dr. Bolduc prescribed furosemide for "Noel." When the Robinsons left the veterinary clinic, they received from the receptionist, Beatrice Zapeda, a bottle that should have contained furosemide tablets, with written instructions for administration of the furosemide. The Robinsons administered the medication as prescribed for 2 days. "Noel" became increasingly worse, so they returned "Noel" to the clinic on February 24, 2007. Dr. Bolduc was not on duty, so Dr. Dennis Jensen treated "Noel." Dr. Jensen placed "Noel" in an oxygen chamber. Dr. Jensen requested to see the medications being administered to "Noel." Dr. Jensen explained that the receptionist had dispensed the prescription for furosemide incorrectly. Dr. Jensen informed the Robinsons that the clinic was not

equipped to properly treat "Noel" and suggested Gulf Coast Veterinary Specialists (GCVS).

2. The Robinsons took "Noel" immediately to GCVS. "Noel" did not appear to be breathing. Dr. Melissa Garcia-Lacaze revived "Noel" after fifteen minutes, but stated her chances were not good. Dr. Garcia-Lacaze stated that "Noel" was drowning in her own fluids and may have suffered brain damage. The Robinsons decided to have "Noel" euthanized. Upon examination of "Noel's" medication it was determined that River Oaks Animal Hospital mistakenly dispensed famotidine, a stomach medication, rather than furosemide.

### **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 Finding of Facts 1 and 2, Respondent has violated Rule 573.10, SUPERVISION OF NON-LICENSED EMPLOYEES, of the Board's Rules of Professional Conduct, which requires veterinarians to be directly responsible for all actions of non-licensed employees acting under the licensee's directions or authorization. Dr. Bolduc is responsible for the mis-labeling and dispensing of a prescription drug by a non-licensed employee.

3. Based on Finding of Facts 1 and 2 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.

5. Based on Conclusions of Law 1 through 4, Respondent is subject to disciplinary action under Section 801.408 (e) of the Veterinary Licensing Act, Texas Occupations Code:

801.408 (e) At an informal proceeding under this section, and on agreement with the license holder, 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 this chapter. The board may not require payment of other damages or estimate harm under this subsection.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Nancy Bolduc, D.V.M., pay, in the form of restitution to Judy and Melvin Robinson, the amount of nine hundred and eighty-six dollars and fifty cents (\$986.50).

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 their understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that they 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 their right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that they 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, NANCY BOLDUC, 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.

Nancy Bolduc DVM  
Nancy Bolduc, D.V.M.

6-13-2008  
Date

STATE OF TEXAS §  
COUNTY OF Harris §

BEFORE ME, on this day, personally appeared Nancy Bolduc, 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 13 day of June, 2008.



Sheryl Hales  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 13th day of June, 2008.

Bud E. Alldredge, Jr.  
Bud E. Alldredge, Jr., D.V.M.  
Texas Board of Veterinary Medical  
Examiners, President