

DOCKET NO. 2017-199

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| IN THE MATTER OF | § | TEXAS BOARD OF |
| THE LICENSE OF | § | VETERINARY |
| MARK BORAH, 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 Mark Borah, 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, Mark Borah, D.V.M., of Lindale, Texas, holds Texas veterinary license 6960.
2. On July 25, 2016, Edgar King presented his seven year old Shih Tzu, T.J., to Respondent for examination of a growth on his right hind leg. Respondent recommended removing the growth, repairing an abdominal hernia, and cleaning T.J.’s teeth.
3. On July 27, 2016, Mr. King presented T.J. to Respondent to perform the recommended procedures. Respondent’s medical records do not include details necessary to document the examination and surgical procedures. When Mr. King returned to pick up T.J., he noted that T.J. was coughing. Respondent’s staff told Mr. King that the coughing was due to throat irritation from the trachea tube.
4. On July 28, 2016, T.J. continued to cough. Mr. King contacted Respondent’s facility at 9 a.m. and 3 p.m. Again, Respondent’s staff told Mr. King not to be concerned. Mr. King contacted the facility again at 10 p.m. and was instructed by another veterinarian to take T.J. to an emergency facility. Respondent’s medical records do not include details regarding these client communications.
5. Mr. King presented T.J. to an emergency facility at approximately 11:30 p.m. the same day. The examining veterinarian observed fluid in T.J.’s lungs. The veterinarian suspected aspiration and administered a furosemide injection to reduce fluid. Mr. King brought T.J. home at approximately 1 a.m. on July 29, 2016. At approximately 8 a.m. the same morning, Mr. King discovered that T.J. had died.

6. Respondent consulted with his staff regarding the case and was told that vomited food was found in the back of the cage that held T.J. on the evening of July 27, 2016. This information is not reflected in the medical records.

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 573.52, Veterinarian Patient Record Keeping, 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 C 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. REPRIMAND
 - a. Respondent is hereby informally reprimanded by the Board. This informal reprimand 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 informal reprimand will be forwarded to the AAVSB if specifically requested by that organization.
2. CONTINUING EDUCATION
 - a. In addition to the annual continuing education required for license renewal, Respondent shall complete three (3) hours of continuing education in the area of patient recordkeeping within one year of the date the Board approves this Order. These hours shall be in addition to Respondent's annual continuing education requirements. Respondent shall submit documentation of the completed continuing education penalty and the required annual continuing education to the Board within one year and 30 days of the date the Board approves this Order. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

3. 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

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.

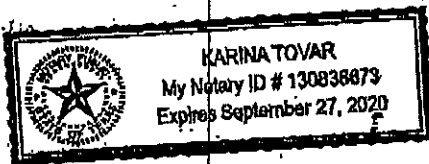
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions 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 26 day of December, 2017.

Mark Borah D.V.M.
Mark Borah, D.V.M.

Sworn and subscribed before me this 26th day of December, 2017.

SEAL:



Karina Tovar
Notary Public

• THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 16 day of January, 2018.

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