

Received

MAY 01 2015

Texas State Board of
Veterinary Medical Examiners

DOCKET NO. 2015-049

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

AGREED ORDER

On this the 21 day of July, 2015 came to be considered by the Texas Board of Veterinary Medical Examiners (Board) the matter of the license of RYAN CATE, D.V.M. (Respondent). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on March 30, 2015. Respondent did attend the informal conference and was represented by counsel, Caleena Svatek. 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, RYAN CATE, D.V.M. of Weatherford, Texas, holds Texas veterinary license 11344.
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).
3. On December 21, 2012, Veronica Cristan (Ms. Cristan) presented her ten-year-old female Yorkshire Terrier canine named Sophie to Respondent at the PetMobile Pet Hospital (the "Hospital") in Garland, Texas for a dental cleaning and four extractions. Sophie was examined

and sedated at 10:30 a.m., intubated at 11:00 a.m., and the dental procedure was begun at 11:20 a.m. Respondent left the procedure to be performed by the technicians employed by the Hospital. Sophie received Isoflurane gas as well as Dexamethasone, Acepromazine, Ketamine, Diazepam, Buprenorphine, and Naloxone during the course of the dental procedure.

4. Of the four needed teeth extractions, three of the teeth fell out on their own. Respondent was not checking Sophie's vitals and general progress prior to that time but, rather, depended upon the technicians to inform him of any issue. Respondent did not stop seeing other patients and perform the one extraction that needed his attention until close to 1:10 p.m.

5. The dental procedure was not completed and the Isoflurane gas did not cease being pumped into Sophie until approximately 1:10 p.m.; therefore, Sophie was under continuous anesthesia for between two and three hours. At that time, the technician informed Respondent that Sophie's temperature was 90.1 degrees. That was the first time the technician had taken Sophie's temperature during the procedure.

6. Respondent contends that he had a very busy morning of patients and could not finish with Sophie before that time period, despite her having an appointment for that day and that time. Additionally, Sophie was still comatose and unresponsive when the Hospital owner, Emberly Henson, D.V.M., arrived at the Hospital at 4:30 p.m. At that point, Sophie had been unconscious since 11:20 a.m. for the extractions of four teeth (three of which fell out on their own) and a dental cleaning.

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 the above findings of Fact, Respondent has violated Rule 573.10, SUPERVISION OF NON-VETERINARIANS, which requires a licensed veterinarian to properly delegate care and/or treatment duties to a non-veterinarian.

3. Based on the above Findings of Fact and Conclusions of Law, 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 the above Conclusions of Law, 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.

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 an INFORMAL REPRIMAND.

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, RYAN CATE, 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.

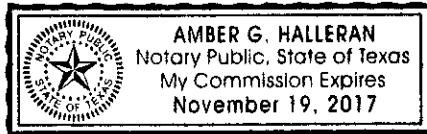
[Signature]
RYAN CATE, D.V.M.

Apr. 28, 2015
DATE

STATE OF TEXAS §
COUNTY OF Parker §

BEFORE ME, on this day, personally appeared RYAN CATE, 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 28 day of April, 2015



[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 21 July, 2015

[Signature]
Bud E. Alldredge, Jr., D.V.M., President