

DOCKET NO. 2011-67

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
ROBERT L. COBB, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 28 day of June 2011, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Robert L. Cobb, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rules 573.22 and 573.52, an informal conference was held on April 11, 2011. The 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. On February 2, 2010, Paula Smith of Midland, Texas, presented "Binky" an eleven month-old domestic medium hair cat for declawing to Robert L. Cobb, D.V.M. of Cobb Veterinary Clinic in Midland, Texas.
2. Respondent performed the declaw surgery and the surgery on the left paw was without incident. However, the right paw bled excessively and required a heavier bandage to control the bleeding. A technician failed to remove the bandages from both paws. On February 5, 2010, Ms. Smith returned with "Binky" as the cat's right paw was swollen and bleeding and needed to have the bandages removed.
3. On February 10, 2010, Ms. Smith presented "Binky" to Daniel Holt, D.V.M. of Sierra

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Robert L. Cobb, D.V.M.

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TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

Animal Clinic in Big Spring, Texas. Dr. Holt's examination disclosed necrotic tissue on the cat's right paw and he was not sure the paw and leg could be saved. Dr. Holt prescribed stronger antibiotics.

4. On February 15, 2010, Respondent re-examined "Binky" and confirmed the right leg of the cat required amputation. The cause of the post operative necrotic tissue of the cat's right leg and paw was due to a tight wrap for excessive bleeding and the failure of the Respondent's technician to remove the bandages prior to discharge.

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 Findings of Fact 1 through 4, Respondent failed to properly supervise his unlicensed employees and violated Rule 573.10, SUPERVISION OF NON-LICENSED EMPLOYEES, and Rule 573.11, RESPONSIBILITY FOR UNLICENSED AND LICENSED EMPLOYEES, of the Board Rule of Professional Conduct, which hold a licensee directly responsible for the actions of non-licensed employees acting within the scope of the employee's employment, and makes a licensee subject to disciplinary action for failing to properly supervise a non-licensed employee or improperly delegating care and/or treatment responsibilities.

3. Based on Findings of Fact 1 through 4, Respondent violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, of the Board Rules of Professional Conduct, which states that veterinarians shall exercise the same degree of humane care, skill and diligence in treating patients as are 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.

4. Based on Findings of Fact 1 through 4 and Conclusions of Law 1 through 3, 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.

5. Based on Conclusions of Law 1 through 4, 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.

6. Based on Conclusions of Law 1 through 4, 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 Section 801.408 of the Veterinary Licensing Act, Texas Occupations Code.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Robert L. Cobb, D.V.M., be INFORMALLY REPRIMANDED.

The Board further ORDERS that Respondent pay, within 30 days of the date of this Order, RESTITUTION of NINETY DOLLARS (\$90.00). If Respondent fails to pay the restitution within 30 days of the date of this Order, enforcement action will be taken.

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 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, ROBERT L. COBB, 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.

RL Cobb DVM
ROBERT L. COBB, D.V.M.

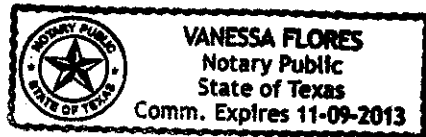
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Date

STATE OF TEXAS §
COUNTY OF Martin §

BEFORE ME, on this day, personally appeared Robert L. Cobb, 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 02 day of May, 2011.

Vanessa Flores
Notary Public



COBB VETERINARY CLINIC, P.C.

2504 SCR 1110
MIDLAND, TX 79706
(432) 682-6405



COMMUNITY NATIONAL BANK
MIDLAND, TX 79702
88-1287/1163

16264

5/1/2011

PAY TO THE ORDER OF PAULA SMITH

\$ **90.00

Ninety and 00/100***** DOLLARS  

PAULA SMITH
10601 ECR 102
MIDLAND, TX 79706

RL Coll DVM

MEMO RESTITUTION--BINKY

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COBB VETERINARY CLINIC, P.C.

16264

PAULA SMITH
REIMBURSEMENT:CLIENT

5/1/2011

BINKY

90.00

CVC-OPERATING 10 RESTITUTION--BINKY

90.00

COBB VETERINARY CLINIC, P.C.

16264

PAULA SMITH
REIMBURSEMENT:CLIENT

5/1/2011

BINKY

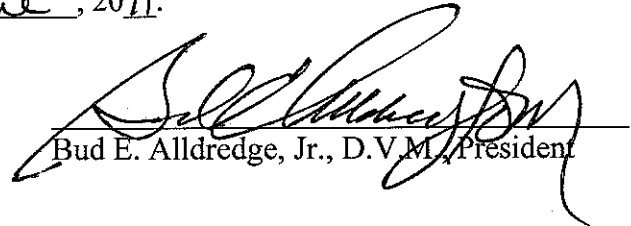
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PAYMENT
RECORD

CVC-OPERATING 10 RESTITUTION--BINKY

90.00

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 28th of June, 2011.


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