

Veterinary Hospital (the "Hospital") and made an appointment to have Bonnie spayed. Respondent performed the spay procedure on Bonnie.

4. Respondent performed the surgery that morning and finished around 11:00 a.m. During the surgery, Respondent discovered that Bonnie was in heat. When a dog is in heat, the risks associated with a spay increase including an increased risk for bleeding. Respondent choose to continue with the surgery. During the surgery, Bonnie had excess bleeding so Respondent used extra ligatures. After the surgery, Respondent put a pressure wrap on Bonnie to protect against hemorrhage. Respondent did not check on Bonnie throughout the day but relied on the Hospital staff to monitor her.

5. Around 5:15 p.m., Hospital staff told Respondent that Bonnie has still not recovered from the anesthesia. Respondent injected Bonnie with Yohimbine and Atropine intramuscularly to revive Bonnie from the Xylazine, Rompun, and Ketaset that Respondent had given Bonnie that morning. Respondent then gave Bonnie a packed cell volume and total protein test. After Respondent finished his appointments for the day, he performed a physical examination and found that Bonnie had pale mucus membranes and she was panting. Respondent then injected an additional smaller dose of Yohimbine and Atropine intravenously and then at 5:45 p.m. a dose of Buprenorphine was also given intravenously. At this time, Bonnie began to resume a normal respiratory rate, her oxygen levels were checked and Normosol R and Dexamethasone were given intravenously. Respondent also performed an ultrasound of Bonnie's abdomen and did not see any extra abdominal fluid or any other abnormalities. The ultrasound images were not saved. Immediately after this, Respondent called the Smiths and spoke with them about Bonnie's recovery.

6. Despite Bonnie's difficulty recovering and excess bleeding during surgery, Respondent left the Hospital at approximately 6:30 p.m. to answer an emergency call. Respondent could have referred that call to another veterinarian. Respondent returned to the Hospital around 10:45 p.m. and found Bonnie in her kennel taking agonal breaths. By the time Respondent was able to get Bonnie out of the kennel and onto the examination table she was not breathing, had no heartbeat, her mucus membranes were pale, and her pupils were unresponsive. Respondent called the Smiths and stated that Bonnie had died.

7. The Smiths asked for an immediate necropsy. Respondent conducted the necropsy and could not find the site of the source of the hemorrhage after removing the copious amounts of blood from the abdomen. The skin, subcutaneous, and liner alba sutures were still performing their job as were the left and right pedicle ligatures. Therefore, Dr. Connolly concluded that the death was caused by a hemorrhage in the abdominal cavity.

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 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, by failing to stay and monitor Bonnie after the surgery when Bonnie had such difficulty recovering, and, thus, failing to 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.

3. Based on Findings of Fact 1 through 6 and Conclusions of Law 1 through 2, 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 practice 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: (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.

5. Based on the above Conclusions of Law, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act

and Board rules.

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 a FORMAL REPRIMAND.

The Board ORDERS that Respondent pay, within 45 days of the date the Board approves this Order, an ADMINISTRATIVE PENALTY of FIVE HUNDRED DOLLARS (\$500.00). If Respondent fails to pay the administrative penalty within 45 days of the date the Board approves this Order, which is the date this Order is signed by the Board, the Board may apply any payment to the Board to renew a license to pay any outstanding administrative fee owed to the Board.

In addition, the Board ORDERS that Respondent complete SIX (6) hours of continuing education with three (3) hours in critical care and three (3) hours in anesthesia, in addition to the seventeen required annually for renewal of Respondent's license to practice veterinary medicine, within one year of the date the Board approves this Order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days after one year of the date the Board approves this Order. If Respondent fails to provide documentation of completion within forty-five (45) days of one year of the date the Board approves this Order, Respondent's license may be suspended until the continuing education penalty is completed and documentation is received by the Board.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, the laws of the State of Texas, and the laws of 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, TOBY CONNOLLY, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT 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.

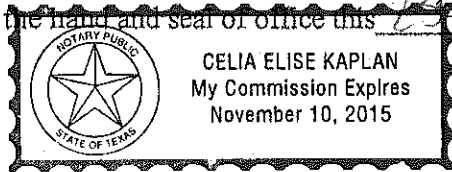
Toby Connolly
TOBY CONNOLLY, D.V.M.

4-23-15
DATE

STATE OF TEXAS §
COUNTY OF Tarrant §

BEFORE ME, on this day, personally appeared TOBY CONNOLLY, 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 23rd day of April, 2015



Celia Elise Kaplan
Notary Public

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

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