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State Board of Veterinary
Medical Examiners

DOCKET NO. 2002-49

IN THE MATTER OF

§

TEXAS STATE BOARD OF

THE LICENSE OF

§

EVA M. CORDON, D.V.M.

§

VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 17th day of October, 2002 came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of Eva Cordon, D.V. M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on July 25, 2002. The Respondent attended without 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 her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

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 July 3, 2001, Ms. Ann Wheat, Houston, Texas presented her dog "Gus" and three other dogs to the Bissonnet Kirby Animal Hospital, Houston, Texas. "Gus" had a sore on his right paw which was bleeding. Ms. Wheat planned to be gone until July 8 and pick the dogs up on July 9.
2. The clinic is owned by Douglas S. Dawson, D.V.M. At the time "Gus" was presented to the clinic, Dr. Dawson was on vacation. During his absence, he contracted with a company called Relief Services for Veterinary Practices (RSVP) to supply relief veterinarians for the clinic. RSVP assigned Darrell J. Dudczak, D.V.M. and Eva M. Cordon, D.V.M., to handle cases at the clinic at various times during Dr. Dawson's absence.
3. Ms. Wheat called the clinic on July 5 and discussed the dog's condition with Dr. Dudczak. Dr. Dudczak presented surgical options for the paw. Dr. Dudczak told Ms. Wheat that he thought the tumor on the paw was malignant and that he would remove as much of the tumor and

associated tissue as possible and send a sample for a biopsy. Dr. Dudczak performed the surgery that afternoon.

4. Ms. Wheat talked to Dr. Dudczak after the surgery. He told Ms. Wheat that he had sent a sample of the suspect tissue off for a biopsy. He said that when "Gus" came out of the anesthesia, he would give pain medication to the dog and keep him comfortable. Dr. Dudczak noted the details of the surgery in the patient records on the day of surgery, July 5. Dr. Dudczak bandaged the paw, gave the dog an injection of antibiotics, and printed labels for prescriptions for Rimadyl and Amoxicillin to be used for pain control and infection, respectively. Dr. Dudczak placed the prescriptions in the active file and reminded the technicians about the prescriptions. Dr. Dudczak went off duty at the end of the day.

5. On July 6, Scott M. Tate, D.V.M., was on duty at the clinic. Dr. Tate had previously done relief work at the clinic and was not assigned by RSVP. According to Dr. Dawson, who later spoke with Dr. Tate, the latter stated that he had looked at "Gus" in his cage, checked the dog's color, and checked the bandage. He did not check the "chart" on "Gus," nor did he prescribe or administer antibiotics or pain medication. No entries were made in the patient records by Dr. Tate.

6. On July 7, Dr. Cordon was on duty at the clinic. A technician, Chris Box, told Dr. Cordon that "Gus" was not eating. Dr. Cordon observed the dog in his run, but she did not physically examine "Gus" and wrote no entries in the patient records. Dr. Cordon wrote no treatment plan for the next day, a Sunday. Clinic technicians cared for "Gus" on July 8, but there were no instructions in the patient records for the dog.

7. On July 9, Ms. Wheat arrived at the clinic to pick up her dogs. Chris Box, the technician, told Ms. Wheat that "Gus" was not doing well and that she should talk to the veterinarian on duty, Dr. Cordon. Ms. Wheat saw "Gus" and noted that he was listless, very thin, and losing hair. He appeared unable to move. Dr. Cordon examined "Gus" and told Ms. Wheat that the dog had a temperature of 104 degrees and was severely dehydrated. Dr. Cordon started the dog on antibiotics and began fluid therapy. Dr. Cordon told Ms. Wheat that there had been a "mixup" on the prescribed medication and that "Gus" had not been given any medication prior to her examination of the dog on July 9. Later in the day, Ms. Wheat visited "Gus" and was told by Dr. Cordon that the paw was infected and infection was probably spreading up the leg because the leg was swollen. Dr. Cordon told Ms. Wheat that "Gus" was probably in pain because there was no injectable pain medication available at the clinic. (Dr. Dawson disputes this allegation.) Ms. Wheat then decided to euthanize "Gus" and Dr. Cordon performed the procedure. Dr. Cordon documented the situation with entries in the patient records on July 9.

8. "Gus" was Dr. Cordon's patient on July 7 and 9, 2001.

9. In her care of "Gus," Dr. Cordon failed to:

- (a) consult the dog's chart or records on July 7, 2001;
- (b) perform an adequate physical assessment of "Gus" on July 7 to determine the dog's condition after being informed that the dog was not eating;
- (c) assure that the dog was receiving proper post-surgical medications, including pain medications;
- (d) leave instructions for continuing post-operative care when she went off-duty on July 7, 2001; and
- (e) record entries and observations in the patient records for "Gus" on July 7, 2001.

10. The acts and/or failures to act specified in Finding of Fact 9 do not constitute the same degree of humane care, skill and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in Houston, Texas or similar communities.

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 6 through 10, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, of the Board's Rules of Professional Conduct, which requires veterinarians to exercise the same degree of humane care, skill and diligence in treating patients as is 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 6 and 9, Respondent has violated Rule 573.52, PATIENT RECORD KEEPING, of the Board's Rules of Professional Conduct, which requires that individual records be maintained for each animal, and that the records contain "... details necessary to substantiate the examination, diagnosis, and treatment provided ..."

4. Based on Findings of Fact 6 through 10 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:

- (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 a civil penalty.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Eva Cordon, D.V.M., be OFFICIALLY REPRIMANDED.

The Board further ORDERS that Eva Cordon, D.V.M., be assessed a CIVIL PENALTY of \$500 which shall be paid within forty-five (45) days of the date of this order.

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 her understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that she 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 her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she 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, EVA CORDON, 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.

Eva M. Cordon DVM
Eva Cordon, D.V.M.

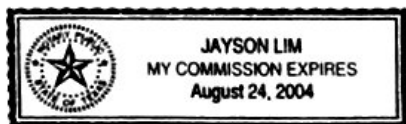
8/30/02
Date

STATE OF TEXAS §
COUNTY OF Harris §

BEFORE ME, on this day, personally appeared Eva Cordon, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

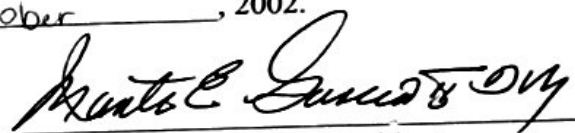
Given under the hand and seal of office this 30 day of August, 2002.

Jayson Lim
Notary Public



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SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 17th day of October, 2002.



Martin Garcia, D.V.M., President