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TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 306
Austin, TX 78704

DOCKET NUMBER 1993-15 - TRAVIS D. DEEN, D.V.M.
LICENSE NUMBER 3068

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Deen, the Texas State Board of Veterinary Medical Examiners staff, and in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Deen will be granted a continuance at his option.

Dr. Deen does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES:

Failure to exercise care, skill and diligence in treating patients, and administering an anesthetic drug and performing surgery without establishing a veterinarian/client/patient relationship. TD

RECOMMENDED DISCIPLINARY ACTION:

1. Official Reprimand
2. Pay a civil penalty in the sum of \$500.00.

CONDITIONS:


1. Board investigators will make unannounced compliance visits to check hospital records keeping.
2. Take and pass the State Board Jurisprudence Examination.
3. Abide by the laws and rules of the State of Texas as they pertain to the practice of veterinary medicine.



TRAVIS D. DEEN, D.V.M.



Date



JOSEPH J. RIZZO Acting Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

DOCKETED COMPLAINT NO. 1993-15

TEXAS STATE BOARD OF VETERINARY () TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS () LICENSE NO. 3068
vs. () 1993 RENEWAL CERTIFICATE
Travis D. Deen, D.V.M. () NUMBER 4002

COMPLAINT AFFIDAVIT

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Joseph J. Rizzo, who after being duly sworn, did depose and say:

On or about January 8, 1993, Joseph J. Rizzo, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Travis D. Deen, D.V.M., P.O. Box 307, Wills Point, Texas, 75169, Veterinary License Number 3068, 1993 Renewal Certificate Number 4002, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Joseph J. Rizzo, do hereby present the following complaint against Travis D. Deen, D.V.M.

I.

On or about June 14, 1991, Brian & Connie Galindo's Tennessee Walking Horse stallion was left at the 5 D Equestrian Center, owned and operated by Dr. Travis D. Deen, for training by Jackie Charles, who rode the stallion on June 4, 5, and 6. After each ride, the horse was left in one of the open pens adjacent to Dr. Deen's clinic.

II.

On or about June 5, 1991, Sharon Bass, an employee of Dr. Deen, received a telephone call from an unidentified caller who requested that his stallion be gelded. Ms. Bass told the caller to leave the horse after hours in one of the pens. She did not complete any type of form that identified the caller or the horse. She then advised Dr. Deen that a stallion would be left at the clinic that evening or the following morning and that the caller requested that the horse be castrated the following morning.

III.

On or about the morning of June 6, 1991, Dr. Deen arrived at his clinic and saw a stallion tied to the rail in the pen immediately adjacent to his clinic. Believing that the stallion was the one he was to castrate, he performed the surgery. Subsequently, Jackie Charles observed that the gelded horse was Brian Galindo's horse and immediately informed Dr. Deen, who then discovered he had castrated the wrong horse and had done so without authorization from Mr. and Mrs. Galindo, in violation of Section 14(a) (11), V.A.C.S., Article 8890.

IV.

The unidentified caller did not leave his horse at the clinic, nor did he ever recontact Dr. Deen or any of his employees.

V.

By failing to properly identify the caller, to complete a patient form, to correctly identify the horse that was to be castrated and by failing to establish a veterinarian/client/patient relationship before performing the surgery, Dr. Deen's performance fell below the required standard of care, in violation of Rule of Professional Conduct 573.22 and Section 14(a) (5), V.A.C.S., Article 8890, in that he did not exercise the same degree of humane care and diligence in treating patients as are ordinarily used in the same or similar circumstances by average veterinarians and he violated Rule of Professional Conduct 573.41 by performing surgery which requires anesthesia drugs without establishing a veterinarian/client/patient relationship, as described in Section 2A, V.A.C.S., Article 8890.

VI.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Travis D. Deen's Veterinary License under the Texas Veterinary Licensing Act, V.A.C.S., Article 8890, (formerly Article 7465a) Section 14 which states in part:

ARTICLE 8890, SECTION 14 (a)

". . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee . . . if it finds that a licensee:

(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with law;

(11) has performed or prescribed unnecessary or unauthorized treatment.

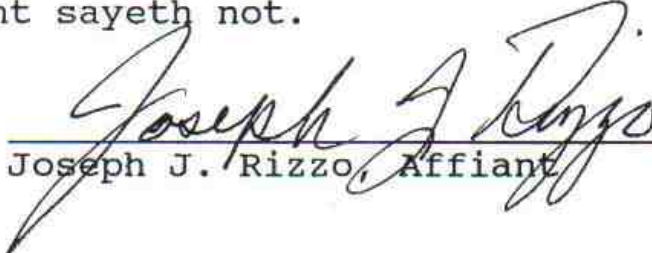
ARTICLE 8890, SECTION 14B

(a) If a person violates this act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of Texas Board of Veterinary Medical Examiners on this the

14th day of May, 1993

Further, Affiant sayeth not.



Joseph J. Rizzo, Affiant

Travis D. Deen, D .M.

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SUBSCRIBED and SWORN TO before me by the said Joseph J. Rizzo
this the 14th day of May, 1993.




Judy C. Smith
Judy Smith, Notary Public in and for Texas

The foregoing Complaint is hereby filed and docketed with the
Texas State Board of Veterinary Medical Examiners and styled
Texas State Board of Veterinary Medical Examiners vs. Travis
D. Deen, D.V.M. under Docketed Number 1993-15, this the
18 day of May, 1993.


Alton F. Hopkins
ALTON F. HOPKINS, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners

The foregoing Agreed Settlement, entered into between Dr. Deen, the Board Secretary, and Board Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 7th day of October, 1993, ORDERED that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 7th, day of October, 1993.


Larry M. Dubuissou, D.V.M., President


October 7, 1993
Date


Clark S. Willingham, Vice-President

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Date


Al F. Hopkins, Jr., D.V.M., Secretary


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Date


Olivia R. Eudaly, Member

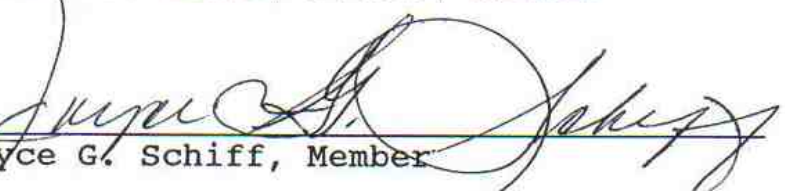
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James N. Gomez, D.V.M., Member

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Date


Robert D. Lewis, D.V.M., Member

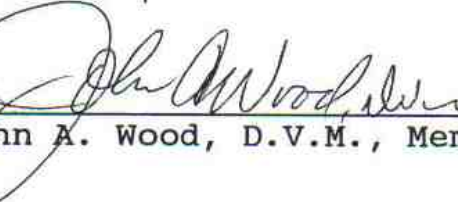
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Date


Joyce G. Schiff, Member

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Date


Guy A. Sheppard, D.V.M., Member

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Date


John A. Wood, D.V.M., Member

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Date