

4. On April 13, 2012, Paula Bolton presented her eight-year old female West Highland Terrier named "Toedo" to Respondent at the Clinic. Ms. Bolton paid \$500 up front, as requested by Clinic staff, to have Respondent examine and assess "Toedo."

5. Respondent examined "Toedo," determined that she was in critical condition, and initiated treatment to stabilize "Toedo."

6. Respondent informed Ms. Bolton that "Toedo" was in critical condition, and was going to require aggressive therapy. Respondent gave Ms. Bolton an estimate of between \$2,821.27 and \$3,859.43 for services. Respondent informed Ms. Bolton that "Toedo" would not survive without continued veterinary treatment, and told Ms. Bolton that Respondent did not know of any other veterinary clinic open at that time that would not require payment for services up front.

7. Ms. Bolton told Respondent that she did not have any more money to spend on treating "Toedo," and wanted to take "Toedo" home. Respondent refused to release "Toedo" to Ms. Bolton. Respondent felt that allowing "Toedo" to go home with Respondent would cause "Toedo" "to suffer and die in a less than desirable manner."

8. Respondent told Ms. Bolton that Respondent would perform euthanasia on "Toedo" and allow Ms. Bolton to pay the euthanasia fee at a later date. Ms. Bolton consented to euthanization. Ms. Bolton paid the Clinic \$324.68 through a promissory note due April 27, 2012.

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 Findings of Fact 1 through 8, Respondent has violated Rule 573.27, HONESTY, INTEGRITY AND FAIR DEALING, of the Board's Rules of Professional Conduct, by refusing to release an animal, on which she did not have a contractual lien, when the owner requested that it be released, and instead requiring that the owner allow her to euthanize the animal at additional expense before she would release it.

3. Based on Findings of Fact 1 through 8 and Conclusions of Law 1 and 2, 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.

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.

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 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 her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, 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. 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, RHONDA DIXON, 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.

R. Dixon DVM
RHONDA DIXON, D.V.M.

5-15-13
DATE

STATE OF TEXAS §
COUNTY OF Harris §

BEFORE ME, on this day, personally appeared Rhonda Dixon, 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 15 day of May, 2013

Ruth Ann Curtis
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 16th of July, 2013

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