



DOCKET NO. 2009-35

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
LYNN B. DUMAS, D.V.M.	§	MEDICAL EXAMINERS

AGREED ORDER

On this the ^{12th} ~~11th~~ day of ~~June~~ February, 2009, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board"), the matter of the application for licensure of Lynn B. Dumas, D.V.M. ("Respondent"). Pursuant to Subchapter F of the Veterinary Licensing Act and Board Rule §571.3, Respondent appeared before the Board on February 12, 2009. Respondent was represented by her attorney, Keith O'Connell. The Board was represented by General Counsel, Nicole Oria.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and informally dispose of the issues related to her application for licensure 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 of the Veterinary Licensing Act and the adequacy and sufficiency of the notice provided to her.

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. In August of 2008, Respondent, a veterinarian licensed to practice in the State of Tennessee, accepted employment as a veterinarian for Banfield, The Pet Hospital ("Banfield") in San Antonio, Texas. Respondent is not licensed to practice veterinary medicine in Texas.
2. Respondent received written correspondence from the Board on September 3, September 25, and October 6, 2008, indicating that she lacked documentation required for licensure as a veterinarian in the State of Texas. Respondent reported for work at Banfield on October 6, 2008. She was administered the Texas Licensing Exam on October 13, 2008, and received a passing score on October 14th. At the time of the exam, Respondent was verbally notified by Ina Franz, the Board's Director of Licensing, that she lacked documentation required for licensure in Texas.
3. On October 14, 2008, Respondent saw her first patient as an employee of Banfield, at the invitation of Dr. Corinne Vara, her "coach doctor." Following that date, Respondent began to

regularly consult with patients and perform examinations, surgeries and other veterinary procedures. On October 23rd, Respondent assisted Dr. Mina Abdelsayed Youseff with an abdominal surgery on a dog, at a separate Banfield clinic. Dr. Debbie Dobson was also on duty at the clinic on that date. Respondent continued to perform veterinary services at said clinic until October 24th, when she returned to the original Banfield clinic. During that time, Respondent worked five days a week, saw six to eight patients per day and performed one to three surgeries per day.

4. On October 31, 2008, Banfield placed Respondent in a permanent veterinarian position in a clinic, wherein she saw approximately ten to twelve patients per day and performed three to five surgeries per day, including spays, neuters, a feline declaw and prophylactic dental cleanings. On November 7, 2008, Respondent performed a spay and front dewclaw removal on a dog. Mrs. Franz sent Respondent emails on October 22 and November 14, 2008, explaining that TBVME still lacked documentation necessary for licensure. On December 1, 2008, Mrs. Franz received the final required documents to complete her application for licensure.

5. Respondent practiced veterinary medicine in Texas without a license, from October 14, 2009, to November 14, 2009. While employed by Banfield in October and November 2008, Respondent administered controlled substances from Dr. Vara's supply for anesthesia and pain management purposes, without the required authorization from the Texas Department of Public Safety.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code (the "Act"), and with the Board's Rules.

2. Based on Findings of Fact 1-5, Respondent has violated §§801.251 and 801.402(6) of the Act, Texas Occupations Code, and Rule of Professional Conduct §573.9, and is subject to disciplinary action by the Board:

801.251. LICENSE REQUIRED Except as provided by §801.004, a person may not practice, or offer or attempt to practice, veterinary medicine unless the person holds a license issued under this chapter.

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;

573.9 NONRESIDENT CONSULTANTS Veterinarians licensed in other states may enter the State of Texas for purposes of consultation. For purposes of this section, "consultation" means the act of rendering professional advice about a specific veterinary medical case, but does not include treatment or surgery.

3. Based on Conclusions of Law 1 and 2, Respondent is subject to disciplinary action under §801.401 of the Act:

§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 §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 an administrative penalty.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS as follows,

1. Respondent is to be issued a license to practice veterinary medicine in Texas (subject to Paragraph 2 below) upon receipt of the executed Cease & Desist Order received by her attorney, Keith O'Connell, on February 18, 2009;
2. Respondent's license shall require her to work under the general supervision of a Texas-licensed veterinarian ("Monitor") for twelve (12) months. The Monitor must have prior approval of the Board. At six (6) and twelve (12) months (8/18/09 and 2/18/10, respectively), the Monitor shall submit statements summarizing Respondent's progress in the practice of veterinary medicine under the Monitor's general supervision. Additionally, Respondent shall submit quarterly reports (5/18/09, 8/18/09, 11/18/09 and 2/18/10) consisting of two (2) medical summaries of cases wherein Respondent has performed veterinary medical procedures.
3. Respondent shall pay an administrative penalty of one-thousand dollars (\$1,000.00);
4. Respondent shall take the April 2010 Texas veterinary jurisprudence exam.

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 violations of the Act and/or Rules made the basis of the Findings of Fact, and compliance with this Order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the 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 herein 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/or any right to seek judicial review of this Agreed Order.

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 THIS IS A FINAL ORDER.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, LYNN B. DUMAS, 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.

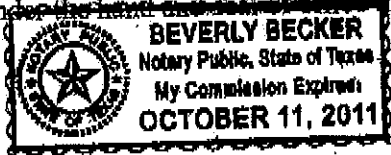
Lynn B. Dumas, D.V.M.
Lynn B. Dumas, D.V.M.

18 February 2009
Date

STATE OF TEXAS §
COUNTY OF REXAR §

BEFORE ME, on this day, personally appeared Lynn B. Dumas, 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 me, this 18th day of February, 2009.



Beverly Becker
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 11th day of June, 2008.

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