

3. Dr. Dunavant reexamined "Sugar" on Monday, March 23, 2009. Dr. Dunavant found "Sugar's" level of hydration had improved, but she was still in critical condition. Dr. Dunavant discussed the continued care and associated costs as well as a possible referral to Central Texas Veterinary Specialty Hospital with Ms. Michka and her husband. Dr. Dunavant stated his overall assessment of the patient was that "Sugar" had an obstructed bile duct and recommended abdominal exploratory surgery. The surgery was performed and Dr. Dunavant found "Sugar" to have a grossly visible severe fatty liver, an inflamed pancreas, and, after an attempt to express the gallbladder, an obstructed bile duct. Dr. Dunavant and Dr. Tooley discussed during the surgery the placement of an esophageal feeding tube after completing the surgery. Dr. Dunavant placed the esophageal tube. The insertion of the esophageal tube met with resistance and was initially withdrawn and placed again. No radiographs were taken to determine the proper placement of the esophageal tube. After the procedure, Dr. Dunavant had "Sugar" transported to the Emergency Hospital of Northwest Austin for continued supportive and overnight care. Dr. Dunavant observed "Sugar" until she was stable for transport. The mitigating circumstances in this case are there are new protocols in place to prevent this outcome from happening again, as well as Dr. Dunavant went through a thorough peer review process over how to do this procedure better.

4. Dr. Amanda Berry of the Emergency Hospital of Northwest Austin in Austin, Texas, examined "Sugar" on March 23, 2009, and found decreased heart and lung sounds. "Sugar" appeared non-responsive and comatose. Dr. Berry took radiographs which indicated a pneumothorax. Dr. Berry was concerned with the placement of the feeding tube as it appeared to be in the thorax and outside of the esophagus. Dr. Berry conducted a contrast study and confirmed the incorrect placement. Ms. Michka agreed to euthanasia to prevent further suffering. Dr. Berry conducted a necropsy and the results showed the feeding tube coursed under the esophagus (not entering into the esophagus), through the mediastinum to cross to the right side and proceeded to enter the thoracic cavity. Dr. Berry discussed the case with Dr. Dunavant and was told by Dr. Dunavant that no radiographs were taken to confirm the correct placement of the esophageal tube. In Dr. Berry's professional opinion, the improper placement of the feeding tube was a contributing cause of the death of "Sugar" and that the feeding tube placement could have been confirmed with a radiograph.

5. Dr. Dunavant's incorrect placement of the esophageal feeding tube does not represent 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 Austin, 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 1 through 4, 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 the above Findings of Fact 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 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 an administrative penalty

5. Based on Conclusions of Law 1 through 4, the Board may order the license holder to refund an amount not to exceed the amount a client paid to the license holder instead of or in addition to imposing an administrative penalty, under Section 801.408 of the Veterinary Licensing Act, Texas Occupations Code.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Michael Dunavant, D.V.M., be INFORMALLY REPRIMANDED.

The Board further ORDERS that within 30 days of the date of this Order Respondent either send notification to the client of cancellation of the account payable, or pay to the client RESTITUTION of ONE THOUSAND FIVE HUNDRED THIRTY-ONE DOLLARS AND FORTY SIX CENTS (\$1,531.46). If Respondent fails to either pay the restitution or send notification to the client of cancellation of the account payable, whichever is applicable, within 30 days of the date of this Order, enforcement action will be taken.

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 his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein 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, MICHAEL DUNAVANT, 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.

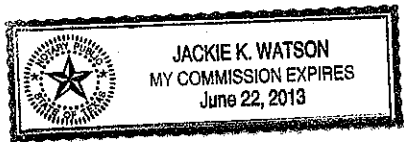
Michael Dunavant
Michael Dunavant, D.V.M.

5/17/11
Date

STATE OF TEXAS §
COUNTY OF Travis §

BEFORE ME, on this day, personally appeared MICHAEL DUNAVANT, 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 17th day of May, 2011.



Jackie K. Watson
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 28 day of June, 2011.

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