

DOCKET NUMBER 1993-18, STEPHEN P. ELORRIAGA, D.V.M.
LICENSE NUMBER 6219

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Elorriaga, 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. Elorriaga, will be granted a continuance at his option.

Dr. Elorriaga 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 perform additional lab tests to determine why the white blood cell count of a patient was elevated, thereby violating Rule of Professional Conduct 573.22, Professional Standard of Humane Treatment.

RECOMMENDED DISCIPLINARY ACTION:

1. Two years suspension with the entire period probated.

CONDITIONS:

1. Submit quarterly reports certifying compliance with this order.
2. Abide by the laws and Rules of the State of Texas as they pertain to the practice of veterinary medicine.


STEPHEN P. ELORRIAGA, D.V.M.

12/26/93
Date


Ron Allen, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

The foregoing Agree Settlement, entered into between Dr. Elorriaga, 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 2nd day of February, 1994, 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 2nd, day of February, 1994.


Mr. Clark S. Willingham, President

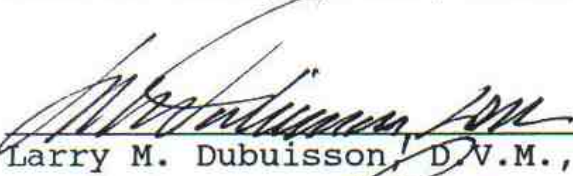
February 2, 1994
Date


Al Hopkins, Jr., D.V.M., Vice- President

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Date

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

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Date


Larry M. Dubuisson, D.V.M., Member

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Date


Olivia R. Eudaly, Member

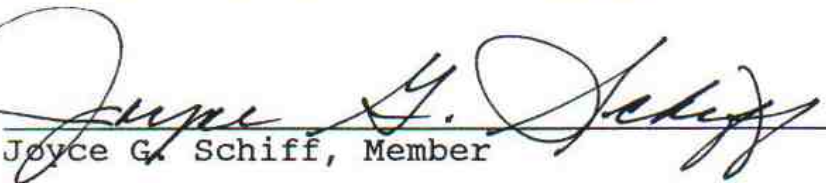
Date


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

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Date


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

"
Date


Joyce G. Schiff, Member

"
Date


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

"
Date

TEXAS STATE BOARD OF VETERINARY () TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS () LICENSE NO. 6219
vs. () 1992 RENEWAL CERTIFICATE
Stephen P. Elorriaga, D.V.M. () NUMBER 3333

COMPLAINT AFFIDAVIT

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

On or about August 5, 1992, Matthew Wendel, 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 Stephen P. Elorriaga D.V.M., 149 Elmwood, Porter, Texas, 77365, Veterinary License Number 6219, 1992 Renewal Certificate Number 3333, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Matthew Wendel, do hereby present the following complaint against Stephen P. Elorriaga, D.V.M.

I.

On or about Sunday, May 24, 1992, Mrs. Evelyn Stewart and her husband took their dog, "Mr. Mac", a 14 year old neutered mixed breed male to the Veterinary Emergency Referral Group, Inc. at approximately 10:40 p.m.

II.

Dr. Stephen Elorriaga, the veterinarian on duty at that time, examined "Mr. Mac". He noted pain of T10, T12 and L3. He obtained a white blood cell count of 90,000, gave an injection of Banamine and dispensed 12 250mg Cephalexin tablets, after he allegedly diagnosed a back problem.

III.

On the following day, Monday, May 25, 1992, Mrs. Stewart again presented "Mr. Mac" to the Veterinary Emergency Referral Group Inc. with complaint of vomiting, diarrhea and a concern about dehydration. "Mr. Mac" was then examined by Dr. Paulette Andrew. Dr. Andrew, after expressing concern about the white blood cell count from the previous day, requested further lab test and another white blood cell count. Dr. Andrew noted some dehydration and severe icterus (+++) evidenced in the scleral and oral mucus membranes. After extensive discussion with Mrs. Stewart about the critical nature of the condition of "Mr. Mac", euthanasia was performed.

IV.

By failing to perform additional lab tests to determine why the white blood cell count was elevated to 90,000, Dr. Elorriaga failed to make an honest and sincere attempt to diagnose and treat "Mr. Mac". Consequently, Dr. Elorriaga violated Rule of Professional Conduct 573.22, Standard of Humane Treatment and 14(a) (5) of the Veterinary Licensing Act.

V.

By violating Rules of Professional Conduct 573.22, Dr. Elorriaga has violated Section 14(a)(5), Texas Veterinary Licensing Act, Article 8890, V.A.C.S.

VI.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Elorriaga'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;"

ARTICLE 8890, SECTION 14B

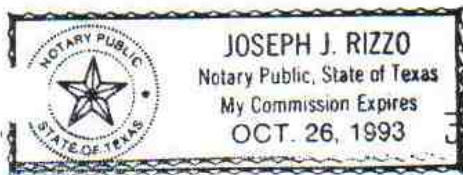
(a) If a person violates this act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of Texas Board of Veterinary Medical Examiners on this the 15th day of September, 1993

Further, Affiant sayeth not.

Matthew Wendel
Matthew Wendel, Affiant

SUBSCRIBED and SWORN TO before me by the said Matthew Wendel this the 15th day of September, 1993.



Joseph J. Rizzo
Joseph J. Rizzo, 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. Stephen P. Elorriaga, D.V.M. under Docketed Number 1993-18, this the 18 day of Sept, 1993.

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