

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
LU ERVIN, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Lu Ervin, D.V.M. (“Respondent”).

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT

1. Respondent, Lu Ann Ervin, D.V.M., of Waco, Texas, holds Texas veterinary license 5474.
2. On or about February 7, 2019, Respondent treated a four-year-old female feline, Penny.
3. On or about March 24, 2019 through July 19, 2019, Respondent treated a four-year-old, male Poodle/Schnauzer mix canine, Knucklehead.
4. The treatment provided allegedly did not meet the professional standard of care as required by the Board’s Rules of Professional Conduct.
5. Per an Agreed Order in DK2017-148, the Respondent was required to complete six (6) hours of continuing education in orthopedic surgery and three (3) hours of continuing education in patient recordkeeping by November 22, 2019.
6. The Compliance Division sent a warning letter to Respondent on December 10, 2019 giving her ten days to provide the documentation of completion of the continuing education courses.
7. A final email was sent to the Respondent on January 3, 2020. Respondent has still yet failed to provide the required documentation.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act,

Chapter 801, Texas Occupations Code, and with the Board's Rules. Respondent received notice as required by law.

2. Respondent has violated Board Rule 573.22, Professional Standard of Care, of the Board's Rules of Professional Conduct.
3. Respondent has violated Board Rule 573.62, Violation of a Board Order, of the Board's Rules of Professional Conduct.
4. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting acts that violate the Board's Rules of Professional Conduct.
5. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
6. Pursuant to Board Rule 575.25, Respondent's violations are Class A violations, and Respondent is subject to disciplinary action under that Rule.

TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

1. RETIREMENT IN LIEU OF DISCIPLINE
 - a. Based on the above Findings of Fact and Conclusions of Law, in lieu of any administrative penalties or reprimands associated with a finding of a violation of the Board's rules and the Veterinary Licensing Act, Respondent agrees to voluntarily retire her veterinary license and not seek reinstatement by the Board for five years from the date of this Order.
2. ADHERENCE TO THE LAW AND BOARD RULES
 - a. Respondent shall abide by the Board's Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.
 - b. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.
 - c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

Certification and signature page follows.

Received

DEC 17 2020

RESPONDENT'S CERTIFICATION

Texas State Board of
Veterinary Medical Examiners

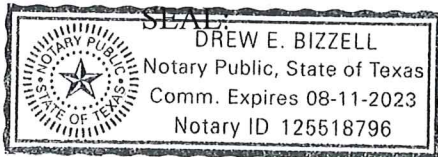
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this 2 day of December, 2020.

Lu Ann Ervin, DVM
Lu Ervin, D.V.M.

Sworn and subscribed before me this 2nd day of December, 2020.



[Signature]
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 9th day of February, 2021.

Jessica Quillivan, DVM
Jessica Quillivan, D.V.M., Presiding Board Member