

4. In February, 1999 Ms. Gramaski took "Holly" to Karin Beale, D.V.M., for an examination and reevaluation. Dr. Beale diagnosed the dog as having mites (Demodex): Dr. Beale undertook the treatment of "Holly" and the dog's condition substantially improved.

5. On February 10, 1999 Ms. Gramaski informed Dr. Evans of Dr. Beale's diagnosis of "Holly" and asked why skin scrapings that would have revealed the presence of mites were not taken by Dr. Evans. Dr. Evans told her that he had performed a skin scrape in July, 1998 and that the results were negative. A few days later Ms. Gramaski asked Dr. Evans' office for a new copy of "Holly's" records. These records noted that a skin scrape had been done in July, 1998, but this notation was absent from a previous set of records that Ms. Gramaski possessed. Records submitted by Dr. Evans to the Board in his response to the complaint showed that the notation of a skin scrape in July 1998 had been removed from the records with a new notation that the previous entry had been made in error and that no skin scrape had been taken from "Holly."

6. The acts and/or failures to act alleged in paragraphs 3 and 4, and more specifically, the failure to accurately diagnose and treat the dog's condition, do not constitute the exercise of 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 Alvin, Texas or similar communities.

7. The acts and/or failures to act alleged in paragraph 5, and more specifically, the altering of patient records regarding diagnostic procedures applied to the dog, do not represent the practice of veterinary medicine with honesty, integrity, and fair dealing to clients in time and services rendered.

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 3 through 4 and 6, Respondent has violated Rule 573.22, Professional Standards of Humane Treatment, of the Rules of Professional Conduct, which requires license holders 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 their community, or similar community.

3. Based on Findings of Fact 5 and 7, Respondent has violated Rule 573.26, Honesty, Integrity,

and Fair Dealing, of the Rules of Professional Conduct, which requires veterinarians to conduct their practice with honesty, integrity, and fair dealing in time and services rendered.

4. Based on Conclusions of Law 1 through 3, 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.

5. Based on Conclusions of Law 1 through 4, respondent is subject to imposition of an administrative penalty by the Board:

801.451. IMPOSITION OF ADMINISTRATIVE PENALTY. The board may impose an administrative penalty on a person . . . who violates this chapter or a rule adopted or order issued under this chapter.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Thomas R. Evans, D.V.M., be REPRIMANDED and that an ADMINISTRATIVE PENALTY of five hundred dollars (\$500.00) be assessed. Said ADMINISTRATIVE PENALTY is payable within forty-five days of the Board's approval of this Agreed Order.

The Board further ADOPTS the following terms and conditions:

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, Findings of Fact and Conclusions of Law herein set forth, and agrees that he

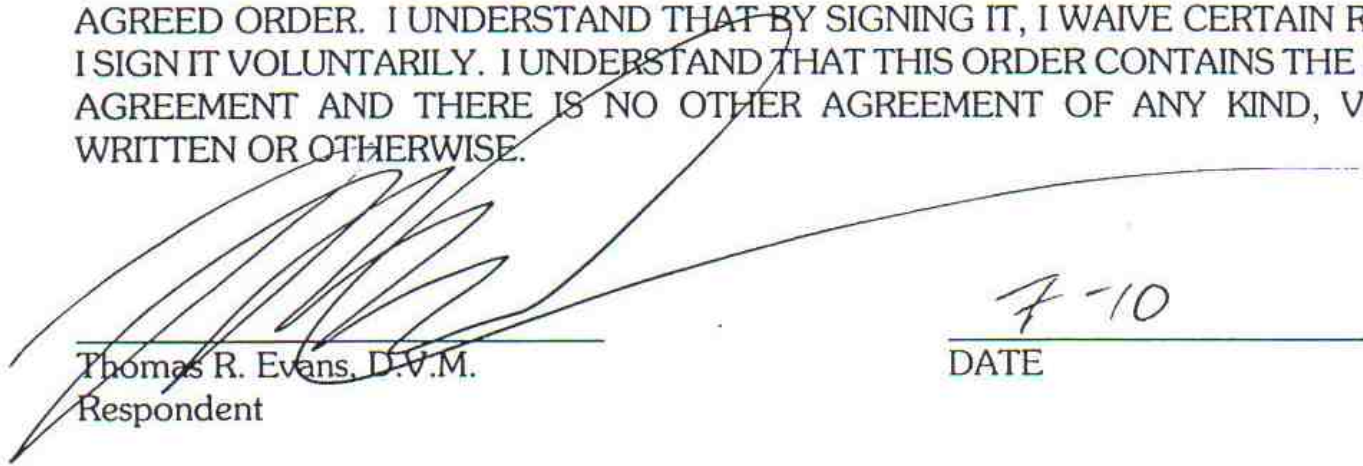
will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

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 is entitled to be represented by an attorney of Respondent's choice at his expense. Respondent has voluntarily represented himself.

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 THAT THIS IS A FINAL ORDER.

The date of this Agreed Order shall be the date it is adopted by the Texas Board of Veterinary Medical Examiners.

I, THOMAS R. EVANS, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT 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.



Thomas R. Evans, D.V.M.
Respondent

7-10, 2000
DATE

STATE OF TEXAS §
COUNTY OF Brazoria §

BEFORE ME, on this day, personally appeared Thomas R. Evans, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 10 day of July, 2000



Tina Sital
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 10th day of July, 2000.
5th October, 2000

Howard M. Head, DVM
HOWARD M. HEAD, D.V.M.
President