



4. Mr. Wheeler returned to CCAC with "Junior" on October 12<sup>th</sup>. Respondent McGrath again expressed her opinion that "Junior" suffered from an autoimmune disorder, and called Dr. Brier for consultation. Dr. Brier stated that "Junior" needed an immediate blood transfusion. Mr. Wheeler left "Junior" at CCAC. When Dr. Brier arrived at CCAC, he and Respondent McGrath administered a blood transfusion.

5. At approximately 5:28pm on October 12<sup>th</sup>, Respondent McGrath informed Mr. Wheeler that "Junior" was doing fine, had eaten a half can of dog food and was barking. However, at approximately 9:03pm, Dr. Brier informed Mr. Wheeler that "Junior" had passed away. Mr. Wheeler had a necropsy performed on "Junior" by Barbara Lewis, D.V.M., at TVMDL. Dr. Lewis determined that "Junior" died of a bacterial cystitis with subsequent sepsis, hemorrhagic panniculitis and possible terminal disseminated coagulopathy.

6. Based on the above Paragraphs, Respondent has violated Rule of Professional Conduct 573.22 PROFESSIONAL STANDARD OF HUMANE TREATMENT, by 1) her failure to properly observe and/or diagnose "Junior's" post-surgical complications, and 2) prescribing 10 ml of Metacam to be administered in .02 ml doses, until gone, which is excessive. Respondent violated §801.402 of the Veterinary Licensing Act prohibiting practices in violation of Board Rules. Respondent is subject to disciplinary action under §801.401.

#### 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 & 2, Respondent has violated Rule of Professional Conduct 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, 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 Findings of Fact and Conclusions of Law, Respondent has violated §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 §801.401 if the person:

(6) engages in practices or conduct that violates the board's rules of professional conduct.

4. Based on the Conclusions of Law, Respondent is subject to disciplinary action under §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 §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 that Respondent be INFORMALLY REPRIMANDED. The Board further ORDERS that Respondent pay and provide documentation of said payment to the Board, within 30 days of the date of this Order, RESTITUTION of Four Hundred, Sixty-One and 21/100 DOLLARS (\$461.21) to Ron Wheeler. If Respondent fails to pay the restitution within 30 days of the date of this Order, enforcement action will be initiated pursuant to the Act and the Rules.

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

I, LAUREN FLETCHER, 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.

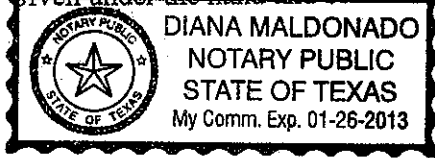
Lauren Fletcher, D.V.M.  
Lauren Fletcher, D.V.M.

8/11/2009  
Date

STATE OF TEXAS §  
COUNTY OF Tarrant §

BEFORE ME, on this day, personally appeared LAUREN FLETCHER, 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 11<sup>th</sup> day of August, 2009.



Diana Maldonado  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 8<sup>th</sup> day of October, 2009.

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