

DOCKET NO. 2008-46

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
ARTURO
GARCIA-CAMACHO, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 19th day of June, 2008, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Arturo Garcia-Camacho, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on February 22, 2008. The Respondent waived the informal conference. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges their understanding of the alleged violations and the adequacy and sufficiency of the notice provided to them.

Upon the recommendation of the Enforcement Committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact

1. On May 21, 2007, Rosemary Parra of McAllen, Texas, presented "Bailey", an eleven-year-old male cat to Arturo Garcia-Camacho, D.V.M., McAllen, Texas, of Banfield Pet Hospital (BPH) for a dental cleaning procedure.
2. According to Rosemary Parra, the dental cleaning procedure was without incident. On May 23, 2007, Ms. Parra noticed her cat had a swollen body, including her face and head. "Bailey" was salivating, gagging and had trouble breathing due to a swollen tongue. Ms. Parra rushed "Bailey" to Dr. Garcia-Camacho. Dr. Garcia-Camacho's examination disclosed subcutaneous emphysema over the animal's head, shoulders, neck and dorsum that Dr. Garcia-Camacho diagnosed as being most likely attributed to unknown trauma or a possible allergic reaction. Ms. Parra informed Dr. Garcia-Camacho that "Bailey" was an indoor cat and had sustained no

trauma at home. Dr. Garcia-Camacho treated according to his diagnosis.

3. On May 29, 2007, Ms. Parra stated that "Bailey's" body was filled with air and swollen. The cat was also gagging and gasping for air. Ms. Parra took "Bailey" to Nolana Animal Hospital where "Bailey" was examined by Dr. Dave Brown. Dr. Brown's examination disclosed that "Bailey" had a torn trachea that occurred during the intubation for the dental cleaning procedure. Dr. Brown's radiographs showed an air pocket in the cervical region. Dr. Brown stated the lungs had not collapsed and there were no signs of trauma, broken ribs or internal injuries. Dr. Brown recommended emergency surgery, though the cat's condition was not good and the animal was a poor surgical candidate. The corrective surgery was successful, however, the recovery period was very slow and "Bailey" died that day.

4. Dr. Garcia-Camacho's failure to diagnose a torn trachea following a dental cleaning procedure that included intubation 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 McAllen, Texas or similar communities. The failure to even consider a torn trachea as a possible diagnosis by Dr. Garcia-Camacho led to unnecessary pain and suffering and contributed to the pre-mature death of "Bailey."

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 Finding of Fact 4 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 3, 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.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Arturo Garcia-Camacho, D.V.M., be FORMALLY REPRIMANDED.

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 their understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that they 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 their right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that they 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.

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

I, **ARTURO GARCIA-CAMACHO, 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.



Arturo Garcia-Camacho, D.V.M.

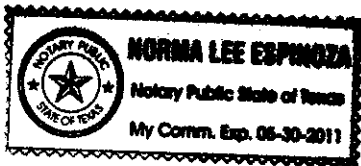
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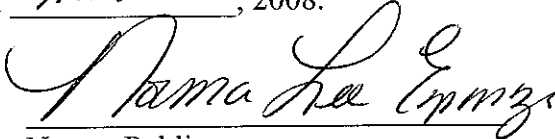
Date

STATE OF TEXAS §
COUNTY OF Hidalgo §

BEFORE ME, on this day, personally appeared **ARTURO GARCIA-CAMACHO, D.V.M.**, known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that She executed the same for the purposes stated therein.


Given under the hand and seal of office this 7 day of March, 2008.





Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 19th day of June, 2008.


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