



noted that the gums were bleeding more than normal. Respondent had the veterinary technician put pressure on the incisor sockets, which stopped the bleeding.

4. When Ms. Cornelia returned to pick up Cupcake, Cupcake had begun bleeding from her mouth again. Ms. Cornelia was told to call if the bleeding got worse or did not slow down.

5. Later that day, Ms. Cornelia decided to take Cupcake back to the clinic. Respondent examined Cupcake without sedation and gave Cupcake a shot of vitamin K. Ms. Cornelia opted to take Cupcake to an emergency clinic because there was no one at the Penny Paws Animal Clinic to oversee Cupcake during the night and because Penny Paws Animal Clinic did not have the ability to test clotting factors or have clotting products on hand.

6. At the emergency clinic, Cupcake was sedated, the gum was sutured, and the bleeding ceased. Cupcake was monitored overnight at the emergency clinic. Cupcake made a full recovery.

### **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 the above Findings of Fact, Respondent has violated Rules 573.20, RESPONSIBILITY FOR ACCEPTANCE OF MEDICAL CARE, and 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, by failing to address the patient's bleeding or make a referral to another veterinarian.

3. Based on Findings of Fact 1 through 6 and Conclusions of Law 1 through 2, Respondent has violated Sections 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 practice 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.

5. Based on the above Conclusions of Law, Respondent may be required to provide restitution to the client as set out in Section 801.408(e), INFORMAL PROCEEDINGS.

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 receive an INFORMAL REPRIMAND.

The Board further ORDERS that Respondent pay restitution to Ms. Cornelia in the amount of \$301.75 for the dental procedure and associated treatment. Proof of restitution SHALL be provided to the Board no later than forty-five (45) days from the effective date of this Order.

The Board further ORDERS that:

1. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, the laws of the State of Texas, and the laws of 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 Agreed 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 her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that she 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 her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she 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. 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.

**Signature page follows.**

I, CYNTHIA GARRETT, 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.

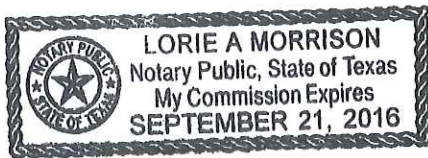
Cynthia Garrett  
Cynthia Garrett, D.V.M.

3/28/2016  
DATE

STATE OF TEXAS §  
COUNTY OF Cooke §

BEFORE ME, on this day, personally appeared Cynthia Garrett, 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 28<sup>th</sup> day of March, 2016



Lorie Morrison  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 16 April, 2016.

R. Lenarduzzi  
Roland Lenarduzzi, D.V.M., Board President