



tube for administration.

4. Upon removal of the tube, Dr. Gibbs noticed a liquid that appeared to be blood in the lumen of the tube. He brought this to the attention of Ms. Miller, but no radiographs were taken nor other diagnostic tests were performed to determine the possible source of the liquid. The dog was coughing and Dr. Gibbs suggested that Ms. Miller administer some Robitussin DM, which she did.
5. Dr. Gibbs discharged the dog with the suggestion that Ms. Miller watch "Taz", and if any problems such as labored breathing occurred, to bring the dog back for x-rays and a CBC.
6. Around 3:00 p.m., Ms. Miller's aunt returned to the clinic with the dog, complaining that "Taz" was coughing and shaking. Dr. Gibbs examined the dog and told the aunt that the dog appeared normal. No treatment was prescribed and no x-rays were taken.
7. At approximately 6:00 p.m., the aunt called the clinic and reported that "Taz" was having trouble breathing. By the time the dog was returned to the clinic around 6:30 p.m., he was dead.
8. Dr. Gibbs took post-mortem radiographs of the dog which were later reviewed by Texas A&M veterinarians. The radiographs were adjudged to be inconclusive as to the cause of death.
9. The acts and/or failures to act alleged in Findings of Fact 3 through 8, and more specifically, the failure to take radiographs and conduct other diagnostic procedures on the dog when the endotracheal tube indicated a possible problem and later when the dog was returned to the clinic with additional symptoms, 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 Beaumont, Texas or similar communities.

#### **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. Rule 573.22 - Professional Standard of Humane Treatment, of the Board's Rules of Professional Conduct (22 TAC §573.22) states that veterinarians shall exercise the same degree of humane care, skill and diligence in treating patients as are 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 Findings of Fact 3 through 9, Respondent has violated Rule 573.22 - Professional Standard of Humane Treatment, of the Board's Rules of Professional Conduct.

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.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Jeffery Kevin Gibbs, D.V.M., be REPRIMANDED.

The Board further ORDERS that Jeffery Kevin Gibbs, D.V.M., pay, within forty-five (45) days of this Order, a civil penalty of FIVE HUNDRED DOLLARS (\$500.00).

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

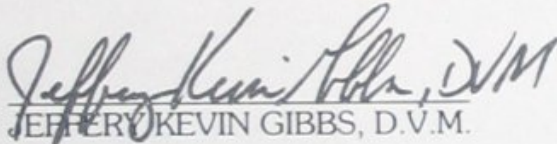
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to seek judicial review of this Agreed Order. Respondent acknowledges that he is entitled to be represented by an attorney of Respondent's choice at his expense.

RESPONDENT 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, JEFFERY KEVIN GIBBS, 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.

  
JEFFERY KEVIN GIBBS, D.V.M.

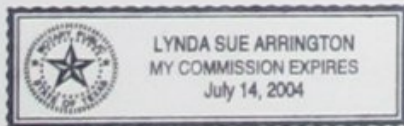
Respondent

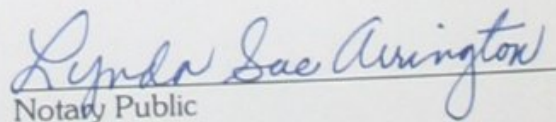
June 5, 2001  
DATE

STATE OF TEXAS §  
COUNTY OF TARRANT §

BEFORE ME, on this day, personally appeared Jeffery Kevin Gibbs, 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.

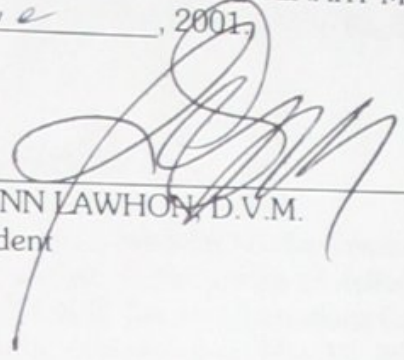
Given under the hand and seal of office this 5 day of June, 2001



  
Notary Public

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SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 21 day of June, 2001.



J. LYNN LAWHON, D.V.M.  
President

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