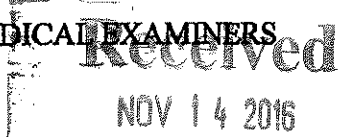


IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
GEORGE GIBSON, D.V.M.	§	MEDICAL EXAMINERS



 Received

 NOV 14 2016

AGREED ORDER

On this the 8 day of December, 2016, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of George Gibson, D.V.M. ("Respondent"). Pursuant to Section 801.408 of the Texas Occupations Code, and Board Rule 575.29, an informal conference was held on October 17, 2016. Respondent attended the informal conference and was represented by counsel, Don Ferrill, D.V.M. 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 understanding the alleged violations and the adequacy and sufficiency of the notice provided.

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. Respondent, George Gibson, D.V.M. of El Paso, Texas, holds Texas veterinary license 3407.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 ("Act"). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners ("Board Rules") (22 Tex. Admin. Code, Chapter 575).
3. On November 13, 2015, Raymond Ridley presented his two year old pregnant French bulldog, named Bunnie, to the Eastwood Animal Clinic (hereinafter "the Clinic") in El Paso, Texas, to obtain a puppy count and estimate a C-section date. Mr. Ridley was informed that Bunnie had 5 puppies. Mr. Ridley was unsure of the exact breeding date.

4. On November 17, 2015, Mr. Ridley presented Bunnie to Respondent at the Clinic to monitor Bunnie in case she went into labor while Mr. Ridley was at work. Mr. Ridley signed a consent form for a C-section. During the observation, Respondent noted that Bunnie appeared uncomfortable and had mucous coming from her vulva. Respondent believed Bunnie was going into labor and performed a C-section. Respondent did not know the breeding date, and thus could not ascertain the exact time of gestation. Respondent removed one underdeveloped puppy, and then closed the incision to allow the other puppies further time to develop. Mr. Riley took that puppy to an emergency hospital, then took the puppy home where it died 24 hours later.

5. On November 21, 2015, Mr. Ridley presented Bunnie to Laura Heaton, D.V.M., at Paws N Hooves Clinic in El Paso, Texas. Dr. Heaton performed a C-section, but the 4 remaining puppies could not be resuscitated. Dr. Heaton noted that Bunnie's uterus was infected and recommended a spay procedure, but Mr. Ridley declined.

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 Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, by closing the C-section incision without removing the remaining puppies, and, thus, failing to 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. This violation is mitigated by unknown breeding date.

3. Based on the above Findings of Fact and Conclusions of Law, 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 the above Conclusions of Law, 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 Findings of Fact and Conclusions of Law, and given the nature and severity of the violations, Respondent's violations are Class B violations under Rule 575.25, **RECOMMENDED SCHEDULE OF SANCTIONS**, and Respondent is subject to discipline under that Rule.

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:

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

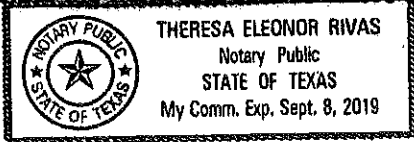
George Gibson DVM
George Gibson, D.V.M.

11-10-2016
DATE

STATE OF TEXAS §
COUNTY OF El Paso §

BEFORE ME, on this day, personally appeared George Gibson, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me executing the same for the purposes stated therein.

Given under the hand and seal of office this 10th day of November, 2016



Theresa Eleonor Rivas
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 8 December, 2016.

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