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TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH 35, Suite 306
Austin, TX 78704

DOCKET NUMBER 1991-29
Michael T. Gilbreath, D.V.M.
LICENSE NUMBER: 4715

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Gilbreath and the Texas State Board of Veterinary Medical Examiners staff in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Gilbreath will be granted a continuance at his/her option.

Dr. Gilbreath does not contest the allegations set forth in the Complaint, attached as Exhibit "A" and incorporated herein for all purposes, and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, he/she is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

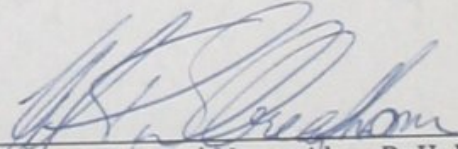
SUMMARY OF CHARGES: Failure to exercise humane care, skill, and diligence in treating a cat owned by Pamela K. Benson and Kenneth Buch

RECOMMENDED DISCIPLINARY ACTION:

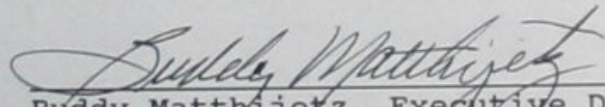
1. Official Reprimand

CONDITIONS:

1. Abide by the laws and rules of the State of Texas as they pertain to the practice of veterinary medicine.



Michael T. Gilbreath, D.V.M.

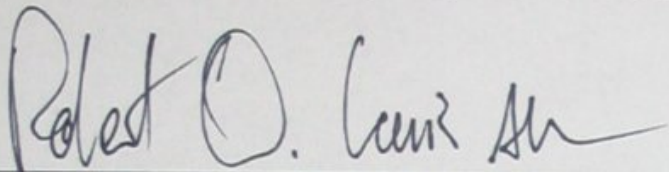


Buddy Matthijetz, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

Date: 9/5/91

The foregoing Agreed Settlement, entered into between Dr. Michael T. Gilbreath, the Board Secretary, and Board Executive Staff and having been presented to the Texas State Board of Veterinary Medical Examiners as a No contest Plea, was accepted by the Board, and the Board, on the 3rd day of October, 1991, ORDERED that all penalties and conditions as stated therein be complied with the same as if the Board had heard evidence and testimony and as a result of such hearing had issued Findings and Orders.

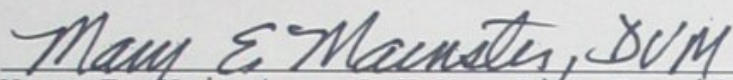
Executed this the 3rd, day of October, 1991.



Robert D. Lewis, D.V.M., President

10/3/91

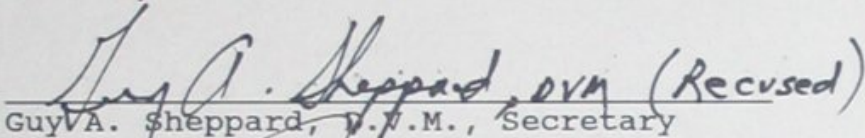
Date



Mary E. Mainster, D.V.M., Vice-President

10/3/91

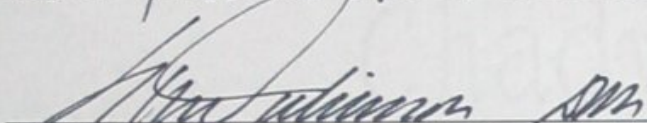
Date

 (Recused)

Guy A. Sheppard, D.V.M., Secretary

10/3/91

Date



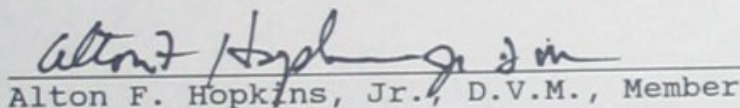
Larry M. Dubuisson, D.V.M., Member

10/3/91

Date

Mrs. Olivia R. Eudaly, D.V.M., Member

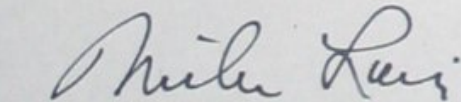
Date



Alton F. Hopkins, Jr., D.V.M., Member

10/3/91

Date



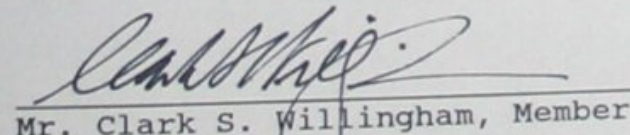
Mr. Mike Levi, Member

10/3/91

Date

Fred K. Soifer, D.V.M., Member

Date



Mr. Clark S. Willingham, Member

10/3/91

Date

DOCKETED COMPLAINT NO. 1991-29

TEXAS STATE BOARD OF VETERINARY	()	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	()	LICENSE NO. 4715
vs.	()	1991 RENEWAL CERTIFICATE
MICHAEL T. GILBREATH, D.V.M.	()	NUMBER 2455

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared MATTHEW WENDEL, who after being duly sworn, did depose and say:

On or about January 28, 1991, Matthew Wendel, being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one MICHAEL TERRY GILBREATH, Waxahachie Veterinary Clinic, P.C., 115 Dallas Highway, Waxahachie, Ellis County, Texas, Veterinary License Number 4715, 1991 Renewal Certificate Number 2455, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Matthew Wendel, do hereby present the following complaint against MICHAEL T. GILBREATH, D.V.M., who is hereinafter called Respondent.

I.

On or about December 26, 1990, Pamela K. Benson and Kenneth Buch presented their cat "Chip" to Respondent's clinic for examination. The cat was not eating or drinking normally and had rapid, shallow breathing. Respondent listened to the heart and lungs through a stethoscope and diagnosed the condition as feline asthma with a touch of bronchitis. Respondent administered Vetalog injectable. The need for additional tests was discussed and Respondent responded that further testing was not necessary.

II.

On December 31, 1990, the cat was presented with little or no improvement noted. Further testing was discussed and Respondent expressed his reluctance to perform further tests as the cat would start responding to the medication. Oral Prednisone and Aminophyllin therapy was instituted.

III.

Due to the continued deterioration of the cat, Respondent was contacted on January 2, 1991, concerning the worsening symptoms and the feasibility of further tests to diagnose the condition. Respondent declined, stating that the primary thing was to reduce the water that was still in the cat's lungs. Furosemide was dispensed.

IV.

On the evening of January 4, 1991, "Chip" was exhibiting extremely labored and shallow breathing, trembling and glazed eyes. The cat was taken to another veterinary clinic, and despite intensive treatment, died the next day. An examination of a specimen sent to the Texas Veterinary Diagnostic Laboratory revealed that "Chip" died of Histoplasmosis.

V.

Because of his failure to conduct adequate diagnostic testing to properly diagnose the cat's condition, upon initial presentation or on subsequent visits, thereby allowing the cat to suffer needlessly, Respondent failed to meet the professional standard of care in violation of Rule of Professional Conduct 573.22 and Section 14(a)(5) of Article 8890, Veterinary Licensing Act, which state in part:

573.22 PROFESSIONAL STANDARD OF HUMANE TREATMENT

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.

ARTICLE 8890, SECTION 14(a)

". . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee . . . if it finds that a licensee:

. . . .
(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with law;

VI.

The Texas State Board of Veterinary Medical Examiners has grounds to take disciplinary action against Dr. Gilbreath's Veterinary License under the Texas Veterinary Licensing Act, V.A.T.S., Article 8890, (formerly Article 7465a) Section 14 which states in part:

ARTICLE 8890, SECTION 14(a)

". . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee . . . if it finds that a licensee:

. . . .
(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with law;

ARTICLE 8890, SECTION 14B

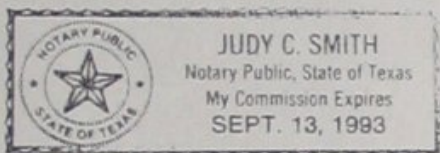
(a) If a person violates this Act in a manner that constitutes grounds for disciplinary action by the Board, the Board may assess a civil penalty against that person in addition to taking action under Section 14 or 14A of this Act.

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 7th day of August, 1991.

Further, Affiant sayeth not.

Matthew Wendel
MATTHEW WENDEL, Affiant

SUBSCRIBED and SWORN TO before me by the said MATTHEW WENDEL, this the 7th day of August, 1991.



Judy C. Smith
JUDY C. SMITH, Notary in and for Texas

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. MICHAEL T. GILBREATH, D.V.M. under Docketed Number 1991-29, this the 19th day of August, 1991.

Guy A. Sheppard, D.V.M.
GUY A. SHEPPARD, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners