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DOCKET NO. 2002-08

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| IN THE MATTER OF       | § | TEXAS STATE BOARD OF         | State Board of Veterinary<br>Medical Examiners |
| THE LICENSE OF         | § |                              |  |
| ROQUE GONZALES, D.V.M. | § | VETERINARY MEDICAL EXAMINERS |  |

**AGREED ORDER**

On this the 21<sup>st</sup> day of February, 2002 came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of Roque Gonzales, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on November 15, 2001. The Respondent attended without counsel. 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 his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

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 September 20, 2000 Ms. Charlotte Sampson of San Antonio, Texas presented her dog "Clea" to the Highland Animal Hospital, San Antonio, Texas for boarding until September 25. The dog was examined by Roque Gonzales, D.V.M. and given her vaccinations. The dog was ambulatory when she was presented to the hospital. Dr. Gonzales observed that "Clea" was very obese and was having difficulty moving around.
2. Following his examination of the dog, Dr. Gonzales left the clinic and returned two days later on September 22, 2000. He was informed by the hospital staff that "Clea" could not stand on her feet. Dr. Gonzales used the dog's leash to lift her up. The staff was instructed to provide a "dri deck" in the dog's run so she would not be lying on the kennel floor. On September 23 Dr. Gonzales noted in the patient records that "dog unable to walk or stand without help. Has some pressure sores on back legs." Dr. Gonzales did not inform Ms. Sampson of the dog's changed condition at that time, although Ms. Sampson had furnished him with a phone number where she

could be reached. The only treatment given on September 23 was an antibiotic injection.

3. Ms. Sampson's daughter picked up "Clea" from the hospital on September 25. Dr. Gonzales did not mention the sores at that point. Dr. Gonzales loaded the dog into his truck and returned her to Ms. Sampson's home. Ms. Sampson observed deep sores on the dog's elbows, buttocks, tail and legs that were not present when she presented "Clea" to the hospital on September 20. She also noticed rope burns on the dog's stomach caused by trying to get the dog on her feet at the hospital.

4. On September 27 Ms. Sampson took "Clea" to the Emergency Animal Clinic, Inc. of San Antonio where she was examined by Susan J. Leonard, D.V.M. Dr. Leonard observed that the dog had an elevated temperature, an increased respiratory rate, and five areas of deep ulcerations over the extremities.

5. On September 28 Ms. Sampson presented "Clea" to Lori A. Curd, D.V.M., Mission Animal Hospital, San Antonio, who confirmed the presence of pressure ulcers and administered treatment.

6. Dr. Gonzales' failure to notify Ms. Sampson of the dog's medical condition on September 23, 2000 and the failure to provide treatment of the animal's sores from September 23 until the dog's release on September 25 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 San Antonio, 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. Based on Findings of Fact 2 through 6, 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 2 through 6 and Conclusions of Law 1 through 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 a civil 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 Roque Gonzales, D.V.M., be REPRIMANDED.

The Board further ORDERS that Respondent pay a CIVIL PENALTY of \$500, payable within 45 days of this ORDER.

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

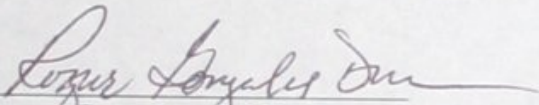
satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he had the right to 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, ROQUE GONZALES, 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.

  
Roque Gonzales, D.V.M.

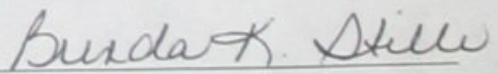
12-12-01  
Date

STATE OF TEXAS §  
COUNTY OF Brewer §

BEFORE ME, on this day, personally appeared Roque Gonzales, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

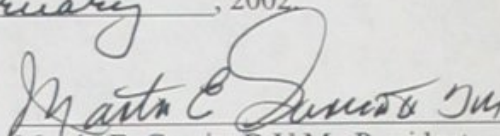
Given under the hand and seal of office this 12<sup>th</sup> day of December, 2001.



  
Notary Public

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SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL  
EXAMINERS on this the 21 day of February, 2002

  
Martin E. Garcia, D.V.M., President