

DOCKET NO. DK2018-026

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

Received
JUL 9 2018
Texas State Board of
Veterinary Medical Examiners

AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Roque Gonzales, D.V.M. (“Respondent”).

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT

1. Respondent, Roque Gonzales, D.V.M., of San Antonio, Texas, holds Texas veterinary license 5618.
1. On April 11, 2017, Brittany Blackmon presented her one (1) year old, female Pit Bull, Kitt, to the Respondent at VitalPet Northwood Animal Hospital (“the facility”) in San Antonio, Texas. Kitt had been bitten by another dog. Respondent examined Kitt and prescribed Clavamox to treat the swelling of Kitt’s neck.
2. On April 21, 2017, at 7:30 AM, Ms. Blackmon presented Kitt to the facility and reported that Kitt had been bleeding from the mouth and acting lethargic and depressed. Ms. Blackmon also stated that the swelling of injury on Kitt’s neck had increased dramatically overnight. After dropping off Kitt at the facility, Ms. Blackmon called back and reported that Kitt had gotten into rat poison approximately a week before.
3. Respondent examined Kitt’s mouth and observed a slight amount of blood and a small abrasion on the upper mucosal area of the lip. Respondent also observed swelling under the area of the mandibular lymph nodes, which he stated did not appear to be responding to the Clavamox. Respondent stated that he attempted to aspirate the area but was unable to collect any fluid, pus, or blood. Respondent also performed a complete blood count (CBC) and blood chemistry panel. Respondent stated that the results did not support a rodenticide toxicity diagnosis.
4. At approximately 1:00 PM, Ms. Blackmon contacted the clinic for an update and was told that Respondent was out to lunch and had not finished his diagnosis. Ms. Blackmon then asked if testing had been done to check for rat poisoning. The office manager, Sandra Hazlett, told Ms. Blackmon that lab work had been done, but she did not provide Ms. Blackmon with a clear answer regarding the results. Ms. Blackmon was told that Respondent and his staff were not concerned

with the possibility of rat poisoning because the symptoms would have already presented themselves within twenty four (24) hours of ingestion.

5. Respondent stated that he ran a second blood test after returning from lunch. Respondent stated that this test showed normal results. Respondent was unable to provide blood test results from the afternoon.

6. At approximately 1:37 p.m., Respondent telephoned Ms. Blackmon. Ms. Blackmon again asked if any tests had been done to check for rat poisoning. Respondent stated that the facility did not have that kind of test and that a blood sample would need to be sent off for testing. During this conversation, Respondent agreed to administer a vitamin K1 injection per Ms. Blackmon's request. However, the Respondent became sidetracked with another patient, and Kitt was discharged before Respondent administered the K1 injection. Respondent did not refer Kitt to another veterinarian for examination or blood testing for rat poisoning.

7. Immediately after leaving the facility, Ms. Blackmon presented Kitt to Leslie Bauer, D.V.M., at the Blue Pearl Emergency Clinic in San Antonio, Texas, for further treatment. Dr. Bauer observed blood in Kitt's mouth, pain on opening, and firm swelling under her mandible. Dr. Bauer also stated that Kitt was presented with enlarged submandibular lymph nodes, an enlarged left popliteal lymph node, and left hind limb swelling. Within thirty (30) minutes of being examined, Dr. Bauer informed Ms. Blackmon that Kitt's clotting times were out of range, which indicated ingestion of rat poison. Subsequently, Kitt received a plasma transfusion and vitamin K1 treatment, and recovered uneventfully.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules. Respondent received notice as required by law.

2. Respondent has violated Board Rule 573.22, Professional Standard of Care, of the Board's Rules of Professional Conduct.

3. Respondent has violated Board Rule 573.24, Responsibility of Veterinarian to Refer a Case, of the Board's Rules of Professional Conduct.

4. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.

5. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.

6. Pursuant to Board Rule 575.25, Respondent's violations are Class B violations, and Respondent is subject to disciplinary action under that Rule.

TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

1. REPRIMAND

- a. Respondent is hereby informally reprimanded by the Board. This informal reprimand will not be published in the Board's newsletter and will not be routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database. A copy of this informal reprimand will be forwarded to the AAVSB if specifically requested by that organization.

2. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of one thousand dollars (\$1,000.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701. Partial payments will not be accepted.
- b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent's license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter may be referred to the Attorney General for collection, pursuant to Texas Occupations Code, Section 801.458.

3. CONTINUING EDUCATION

- a. In addition to the annual continuing education required for license renewal, Respondent shall complete three (3) hours of continuing education in the area of toxicology within one year of the date the Board approves this Order. These hours shall be in addition to Respondent's annual continuing education requirements. Respondent shall submit documentation of the completed continuing education penalty and the required annual continuing education to the Board within one year and 30 days of the date the Board approves this Order. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

4. ADHERENCE TO THE LAW AND BOARD RULES

- a. Respondent shall abide by the Board's Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.
- b. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance

with this Order.

- c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

Certification and signature page follows.

RESPONDENT'S CERTIFICATION

Rbn
I understand that I have the right to legal counsel prior to signing this Order. ~~I waive representation by counsel.~~ *Rbn* I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

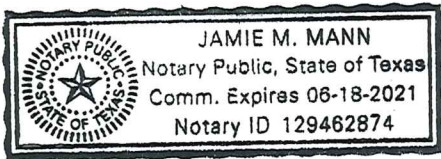
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this 3rd day of July, 2018.

Roque Gonzales DVM
Roque Gonzales, D.V.M.

Sworn and subscribed before me this 3rd day of July, 2018.

SEAL:



Jamie M. Mann
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 31st day of July, 2018.

Jessica Quillivan
Jessica Quillivan, D.V.M., Presiding Board Member