

IN THE MATTER OF THE LICENSE OF	§	TEXAS STATE BOARD OF
	§	
BRUCE GRAY, D.V.M.	§	VETERINARY MEDICAL EXAMINERS

### AGREED ORDER

On this the 10<sup>th</sup> day of October, 1998, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Bruce Gray, D.V.M., ("Respondent" or "Dr. Gray"), pursuant to the Veterinary Licensing Act ("Act") § 18F and Board Rule 575.27. On July 12, 1998, Respondent waived in writing his right to appear at an Informal Conference, held on July 21, 1998, in response to a letter of invitation from the Board. The Board was represented at the Informal Conference by the 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 Agreed Order. In waiving an adjudicative hearing, Respondent acknowledges understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon 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. Bruce Gray, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 3081, 1998 renewal certificate number 1209. Respondent is not subject to prior disciplinary action by the Board.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.
3. On or about January 13, 1996, Nancy Renaud presented her four year old long hair domestic female cat, "Misty" to Bruce Gray, D.V.M., at North 23<sup>rd</sup> Street Veterinary Clinic, McAllen, Texas.

Ms. Renaud complained of the same urinary problems - frequent trips to the litter box without significant quantities of urine excreted - for which the cat had been presented to Dr. Gray approximately a week before.

4. On or about that same day, Dr. Gray examined the cat and suggested to Ms. Renaud that the cat be left with the clinic so that a pneumocystogram and blood chemistry could be performed. Dr. Gray could only find a small pet taxi which barely exceeded the size of the 12 pound cat. There was not sufficient room available in the pet taxi for the cat to stand up. Dr. Gray had some difficulty placing the cat in the pet taxi.

5. On or about that same day at approximately 1:45p.m., Dr. Gray's partner, Jerry Haughn, D.V.M., administered .6 cc Ketaset, emptied the bladder and took radiographs. The radiographs indicated the presence of a small urolith and a moderately thickened bladder. Blood was drawn for laboratory analysis of Chem 24 and CBC. The cat was returned to the small pet taxi.

6. On or about that same day at approximately 2:45p.m., Dr. Gray checked on the cat and removed her from the pet taxi. Dr. Gray washed off blood and urine from the cat's rear end. The cat was returned to the small pet taxi.

7. On or about that same day at approximately 3:45p.m., Dr. Gray and a technician again checked on the cat. The cat was still subject to some degree to the effects of the Ketaset. Dr. Gray instructed a technician to clean up an additional amount of passed blood on the cat. The technician returned the cat to the small pet taxi.

8. On or about that same day at approximately 4:00p.m., Dr. Gray checked on the cat and found that she had died. Dr. Gray found the cat with an extreme cervico-ventral flexion of the neck.

9. The acts and/or failures to act alleged in paragraphs 4 through 8, including but not limited to the placing of the cat during recovery from anesthesia in a pet taxi of insufficient size, 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 McAllen, Texas or similar community.

#### Conclusions of Law

1. Respondent is required to comply with the provision of the Act and Board Rules.
2. Section 14 (a) of the Act authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings of non-compliance with the Act or Board Rules.
3. Based on Findings of Fact 4 through 9, Dr. Gray has violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.
4. Based on Conclusion of Law 3, Respondent is subject to disciplinary action by the Board under the Act §14(a) (5).

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Dr. Gray receive an OFFICIAL REPRIMAND under the following terms and conditions:

1. Respondent shall pay an administrative penalty in the amount of \$500, payable within forty-five (45) days of the Board's approval of the Agreed Order.
2. 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.
3. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this order.
4. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Act or the Board Rules, may result in further disciplinary action.

Respondent, Bruce Gray, D.V.M., 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 of the Board.

Respondent, Bruce Gray, D.V.M., by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order.

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 State Board of Veterinary Medical Examiners.

I, Bruce Gray, 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 THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Bruce Gray DVM  
Bruce Gray, D.V.M.  
Respondent

25 Aug, 1998  
DATE

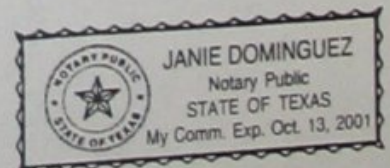
STATE OF TEXAS §  
COUNTY OF Hidalgo §

BEFORE ME, on this day, personally appeared Bruce Gray, 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.

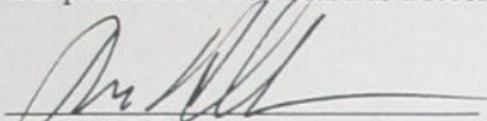
Given under the hand and seal of office this 25 day of August, 1998.

Notary Seal

Janie Dominguez  
Notary Public

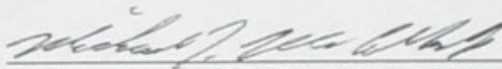


This agreed order has been entered between Dr. Bruce Gray and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.

  
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RON ALLEN  
Executive Director, TSBVME

DATE August 28, 1998

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 1st day of October, 1998.

  
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MICHAEL J. MCCULLOCH, D.V.M.  
President

DOCKETED COMPLAINT NO. 1998-13

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 3081
vs.	§	1998 RENEWAL CERTIFICATE
BRUCE GRAY, DVM	§	NUMBER 1209

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Mike Carroll, who after being duly sworn, did depose and say:

On or about October 10, 1997, Mike Carroll, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Bruce Gray, D.V.M., North 23<sup>rd</sup> Street Veterinary Clinic, 1711 North 23<sup>rd</sup> Street, McAllen, Texas, 78501, Veterinary License Number 3081, 1998 Renewal Certificate Number 1209, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, Mike Carroll, do hereby present the following complaint against Bruce Gray, DVM.

I.

On or about January 13, 1997, Nancy Renaud presented her four year old long hair domestic female cat, "Misty", to Bruce Gray, D.V.M., at the North 23<sup>rd</sup> Street Veterinary Clinic, McAllen, Texas. Ms. Renaud complained of the same urinary problems - frequent trips to the litter box without significant quantities of urine excreted - for which the cat had been presented to Dr. Gray approximately a week before.

II.

On or about that same day, Dr. Gray examined the cat and suggested to Ms. Renaud that the cat be left with the clinic so that a pneumocystogram and blood chemistry could be performed. Dr. Gray could only find a small pet taxi which barely exceeded the size of the 12 pound cat. There was not sufficient room available in the pet taxi for the cat to stand up. Dr. Gray had some difficulty placing the cat in the pet taxi.

III.

On or about that same day at approximately 1:45p.m., Dr. Gray's partner, Jerry Haughn, D.V.M., took radiographs. The cat was returned to the small pet taxi.

IV.

On or about that same day at approximately 2:45p.m., Dr. Gray checked on the cat and removed her from the pet taxi. Dr. Gray washed off blood and urine from the cat's rear end. The cat was returned to the small pet taxi.

V.

On or about the same day at approximately 3:45p.m., Dr. Gray and a technician again checked on the cat. The cat was still subject to some degree of the effects of the Ketaset. Dr. Gray instructed a technician to clean up an additional amount of passed blood on the cat. The technician returned the cat to the small pet taxi.

VI.

On or about that same day at approximately 4:00p.m., Dr. Gray checked on the cat and found that she had died. Dr. Gray found the cat with an extreme cervico-ventral flexion of the neck.

VII.

The blood chemistry results on the blood drawn on or about January 13, 1998, were:

Creatinine	2.0 mg/dl
ALT/GPT	157 u/l
BUN	29 mg/dl
WBC	18 k/ul.

VIII.

Ms Renaud did not request a necropsy.

IX.

The acts and/or failures to act alleged in paragraphs II through VI 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 McAllen, Texas or similar community.

X.

Based on paragraphs II through VI, and paragraph IX, Dr. Gray has violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.

XI.

Based on paragraphs II through VI, IX and X, Dr. Gray has also violated Section 14 (a) (5) of the Veterinary Licensing Act, article 8890.

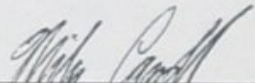
ARTICLE 8890, SECTION 14

(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:

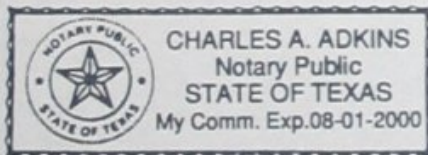
(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law;

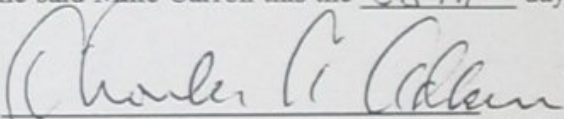
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 25<sup>TH</sup> day of SEPTEMBER 1998.

Further, Affiant sayeth not.

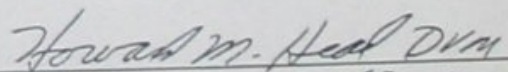
  
\_\_\_\_\_  
Mike Carroll, Affiant

SUBSCRIBED and SWORN TO before me by the said Mike Carroll this the 25<sup>TH</sup> day of SEPTEMBER, 1998.



  
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Charles A. Adkins, Notary Public 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. Bruce Gray, D.V.M. under Docketed Number 1998-13 this the 25<sup>TH</sup> day of September 1998.

  
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Howard M. Head, DVM, Board Secretary  
Texas State Board of Veterinary Medical Examiners