

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
LLELWYN P. GREGG, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this the 28 day of June, 2011, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Llelwyn P. Gregg, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rules 573.22 and 573.52, an informal conference was held on April 11, 2011. The Respondent was not represented by 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 February 3, 2010, Cecily & Mike Huggins of Commerce, Texas, presented "Brandt" a three year-old female Pitbull for a spay procedure to Llelwyn P. Gregg, D.V.M. of Gregg Animal Clinic in Campbell, Texas.
2. The spay procedure was performed without any complications and "Brandt" was released. On February 4, 2010, "Brandt" experienced difficulty breathing and became unresponsive and died. The same day, they presented "Brandt" to Gary Thompson, D.V.M. of Commerce Veterinary Clinic for a necropsy. Dr. Thompson found the dog's abdominal cavity to be full of blood and blood clots. No ligature was found around the body of the uterus. There was a mass of omentum and broad ligament located to the right of the uterine stump that was loosely encircled with suture. A broad ligament was incorporated into the single ligature with pooled and clotted blood around the pedicle. The left pedicle was single ligated and appeared secure. Dr.

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Thompson noted the cause of death was exsanguination due to inadequate ligation of the right ovarian pedicle and uterine stump.

3. Dr. Gregg's surgical technique in the spay procedure does not represent 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 Campbell, 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 Facts 1 through 3, Respondent has violated Rule 573.22 PROFESSIONAL STANDARD OF HUMANE TREATMENT, which requires veterinarians 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 member of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities.

3. Based on Findings of Fact 1 through 3 and Conclusions of Law 1 and 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 4, 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: (a)

(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.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

5. Based on Conclusions of Law 1 through 4, the Board may order the license holder to refund an amount not to exceed the amount a client paid to the license holder instead of or in addition to imposing an administrative penalty, under Section 801.408 of the Veterinary Licensing Act, Texas Occupations Code.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Llelwyn P. Gregg, D.V.M., be FORMALLY REPRIMANDED.

The Board further ORDERS that Respondent pay, within 30 days of the date of this Order, RESTITUTION of EIGHTY FIVE DOLLARS (\$85.00). If Respondent fails to pay the restitution within 30 days of the date of this Order, enforcement action will be taken.

In addition, the Board ORDERS that Llelwyn P. Gregg, D.V.M. complete an additional THREE (3) hours of continuing education in soft tissue surgery to be completed within one year of the date of this order. Documentation of the completion of the continuing education penalty shall be received by thirty (30) days following the end of the period to receive the continuing education required for this Order. If Respondent fails to provide documentation of completion within forty-five (45) days from the end of the period to receive the continuing education, Respondent's license shall be suspended until the continuing education penalty is completed and documentation is received by the Board.

The Board further ORDERS that:

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, and Findings of Fact and Conclusions of Law set forth herein, 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 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.

I, LLELWYN P. GREGG, 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.

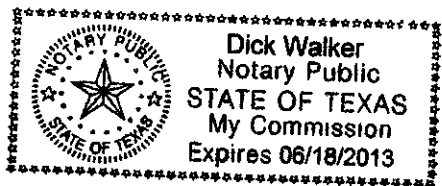
Llelwyn P. Gregg, D.V.M.
LLELWYN P. GREGG, D.V.M.

28 APRIL 2011
Date

STATE OF TEXAS §
COUNTY OF Harris §

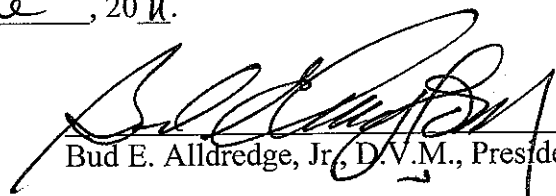
BEFORE ME, on this day, personally appeared Llelwyn P. Gregg, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 28 day of April, 2011



Dick Walker
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL
EXAMINERS on this the 28th of June, 2011.



Bud E. Alldredge, Jr., D.V.M., President