DOCKET NO. 2004-09

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

AGREED ORDER

On this the 17th day of June, 2004, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of Sterling Hall, D.V. M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on March 3, 2004. 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 April 10, 2003, Andrew Rodriguez, Houston, Texas, presented his cat "Sally" to Sterling Hall, D.V.M., at the Hearthstone Animal Clinic, Houston, Texas, for a persistent skin condition. Diana Rodriguez called the clinic around 10:00 a.m. and was told that Dr. Hall had given the cat medication and was going to apply dipping solution to the cat's skin. Later in the morning, Dr. Hall called Diana Rodriguez and told her that the cat had developed a film on one eye and that he had taken the cat to an eye specialist for examination. The specialist found that the cat had sustained a chemical ocular burn. He stated that the cat was in shock and in poor medical condition. Later in the day, Dr. Hall told Ms. Rodriguez that "Sally" had sustained a burned eye and had burns on her mouth and throat. He said that the cat had died.

2. When he examined the cat, Dr. Hall gave her an injection of methyl prednisolone and decided to dip the cat in a lyme sulfur solution. He delegated the administration of the solution to a clinic technician who had never done the procedure at his clinic. He then went into surgery on another patient. After finishing surgery, Dr. Hall checked on "Sally" and saw nothing unusual. However, thirty minutes later, he noticed the film on the eye. In Dr. Hall's opinion, the dipping solution was applied at too high a concentration, causing the injuries and subsequent death.

3. Dr. Hall's failure to properly supervise the administration of a skin dip by a non-licensed person who had not previously done the procedure at his clinic, 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 community in Houston, 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 1 through 3, 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. Base on Finding of Fact 2, Respondent has violated Rule 573.10, SUPERVISION OF NON-LICENSED EMPLOYEES, of the Board's Rules of Professional Conduct, by failing to properly supervise the actions of a non-licensed person who had not previously performed the procedure at the Respondent's clinic.

4. Based on Findings of Fact 1 through 3 and Conclusions of Law 1 through 3, 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.

5. 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:
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> > (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 Sterling Hall, D.V.M., be FORMALLY REPRIMANDED.

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 herein 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 is not 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. 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, **STERLING HALL**, 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.

Sterling Hall, D.V.M.

3/19/04
Date

STATE OF TEXAS §
COUNTY OF _____ §

BEFORE ME, on this day, personally appeared Sterling Hall, 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 19th day of march, 2004.

LAURA MELLISH
Notary Public, State of Texas
My Commission Expires
October 03, 2007

Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 17th day of June, 2004.

Dee Pederson, D.V.M., President