

DOCKETED COMPLAINT NO. 1988-12

TEXAS STATE BOARD OF VETERINARY		TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS		LICENSE NO. 3265
vs.		1987 RENEWAL CERTIFICATE
JANIS A. K. HAWTHORNE, D.V.M.		NUMBER 2724

FINDINGS, CONCLUSIONS AND ORDERS OF THE BOARD

On the 4th day of February, 1988, the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS, being in regular meeting at the Westin Hotel, El Paso, El Paso County, Texas, such meeting being called for the purpose of hearing and considering the above numbered and entitled complaint as well as for consideration of other Board business, and the above entitled and numbered complaint having been previously scheduled for hearing and Defendant, the said D.V.M., having been duly notified and the following members of the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS being present to-wit:

DR. W. L. "DUB" ANDERSON, President	of Addison, TX
MR. JIM F. HUMPHREY, Member	of Henrietta, TX
DR. FRED K. SOIFER, Secretary	of Houston, TX
DR. LARRY M. DUBUISSON, Member	of Weslaco, TX
MRS. OLIVIA R. EUDALY, Member	of Crowley, TX
MR. MIKE LEVI, Member	of Spicewood, TX
DR. ROBERT D. LEWIS, Member	of Elgin, TX
DR. MARY E. MAINSTER, Member	of San Antonio, TX
DR. EDWARD S. MURRAY, Member	of Spur, TX

At 9:00 a.m., the appointed hour, the President of the Board, DR. W. L. "DUB" ANDERSON ordered the case to proceed at which time it was ascertained that JANIS A. K. HAWTHORNE, D.V.M. was present in person; the Board then proceeded and on the same day, February 4, 1988, all of the above members of said Board being present and participating with the exception of the Secretary of the Board, makes the following findings to-wit:

FINDINGS OF FACT

I.

JANIS K. HAWTHORNE, D.V.M. is a doctor of veterinary medicine, licensed to practice veterinary medicine in the State of Texas under License Number 3265, 1987 Renewal Certificate Number 2824.

II.

Dr. Hawthorne received notice of this hearing on or about January 11, 1988.

III.

On or about April 22, 1987, DEBBIE BROOM presented her poodle "Rudy" to Dr. Wm. V. Howells, to the Animal Defense League Clinic. The dog was suffering from a head wound and severe scrapes on the abdomen. Debbie Broom did not know the cause of the injuries. Dr. Howells suggested to Ms. Broom that the dog might have been hit by a car. Dr. Howells administered and dispensed Panalog Ointment for the abrasions and administered an antibiotic shot to the dog. Dr. Howells instructed Debbie Broom to return the dog if it did not improve. Thereafter, on or about Friday, April 24, 1987, Debbie Broom returned "Rudy" to the Animal Defense League Clinic and it was seen by DR. GLEN A. TATE. Dr. Tate suggested to Ms. Broom that "Rudy" had been hit by a car due to the obvious head trauma and that "Rudy" had suffered a concussion. Dr. Tate dispensed 8 Delta-Albaplex with instructions to give one tablet twice daily for four days. Dr. Tate advised Ms. Broom to bring the dog back if further problems developed. Thereafter, on April 29, 1987, "Rudy" was presented for the third time to the Animal Defense League Clinic for ambulatory and respiratory problems where the dog was seen by Dr. Janis Hawthorne. After review of the animal's medical records and examination, Dr. Hawthorne diagnosed a broken pelvis by palpation; and tracheitis.

IV.

Further treatment and diagnoses by a fourth veterinarian yielded the following: "Rudy" continued to decline and on May 2, 1987 he was presented to Dr. Charles Wiseman at the Wiseman Animal Hospital. "Rudy" was found to have severe constipation and respiratory difficulties. Medication was prescribed and instructions given to bring "Rudy" back on Monday for x-rays.

On Monday, May 4, 1987, Dr. Wiseman x-rayed "Rudy" and found a diaphragmatic hernia and also confirmed the broken pelvis. Surgical intervention was necessary to repair the hernia.

CONCLUSIONS OF LAW

I.

By failing to take x-rays in view of the suspicion that the dog might have been involved in an automobile accident, JANIS A. K. HAWTHORNE, D.V.M. violated Rule 11 of the Rules of Professional Conduct which states:

Rule 11 -

Veterinarian shall exercise the same degree of care, skill, and diligence in treating patients as are 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.

II.

By failing to adequately diagnose the animal's condition and thereby allowing the dog to suffer needlessly, JANIS A. K. HAWTHORNE, D.V.M. has violated Rule 18 of the Rules of Professional Conduct duly promulgated by the Board which states:

Rule 18 -

A licensed veterinarian shall treat all animals entrusted to him by his clients in keeping with the professional standards of humane treatment and care.

III.

The Texas State Board of Veterinary Medical Examiners has authority to take disciplinary action against Dr. Hawthorne's license under the Texas Veterinary Licensing Act, Article 7465a, V.A.T.S., Sections 14(e) which states in part:

Article 7465a, Section 14(e) and (f), Veterinary Licensing Act -

" . . . the Board may revoke or suspend a license, place a person whose license has been suspended on probation or reprimand a licensee . . . if it finds that an applicant or licensee:

(e) 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."

ORDERS

Dr. Hawthorne did not contest the allegations, but, instead, accepted a Negotiated Settlement. A majority of the Board voted to accept the Negotiated Settlement (attached) and Texas Veterinary License No. 3265 heretofore issued to JANIS A. K. HAWTHORNE, D.V.M. by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS is HEREBY REPRIMANDED. Dr. Hawthorne is to obtain 15 hours of continuing education in small animal medicine within one year of this Order and pay a civil penalty of \$500.00. Further, Dr. Hawthorne is to take and pass the State Board Jurisprudence Examination in Austin within 90 days of this Order and submit a report verifying completion of the continuing education requirement. Dr. Hawthorne is to abide and the laws and rules of the State of Texas as they relate to the practice of veterinary medicine.

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH-35, Box 113
Austin, TX 78745

Accepted

DOCKET NUMBER 1988-12
JANIS A. K. HAWTHORNE, D.V.M.
LICENSE NUMBER: 3265

NEGOTIATED SETTLEMENT

This negotiated settlement has been entered by agreement between Dr. Hawthorne and the Texas State Board of Veterinary Medical Examiners staff in concurrence with the Board Secretary. It is presented to the Board as a recommendation only. If the Board elects to reject or amend this negotiated settlement the defendant, Dr. Hawthorne, will be granted a continuance at her option.

Dr. Hawthorne does not contest the allegations set forth in the Complaint and agrees that, accordingly, the Board may treat the allegations of fact and law as true, which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations, and based thereon, the Board found the allegations to be true. Respondent understands and intends that by so stating, she is not admitting the truth of the allegations, but is merely agreeing that the Board may enter an Order treating the allegations as true without the necessity of receiving evidence in support thereof.

SUMMARY OF CHARGES:

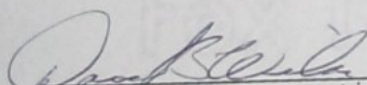
Negligence in the treatment of canine "Rudy".

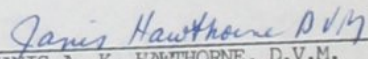
RECOMMENDED DISCIPLINARY ACTION:

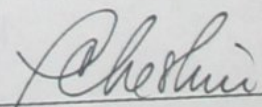
1. Reprimand
2. Obtain 15 hours of Continuing Education in small animal medicine within one year of this Order.
3. Payment of a civil penalty of five hundred (\$500.00) dollars.

CONDITIONS:

1. Take and pass the State Board Jurisprudence Exam in Austin, within 90 days of this Order.
2. Submit a report to the State Board verifying completion of the Continuing Education requirement.
3. Abide by the laws and rules of the State of Texas as they relate to the practice of veterinary medicine.


Donald B. Wilson, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL
EXAMINERS


JANIS A. K. HAWTHORNE, D.V.M.


Witness

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS
1946 South IH-35, Box 113
Austin, TX 78745

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Janis Hawthorne 1/27/88
JANIS A. K. HAWTHORNE, D.V.M.

Donald B. Wilson 1/27/88
Donald B. Wilson, Executive Director
TEXAS BOARD OF VETERINARY MEDICAL
EXAMINERS

Neil R. Walker D.V.M.
Witness

DOCKETED COMPLAINT NO. 1988-12

TEXAS STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

vs.

JANIS A. K. HAWTHORNE, D.V.M.

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TEXAS VETERINARY MEDICAL
LICENSE NO. 3265
1987 RENEWAL CERTIFICATE
NUMBER 2724

COMPLAINT AFFIDAVIT FORM

BEFORE ME, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared THOMAS CHESHIRE, who after being duly sworn, did depose and say:

"I, THOMAS CHESHIRE being an employee of the Texas Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one JANIS A. K. HAWTHORNE, D.V.M., Animal Defense League Clinic, San Antonio, Bexar County, Texas, Texas Veterinary License Number 3265, 1987 Renewal Certificate Number 2724, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas Board of Veterinary Medical Examiners, I, THOMAS CHESHIRE do hereby present the following complaint against JANIS A. K. HAWTHORNE, D.V.M., who is hereinafter called Respondent.

I.

On or about April 22, 1987, DEBBIE BROOM presented her poodle "Rudy" to Dr. Wm. V. Howells, to the Animal Defense League Clinic. The dog was suffering from a head wound and severe scrapes on the abdomen. Debbie Broom did not know the cause of the injuries. Dr. Howells suggested to Ms. Broom that the dog might have been hit by a car. Dr. Howells administered and dispensed Panalog Ointment for the abrasions and administered an antibiotic shot to the dog. Dr. Howells instructed Debbie Broom to return the dog if it did not improve. Thereafter, on or about Friday, April 24, 1987, Debbie Broom returned "Rudy" to the Animal Defense League Clinic and it was seen by DR. GLEN A. TATE. Dr. Tate suggested to Ms. Broom that "Rudy" had been hit by a car due to the obvious head trauma and that "Rudy" had suffered a concussion. Dr. Tate dispensed 8 Delta-Albaplex with instructions to give one tablet twice daily for four days. Dr. Tate advised Ms. Broom to bring the dog back if further problems developed. Thereafter, on April 29, 1987, "Rudy" was presented for the third time to the Animal Defense League Clinic for ambulatory and respiratory problems where the dog was seen by Dr. Janis Hawthorne. After review of the animal's medical records

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v.

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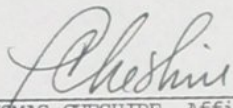
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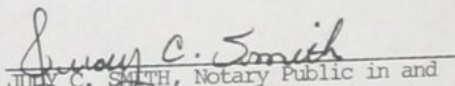
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 21st day of December, 1987.

Further, Affiant sayeth not.



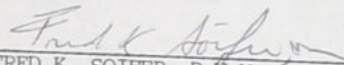
THOMAS CHESHIRE, Affiant

SUBSCRIBED and SWORN TO before me by the said THOMAS CHESHIRE this the 21st day of December, 1987.


JUDY C. SMITH, Notary Public in and
for the State of Texas

My Commission Expires: September 13, 1989.

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. JANIS A. K. HAWTHORNE, D.V.M., under Docket Number 1988-12, this the 22nd day of December, 1987.



FRED K. SOIFER, D.V.M., Secretary
Texas Board of Veterinary Medical Examiners