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AUG 27 1999

State Board of Veterinary
Medical Examiners

DOCKET NO. 1999-21

IN THE MATTER
OF THE LICENSE OF
EDDIE J. HAYES, D.V.M.

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§

TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 7th day of October, 1999, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Eddie J. Hayes, D.V.M., (Respondent). Pursuant to the Veterinary Licensing Act (Act) § 18F and Board Rule 575.27, Respondent appeared at an Informal Conference held on August 12, 1999, 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. Eddie J. Hayes, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 8049, 1999 renewal certificate number 6609+P. 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 October 12, 1998, at approximately 4:00 p.m., Patsy J. Langham presented her five year old Chihuahua dog, "Miss Allie," to Eddie J. Hayes, D.V.M., at the Abilene Animal Hospital in Abilene, Texas. "Miss Allie" was presented because she would not place any weight on her front right foot.

4. On or about that same day, Dr. Hayes examined "Miss Allie" and determined that a radiograph was required to complete the examination. Ms. Langham's consent for the radiograph was solicited and received. Dr. Hayes did not determine whether Ms. Langham consented to the use of anesthesia during the exposure of the radiograph prior to anesthetizing the dog. "Miss Allie" was anesthetized and a radiograph exposed.

5. On or about that same day, "Miss Allie" experienced a prolonged recovery from the anesthesia administered for the radiograph procedure.

6. The acts and/or failures to act alleged in paragraphs 3 through 4, and more specifically, but not limited to, the failure to inform Ms. Langham that her dog would be anesthetized and the failure to obtain her consent prior to the procedure, does 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 Abilene, 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)(5) 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 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 law;
3. Board Rule 573.22 - Professional Standard of Humane Treatment, of the Rules of

Professional Conduct, requires license holders 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 their community, or similar community.

4. Based on Findings of Fact 3 through 6, Respondent has engaged in practices which violate the standards of professional conduct set out in Rule 573.22.

5. Based on Conclusions of Law 1 through 4, 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 Eddie J. Hayes, D.V.M., receive an OFFICIAL REPRIMAND under the following terms and conditions:

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 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, 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, 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, EDDIE J. HAYES, 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.

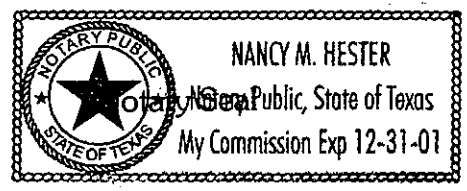
Eddie J. Hayes, D.V.M.
Eddie J. Hayes, D.V.M.
Respondent

8/25, 1999
DATE

STATE OF TEXAS §
COUNTY OF Taylor §

BEFORE ME, on this day, personally appeared Eddie J. Hayes, 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.

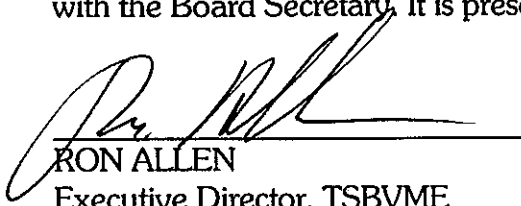
Given under the hand and seal of office this 25th day of August, 1999.



Nancy M. Hester
Notary Public

In the Matter of the License of Eddie J. Hayes, D.V.M.
Docket No. 1999-21

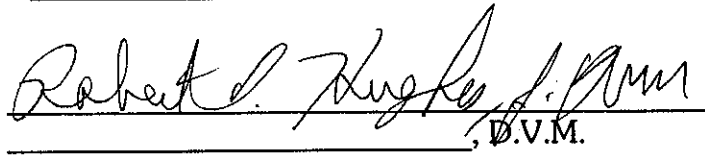
This agreed order has been entered between Eddie J. Hayes, D.V.M. and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.



RON ALLEN
Executive Director, TSBVME

August 27, 1999
DATE

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 7 day of October, 1999.



D.V.M.
President