

3. On April 8, 2008, a clinic staff member called the Carlsons to check on "Bighead's" condition. The Carlsons stated that there was no change in "Bighead's" condition. In addition, "Bighead" was now vomiting. Dr. Williams asked for "Bighead" to be brought in for a reexamination. Dr. Williams reexamined the dog and attempted to obtain a stool sample, but there was an insufficient quantity to test. Dr. Williams administered an injection of Cerenia and told the Carlsons to continue to provide Pedialyte.

4. On April 9, 2008, the Carlsons called the clinic to inform Dr. Williams that "Bighead's" condition had still not improved. Dr. Williams reexamined "Bighead" and again attempted to obtain a stool sample, but there was an insufficient quantity to test. Dr. Williams suggested that the Carlsons feed "Bighead" baby food in an attempt to get the dog to start eating again. Dr. Williams administered IV fluids, Cerenia, Durapen and Multi B Super. Dr. Williams also prescribed Reglan tablets. The Carlsons asked if radiographs should be taken and Dr. Williams stated they were not needed at that time.

5. On April 10, 2008, "Bighead" was presented to Narender R. Cheemerla, D.V.M. of the Affordable Pet Clinic, Houston, Texas, for a second opinion. Dr. Cheemerla examined "Bighead" and performed abdominal radiographs. Dr. Cheemerla told the Carlsons that "Bighead" had an abdominal obstruction and needed exploratory surgery.

6. Immediately, the Carlsons went to Dr. William's clinic to show him the radiographs. Dr. Williams was out of town and Dr. Daniel V. Hendrix, D.V.M., examined "Bighead." Dr. Hendrix reviewed the radiographs and tested the dog's stool. Dr. Hendrix stated there was no need for exploratory surgery. Dr. Hendrix expected "Bighead" would pass the fecal matter on its own. Dr. Hendrix told the Carlsons to feed the dog wheat bread or other food with high fiber. Dr. Hendrix prescribed Metronidazole.

7. On April 11, 2008, the Carlsons called Dr. Hendrix to inform him that "Bighead" still had not had a bowel movement. The Carlsons informed Dr. Hendrix that "Bighead" appeared to be in pain and was turning from side to side. Dr. Hendrix informed the Carlsons that he had examined the dog's stool on April 10, 2008 and there was nothing abnormal. Dr. Hendrix again repeated that "Bighead" should pass the fecal matter on its own. Dr. Hendrix suggested administering an enema to help pass the fecal matter. The Carlsons immediately took the dog to Dr. Hendrix. Dr. Hendrix examined the dog and determined that its intestines had intussusceptions. Dr. Hendrix had an associate, Susan L. Fulton, D.V.M. examine the dog. Dr. Fulton performed the exploratory surgery immediately, found a string foreign body, and determined the dog's intestines were too damaged to save. The Carlsons opted to euthanize "Bighead."

8. Dr. Hendrix's failure to perform an exploratory surgery and timely diagnose "Bighead's" blocked intestine 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 Houston, Texas or similar communities. Dr. Hendrix's failure to timely perform exploratory surgery and diagnose the blocked intestine resulted in the misdiagnosis of "Bighead" and complications which contributed to additional pain and suffering and ultimately, the early death of "Bighead."

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 8, 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. Based on Finding of Fact 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 3, 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:

- (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.

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

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

In addition, the Board ORDERS that Daniel Hendrix, D.V.M. complete an additional THREE (3) hours of continuing education in reviewing radiographs within one year from the date of this Order. Documentation of the completion of the continuing education penalty shall be received within 30 days following the end of the year set forth above. If Respondent fails to provide documentation of completion within those 30 days, 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.

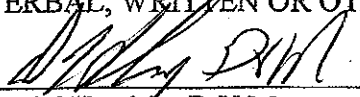
Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that they will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate 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. 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, DANIEL HENDRIX, 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.


Daniel Hendrix, D.V.M.

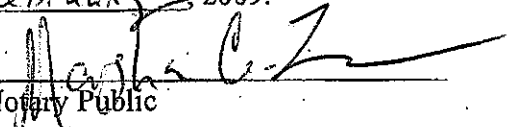
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STATE OF TEXAS §
COUNTY OF HARRIS §

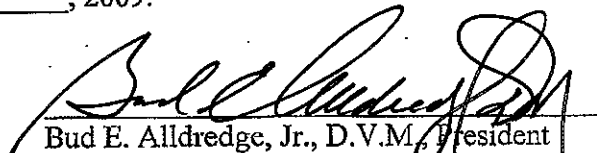
BEFORE ME, on this day, personally appeared DANIEL HENDRIX, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 5 day of February, 2009.




Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the ___ day of ___, 2009.


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