

phone calls in a timely manner when the client was calling to inquire about a patient's bleeding and other symptoms of ill health following surgery.

4. On October 13, 2011, Marsha Maddy presented her ten-year old Domestic Shorthair feline named "Felix" to Respondent at Dove Creek Animal Hospital ("Hospital") in Denton, Texas.

5. Ms. Maddy told Respondent that "Felix" was choking, coughing and sneezing, and had been unable to walk since the day before. Dr. Hill examined "Felix," tentatively diagnosed an upper respiratory infection and gave him subcutaneous fluids and antibiotics.

6. When "Felix" had not improved, Ms. Maddy again presented "Felix" at the Hospital on October 17, 2011; this time, "Felix" was treated by David Zoltner, D.V.M. Dr. Zolter tentatively diagnosed allergies and administered a steroid injection.

7. On November 1, 2011, Ms. Maddy again presented "Felix" at the Hospital because his left eye had become cloudy. Respondent examined "Felix," and ordered fasting blood work for the next day to determine whether lipids were causing the cloudiness in the eye. Respondent also prescribed steroid drops for Ms. Maddy to administer to "Felix" for ten days.

8. On November 2, 2011, Ms. Maddy presented "Felix" at the Hospital for a fasting lipid blood test. The results of the fasting lipid test were high, but Respondent failed to review the results.

9. On November 10, 2011, Ms. Maddy called the Hospital to inquire about the results of the blood test performed on "Felix" on November 2, 2011. She was told no veterinarian at the Hospital was available to take her call, but one of them would return her call. She did not receive a returned phone call.

10. On November 14, 2011, Ms. Maddy stopped by the Hospital in person to inquire about the results of the blood test because "Felix's" right eye had become cloudy. A veterinary technician dispensed additional steroid drops for "Felix's" right eye, and told Ms. Maddy that someone would call her with the test results. No one from the Hospital called Ms. Maddy that day.

11. On November 15, 2011, Respondent realized that she had not reviewed the blood test results for "Felix." Upon reviewing them and noting that the lipid levels were very high, Respondent called Ms. Maddy and requested that she bring "Felix" in for a full blood test and urinalysis.

12. On November 16, 2011, Ms. Maddy presented "Felix" at the Hospital for the blood test. That afternoon, Ms. Maddy noticed that "Felix" was deteriorating—he vomited repeatedly, did not want to be petted, and hid under a bed.

13. On November 17, 2011, Ms. Maddy again presented "Felix" at the Hospital because "Felix" was deteriorating rapidly and could barely move. Respondent ran a glucose test, and diagnosed "Felix" as having pancreatitis. Respondent informed Ms. Maddy that the Hospital was running a pancreatitis test on "Felix" and needed to keep him hospitalized overnight.

14. On November 18, 2011, Dr. Zoltner called Ms. Maddy with the results from the pancreatitis test, which confirmed that "Felix" had severe pancreatitis. "Felix" was found dead in his cage at the Hospital on the morning of November 19, 2011.

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 Conclusions of Law 1 through 14, Respondent violated Rule of Professional Conduct 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, by failing to review the blood test results for "Felix" for 13 days, and therefore failing to diagnose or treat his pancreatitis; as well as by failing to respond to Ms. Maddy's attempts to contact her regarding the results of the blood test on "Felix."

3. Based on Findings of Fact 1 through 14 and Conclusions of Law 1 through 2, Respondent has violated Sections 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: (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, Respondent may be disciplined in the manner set out in Section 801.408, INFORMAL PROCEEDINGS, of the Veterinary Licensing Act, which authorizes the Board to order the license holder to refund an amount not to exceed the amount a client paid to the license holder.

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

Based on the above Findings of Fact and Conclusions of Law, the Board orders that Respondent receive a FORMAL REPRIMAND.

In addition, the Board ORDERS that Respondent complete an additional SIX (6) HOURS of CONTINUING EDUCATION in FELINE INTERNAL MEDICINE within one year of the date of this order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days of the end of the period to complete the continuing education. If Respondent fails to provide documentation of completion within forty-five (45) days of the end of the period to complete the continuing education, further enforcement action will be taken.

The Board also ORDERS that Respondent submit a written hospital protocol for communications with clients and delivery of laboratory results within thirty (30) days of the date of this Order for approval by the Board's Executive Director.

The Board further ORDERS that Respondent pay, within 30 days of the date of this Order, RESTITUTION of NINE HUNDRED TWENTY ONE DOLLARS AND SEVENTY THREE CENTS (\$921.73). If Respondent fails to pay the restitution within 30 days of the date of this Order, enforcement action will be taken.

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 Agreed 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 her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that she 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 her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she 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, LORI HILL, 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.


LORI HILL, D.V.M.

11-30-12
DATE

STATE OF TEXAS §
COUNTY OF Newton §

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

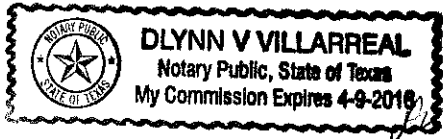
Given under the hand and seal of office this 30th day of November, 2012

Agreed Order 2013-22
Lori Hill, D.V.M.

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D Lynn Villarreal

Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 25th of March, 2013

Bud E. Aldredge, Jr.

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

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To Those It May Concern
Texas Board of Veterinary Medical Examiners;

Note: During November 2011, in the aftermath of the Felix Maddie affair, Dove Creek Animal Hospital implemented the following "low tech" policy regarding lab reports and owner communication to insure against future miscommunication.

(1) Reference lab requisitions are double printed and a duplicate copy is filed on a highly-visible clipboard in our treatment area labeled "Lab Reports", The original is submitted with lab specimens to our exclusive reference lab – Idexx.

(2) When we receive the final lab report (via fax) the duplicate requisition is discarded and a sticker (see examples below) is attached to the original lab report.

(3) The doctor on duty reviews all incoming lab reports daily and determines whether the doctor shall personally contact a client (See Example 1. below) or whether a veterinary technician or team member (TM) shall convey doctor instructions to client (See Example 2. below) See also the designation at Ex 3. indicating where Dr. has indicated either no voice mail capability for client or may have left a message asking for return call. In either case, the doctor or tech shall initial in the owner ("O") block that communication with owner has been completed and comments posted to the medical record (MR)

(4) Original lab reports remain on the Lab Report clipboard until client contact has occurred before filing. Our goal is to empty the Lab Report clipboard daily, if at all possible, and certainly by weeks ends at the very latest. . The above system has worked well without incident in the year since implementation in Nov 2011.

Respectfully submitted ;

L.J. Hill DVM
L.J. Hill DVM

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EX. 1
DR ZOLNER TM _____
O 11/19/03 MR 03/ ✓
DR. CALLS CLIENT

EX. 2
DR Hill → TM AF
O 11/9 AF MR AF
DR. ASSIGNS REPORT TO TECH

EX. 3
DR HILL TM _____
O X/ ↓ LGH MR LGH
DR. REACHES CLIENT ON 2nd TRY

EX. 4
DR ZOLNER ↔ TM AF
O AF MR _____
TECH REBOUNDS REPORT TO DR. FOR CLIENT.