



TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS

July 27, 2018

*Via Lonestar Overnight
and facsimile to 940-325-9622*

Flint Immel, DVM
3400 HWY 281 N
Mineral Wells, TX 760676

Re: Complaint Nos. CP18-006, CP18-007 and CP18-206

Dear Dr. Immel:

This letter serves as formal notification that the Board has approved an Order of Temporary Suspension of your license. YOU MUST IMMEDIATELY CEASE THE PRACTICE OF VETERINARY MEDICINE PENDING FURTHER DISCIPLINARY PROCEEDINGS.

The Executive Disciplinary Committee of the Texas Board of Veterinary Medical Examiners met on July 27, 2018, pursuant to Section 801.409 of Texas Veterinary Licensing Act, Texas Occupations Code, Chapter 801, and to Board Rule 575.35, Temporary License Suspension Proceedings. The Executive Disciplinary Committee determined that your continued practice of veterinary medicine constitutes a continuing or imminent threat to the public welfare. The Executive Disciplinary Committee therefore determined that your license is temporarily suspended until the Enforcement Committee of the Board meets to review your case. Please see the Order of Temporary Suspension enclosed with this letter.

Pursuant to Board Rule 575.35, the Enforcement Committee will meet on August 7, 2018, at 10:00 a.m. at 333 Guadalupe Street, Austin, Texas 78701, to review your case and determine whether your license should remain suspended and formal disciplinary procedures initiated against you.

The hearing before the Enforcement Committee will take place before a committee made up of two veterinary Board members and a public member of the Board. You have the right to be present and to address the Committee. You have the right to be represented by legal counsel.

If you have any questions, please contact the Stephen White, Staff Attorney, at (512) 305-7565 or Stephen.White@veterinary.texas.gov.

Sincerely,

A handwritten signature in blue ink that reads "SBA White".

Stephen White
Staff Attorney

Enclosed: Order of Temporary Suspension

IN THE MATTER	§	BEFORE THE EXECUTIVE
OF	§	DISCIPLINARY COMMITTEE
THE LICENSE	§	OF THE TEXAS BOARD
OF	§	OF VETERINARY MEDICAL
FLINT IMMEL, D.V.M.	§	EXAMINERS

ORDER OF TEMPORARY SUSPENSION

On this day the Executive Disciplinary Committee (“EDC”) of the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of Flint Emmel, D.V.M. (“Respondent”).

The EDC convened without notice to Respondent, pursuant to Section 801.409 of the Veterinary Licensing Act, Texas Occupations Code, and Board Rule 575.35.

Based on the evidence and information submitted, the Board, through this panel, makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT

1. Respondent, Flint Immel, D.V.M., of Mineral Wells, Texas, holds Texas veterinary license 4128.
2. Respondent owns Mineral Wells Veterinary Clinic ("Clinic") and is the sole practitioner at the Clinic.
3. Dr. Immel recently spent six weeks in a physical rehabilitation center during the period of May 31, 2018 to July 23, 2018. During this period, the Clinic remained opened and was operated by two unlicensed veterinary assistants, Angel Jimenez and Sadie Holloway, who continued to examine and diagnose patients, prescribe and administer medications and vaccines, including rabies vaccines, and issued an interstate health certificate. None of the patients seen by Ms. Jimenez and Ms. Holloway during the period of May 31, 2018 to July 23, 2018 were seen by Dr. Immel. Ms. Jimenez stated she would consult with Dr. Immel by telephone.
4. In September 2017, the Board received two complaints that Respondent was allowing an unlicensed veterinary assistant, Angel Jimenez, to diagnose, treat, and perform surgeries without direct or immediate supervision. One of the complainants was a former employee who worked for Respondent at the Clinic.
5. One complainant’s allegation was based upon direct observations while employed by Respondent. The complainant stated that Dr. Immel allowed Ms. Jimenez to diagnose and treat

patients, including performing surgeries.

6. The other complainant's allegations were based upon statements from her clients who had their pets treated at the Mineral Wells Veterinary Clinic. Interviews with some of those clients were conducted by a Board investigator. These clients stated that the only person at the Mineral Wells Veterinary Clinic that examined and treated their pets was Ms. Jimenez.

7. On September 6, 2017, Board Investigators Mathew West and Phillip Asebedo interviewed Dr. Immel. The interview was recorded. Dr. Immel admitted that he allowed Ms. Jimenez to conduct spay and neuter operations on cats and dogs. Dr. Immel went on to state that he allowed Ms. Jimenez to perform these surgeries because Ms. Jimenez told him that she had reviewed the Board's Rules and that the Rules allow a veterinarian assistant to perform spays and neuters. In another interview, Dr. Immel told a Board investigator that he was incapable of performing surgeries because of a previous back injury.

8. Investigators West and Asebedo advised Dr. Immel and Ms. Jimenez that Ms. Jimenez could not do any surgical procedure. In subsequent written statements, both Respondent and Jimenez subsequently denied that Jimenez conducted spays and neuters, but that Jimenez only assisted Dr. Immel in conducting surgeries.

9. On September 6, 2017, Board Investigators West and Asebedo conducted an inspection of the Clinic. Investigators West and Asebedo found that controlled substance logs were not being maintained in accordance with board Rule 573.50 Controlled Substances Records Keeping for Drugs on Hand.

10. On March 19, 2018, Investigator Santibanez conducted an interview of a client and found the client was given a prescription medication without any labeling.

11. On July 24 – 25, 2018, a follow up inspection of the Clinic was conducted by Board Investigators Mike Tacker, Maricela Santibanez, and Michael Campos. The following are some of the findings and observations made during the follow up inspection:

a. On July 24, 2018, Dr. Immel entered the Clinic after 1:30 p.m. and simply passed through as veterinarian assistant Sadie Holloway was taking him to an appointment with a medical doctor. Dr. Immel had approached the rear door in an electric wheel chair and was assisted by Ms. Holloway and a walker to get him to the vehicle. Dr. Immel could not walk or stand without assistance.

b. On July 25, 2018, Dr. Immel was present in the Clinic when the Board Investigators arrived at approximately 10:00 a.m. and remained in the Clinic the entire day. The Investigators left the Clinic at approximately 4:30 p.m. During that time, Dr. Immel sat in a chair in the reception area for most of the day. Dr. Immel could not stand or walk without support or assistance. Although Board Investigators introduced themselves to him and

spoke to him throughout the inspection, he did not appear to comprehend what was occurring.

c. Investigator Campos observed Dr. Immel attempted to inject a canine. Dr. Immel struggled and squirted half the dose onto the table and the canine did not receive the full amount. The canine was being held by a veterinarian assistant at the time. Later during an interview, the veterinarian assistant confirmed what Campos had witnessed.

d. During a recorded interview, a witness stated that the veterinarian assistants had to communicate with all clients as Dr. Immel was incapable of doing so, and she described him as “not right in the head”.

e. A witness stated that Dr. Immel performed a castration on a canine and cut the penis in half. The witness stated that Immel tried to cover up what happened.

f. A witness stated that Dr. Immel has used drugs from the Clinic on himself. Most of the drugs he self-prescribed and administered were antibiotics.

g. A witness stated that Angel Jimenez has been running the Clinic for months because Dr. Immel is not capable.

h. On July 24, 2018, the Board Investigators observed Ms. Jimenez and Ms. Holloway tending to a black cat on the exam table. The cat appeared to be sedated and unconscious and had an oxygen mask covering its face. An Investigator asked Ms. Jimenez if they were performing surgery and she stated, “It’s not surgery, we’re not doing anything.” Ms. Jimenez stated the cat’s abdomen was “rock hard” and it had not had a bowel movement. Ms. Jimenez was massaging the cat’s abdomen area in an attempt to force feces out. As she massaged, the cat feces was exiting its rectum. Ms. Holloway was standing beside the exam table watching.

Later investigators determined the cat had come in over the weekend, and that Ms. Jimenez called Dr. Immel and told him. The investigators determined the cat was placed into an anthesis box and was sedated. Dr. Immel was not present and had not examined the cat. Investigators were told that Ms. Jimenez was going to place a catheter in the cat but did not because Board Investigators walked in and the cat started urinating. Angel Jimenez stated that the cat was brought in because it could not urinate. Angel Jimenez said Dr. Immel instructed her to sedate the cat and try to relieve the bladder. Jimenez stated that the cat was sedated with anthesis in a sedation box. Angel Jimenez advised that she squeezed the bladder and it was relieved. Dr. Immel was not present during Jimenez's diagnosis, sedation, and treatment of this animal. Dr. Immel was at his residence which is located behind the Clinic.

i. During the inspection, Investigator Santibanez observed an Interstate Health Certificate in the reception area. The Certificate was dated July 6, 2018; Shipper: Jennifer Henry; Shipped to: Katera Grzeszczak; Species: Canine; Breed: Catahoula; Age: 7 months. The Certificate was goldenrod in color and was not signed by a veterinarian. The license number written on the Certificate was 4128. The address of the veterinarian written on the certificate was 3400 Hwy 281, North Mineral Wells, TX 76067. Investigator Campos interviewed the witness who stated that they were present during the exam for the interstate health certificate and described Jimenez as a nurse who conducted the exam and gave her the health certificate. No veterinarian was present.

i. During the inspection, Investigator Santibanez observed a client come in and request a prescribed drug for his pet. Ms. Jimenez initially told the client that they needed to see the pet. However, Ms. Jimenez sold him the medication although the pet was never seen.

12. Angel Jimenez has continued to practice veterinary medicine without direct or immediate supervision by Dr Immel.
13. Respondent's continued practice of veterinary medicine constitutes a continuing of imminent threat to the public welfare.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. 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. Respondent has violated Board Rule 573.10, Failure to Supervise Non-Veterinarians.
3. Respondent has violated 573.11, Responsibility for Unlicensed Employees.
4. Respondent has violated Board Rule 573.21, Direct Responsibility to Client.
5. Respondent has violated Board Rule 573.40, Labeling of Medications Dispensed.
6. Respondent has violated Board Rule 573.50, Controlled Substances Records Keeping for Drugs on Hand.
7. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, by engaging in practices that violated the Board's rules of professional conduct.
8. Respondent has violated Section 801.402(7) of the Veterinary Licensing Act, Texas Occupations Code, by permitting another to use the person's license to practice veterinary medicine or to practice equine dentistry.

9. Respondent is subject to temporary license suspension under Texas Occupations Code, Sections 801.409 and Board Rule 575.35.

TERMS OF ORDER

Now, therefore, the Board orders that Respondent comply with the following terms:

1. TEMPORARY SUSPENSION

- a. Respondent's license shall be temporarily suspended, effective immediately upon signature by the EDC's presiding officer. The temporary suspension shall remain in effect until superseded by a subsequent Order or by operation of law. During the period of the suspension, the following terms shall apply:
 - i. Respondent shall not practice nor give the appearance of practicing veterinary medicine.
 - ii. Respondent shall not supervise other licensees or unlicensed employees in the practice of veterinary medicine.
 - iii. Respondent's clinic and facilities may be used by Respondent for administrative purposes only.

2. NOTICE AND OPPORTUNITY FOR HEARING

- a. The Board shall promptly provide a copy of this Order to Respondent's address of record. The Board shall also provide a copy of this Order to Respondent electronically or by facsimile, as feasible.
- b. Pursuant to Section 801.409, Texas Occupations Code, and Board Rule 575.35, an informal conference will be scheduled not later than the 14th day after the effective date of this Order to determine if formal disciplinary proceedings should be initiated against Respondent. The informal conference will be conducted pursuant to Board Rules 575.35 and 575.29. The Board shall notify Respondent of the informal conference at least 72 hours prior to the informal conference.

THEREFORE, the Texas Board of Veterinary Medical Examiners, through the Executive Disciplinary Committee, does hereby adopt this Order. This Order is effective and final on this

27 day of July, 2018.



Jessica Quillivan, D.V.M., Presiding Board Member