

4. On April 18, 2015, Mr. Farbstein and Ms. Shawa took Natasha back to the Clinic where she was seen by Respondent. Mr. Farbstein and Ms. Shawa reported that Natasha was very weak, had not been eating, and that her incision site was seeping and remained very red. Respondent did not palpate Natasha's incision site and did not take her temperature. Respondent provided Clavamox and a low-dose prednisone for Natasha, but did not provide any pain medication.

5. On April 20, 2015, Mr. Farbstein and Ms. Shawa found Natasha in distress, and they rushed her back to the Clinic. Respondent referred Natasha to a full-service veterinary facility. Mr. Farbstein and Ms. Shawa then took Natasha to a full-service veterinary facility followed by a specialist, where she was diagnosed with system-wide infection, or sepsis, and organ failure. Natasha passed away later that evening.

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.

6. Based on the above Findings of Fact, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, which requires licensees to exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances. Specifically, Respondent failed to perform an adequate examination, failed to take the patient's temperature, and failed to provide pain medications.

2. Based on the above Findings of Fact and Conclusions of Law, 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 practice or conduct that violates the board's rules of professional conduct.

3. Based on the above Conclusions of Law, 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.

4. Based on the above Conclusions of Law, Respondent may be required to provide restitution to the client as set out in Section 801.408(e), INFORMAL PROCEEDINGS.

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.

The Board further ORDERS that Respondent pay restitution to Mr. Dailey in the amount of \$44.42 for the total cost of the treatment provided by Respondent. Proof of restitution SHALL be provided to the Board no later than forty-five (45) days from the effective date of this Order.

In addition, the Board ORDERS that Respondent complete THREE (3) hours of continuing education in critical care, in addition to the seventeen required annually for renewal of Respondent's license to practice veterinary medicine, within one year of the date the Board approves this Order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days after one year of the date the Board approves this Order. If Respondent fails to provide documentation of completion within thirty (30) days of one year of the date the Board approves this Order, Respondent's license may 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, the laws of the State of Texas, and the laws of 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 an understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that to

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 the right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges having 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.

Signature page follows.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

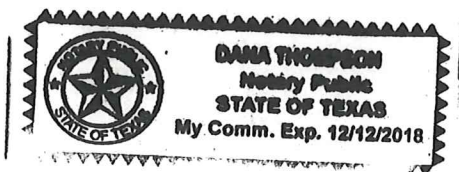
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this 23 day of November, 2018.

Jaxxon: Oswell D.
Oswell Jaxxon, D.V.M.

Sworn and subscribed before me this 23 day of November, 2018.

SEAL:



Dana Thompson
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 29th day of January, 2019.

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