

IN THE MATTER OF THE LICENSE OF § TEXAS STATE BOARD OF  
ELTON DEAN JOINES, D.V.M. § VETERINARY MEDICAL EXAMINERS

**AGREED ORDER**

On this the \_\_\_\_\_ day of \_\_\_\_\_, 1997, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of ELTON DEAN JOINES, DVM, ("Respondent" or "Dr. Joines"). Pursuant to the Veterinary Licensing Act ("Act") § 18F and the Board Rules of Disciplinary Procedure, ("Board Rules") 575.27, on May 29, 1997, Respondent appeared in person at an Informal Conference in response to a letter of invitation from the Board. The Board was represented at the Informal Conference by the Enforcement Committee.

Respondent wishes to waive a formal adjudicative hearing and to enter into this Agreed Order. In waiving an adjudicative hearing Respondent acknowledges his 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. Elton Dean Joines, DVM, is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 3779, 1997 renewal certificate number 2286. 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 August 8, 1996, Ms. Cari McPherson, Harlingen, Texas received a bottle of ten Acepromazine tablets from Dr. Elton Dean Joines, Pet Care Veterinary Clinic, Harlingen, Texas. The medication was to be administered to her six year old female, Shar Pei dog "Cassie", to tranquilize the dog prior to transporting it to Dr. Joines' clinic. The dog was aggressive.

4. On the morning of August 9, 1996, Ms. McPherson administered two Acepromazine tablets to her dog, as directed by Dr. Joines. The dog was then presented to the clinic for a yearly examination, vaccinations, and grooming.
5. At approximately 5:30 PM., August 9, 1996, Ms. McPherson arrived at the clinic to pick up her dog. Ms. McPherson was escorted to the kennel area to retrieve the dog. Upon arriving in the kennel area, Ms. McPherson observed her dog to be unresponsive and with an extremely bloated abdomen. The dog was released to Ms. McPherson in a sedated condition. There is no record to indicate that Dr. Joines assessed the dog's condition prior to release.
6. On August 9, 1996, upon arriving home with her dog, McPherson attempted to stimulate the dog, by calling her name and by rubbing her stomach. Ms. McPherson observed blood seeping from the dog's rectum which also seemed dilated.
7. At approximately 9:30 PM., August 9, 1996, Ms. McPherson telephoned Dr. Joines' answering service to report that "Cassie" was still unresponsive. Approximately 15 minutes later, Dr. Joines returned Ms. McPherson's telephone call. Ms. McPherson informed him that "Cassie" had a bloated abdomen, was unconscious, and blood was dripping from her rectum. Dr. Joines asked McPherson to take the dog's temperature. The dog's temperature was 96.8. Dr. Joines then instructed Ms. McPherson to place the dog on a heating pad and then observe for improvement.
8. At approximately 10:45PM., August 9, 1996, Ms. McPherson telephoned Dr. Joines' answering service a second time. Approximately 5 minutes later, Dr. Joines returned Ms. McPherson's telephone call. Ms. McPherson informed Dr. Joines that "Cassie" was unconscious and her temperature was now at 98.5. Dr. Joines agreed to examine the dog at his clinic that night.
9. At approximately 11:00 PM., August 9, 1996, Ms. McPherson arrived at Dr. Joines' clinic and waited in the parking lot for approximately ten minutes. Once Dr. Joines arrived, he informed Ms. McPherson to take the dog in the clinic. While being carried into the clinic the dog stopped breathing. Once in the clinic, Dr. Joines began chest compressions and the dog was then placed on oxygen therapy. At this point the dog's heart stopped and it died.
10. On August 12, 1996, Dr. H. E. Tewell, III, San Benito Animal Hospital, conducted a necropsy on the remains of Ms. McPherson's dog. The necropsy revealed no evidence of tumors in the abdomen, chronic disease process, or congenital defects upon gross examination.

11. The original copies of patient records sent to the Board by Dr. Joines for "Cassie" fail to reflect the evening visit on August 9, 1996, or any diagnosis or emergency treatment rendered in an attempt to save the dog's life. The records also fail to reflect any diagnoses during the first visit to support dispensing Panalog 15 with Ivomec and do not include the amount of Ivomec dispensed.
12. Dr. Joines subsequently provided the Board with copies of patient records which had been substantially altered to reflect treatment, diagnosis, and patient weights and temperature.

#### **Conclusions of Law**

1. Respondent is required to comply with the provisions of the Act and Board Rules.
2. Act § 14 (a) 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 of non-compliance with the Act or Board Rules.
3. Based on Findings of Fact 5 through 10, Respondent has violated Board Rule 573.22 by failing to assess the dog's condition prior to release.
4. Based on Findings of Fact 11 and 12, Respondent has violated Board Rule 573.52 by failing to maintain adequate patient records.
5. Based on Findings of Fact 5 through 12, Respondent has violated Act § 14 (a) (5) by engaging in practices or conduct in connection with the practice of veterinary medicine which were violative of the standards of professional conduct duly promulgated by the Board.
6. Based on any one of Conclusions of Law 3 through 5, Respondent is subject to disciplinary action by the Board under Act § 14(a).

Based on the above finding of fact and conclusions of law, the Board ORDERS that Dr. Elton Dean Joines' license be SUSPENDED for two years with said suspension STAYED and placed on PROBATION for a period of two years, under the following terms and conditions:

1. Respondent shall bring his record keeping into compliance with the Board's requirements.
2. Respondent shall provide quarterly reports during the probated suspension.
3. Respondent shall abide by the Rules of Professional Conduct, Texas Veterinary Licensing Act and Laws of the State of Texas and the United States.

4. Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers and other employees and agents, to verify that Respondent has complied and is in compliance with this Agreed Order.
5. Failure by Respondent to comply with the terms of this Agreed Order or with all other provisions of the Act or the Board Rules, may result in further disciplinary action.

Respondent, Elton Dean Joines, DVM, by signing this Agreed Order, agrees to its terms, acknowledges his understanding of it and the notice, findings of fact and conclusions of law herein set forth in the Agreed Order 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, Elton Dean Joines, DVM, 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 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, ELTON DEAN JOINES, DVM, HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS ORDER CONTAINS THE ENTIRE AGREEMENT REGARDING ITS SUBJECT MATTER AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

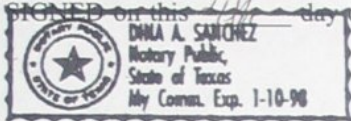
DATED: Aug. 4, 1997.

Elton Dean Joines, DVM  
ELTON DEAN JOINES, DVM  
RESPONDENT

STATE OF TEXAS  
COUNTY OF Campan

BEFORE ME, on this day personally appeared Elton Dean Joines, DVM, known to me, who, first being duly sworn, signed the foregoing Agreed Order in my presence.

SIGNED on this 14th day of August, 1997.



Notary Seal

Dana A. Sanchez  
Notary Public, in and for the State of Texas

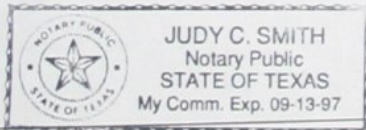
This agreed order has been entered between Dr. Elton Dean Joines and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.

Ron Allen  
RON ALLEN, Executive Director, TSBVME

STATE OF TEXAS  
COUNTY OF TRAVIS

BEFORE ME, on this day personally appeared Ron Allen, known to me, who, first being duly sworn, signed in agreement to the foregoing Agreed Order in my presence.

SIGNED on this 7th day of August, 1997

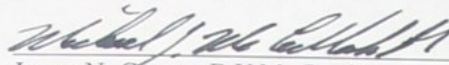


Notary Seal

Judy C. Smith  
Notary Public, in and for the State of Texas

Elton Dean Joines  
Docket No. 1997-14  
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SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL  
EXAMINERS on the \_\_\_\_\_ day of \_\_\_\_\_, 1997.



James N. Gomez, D.V.M., President

September 17, 1997

DOCKETED COMPLAINT NO. 1997-14

TEXAS STATE BOARD OF VETERINARY § TEXAS VETERINARY MEDICAL  
MEDICAL EXAMINERS § LICENSE NO. 3779  
vs. § 1997 RENEWAL CERTIFICATE  
ELTON DEAN JOINES, DVM § NUMBER 2286

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Peter C. Hartline, who after being duly sworn, did depose and say:

I, Peter C. Hartline, an employee of the Texas State Board of Veterinary Medical Examiners ("Board"), investigated the professional conduct of one Elton Dean Joines, D.V.M., 416 Ed Carey Drive, Harlingen, Texas 78550, Veterinary License Number 3779, 1997 Renewal Certificate Number 2286, a practitioner of veterinary medicine in the State of Texas, on or about September 3, 1996.

I, Peter C. Hartline, on behalf of the Board, present the following complaint against Elton Dean Joines, D.V.M., based on alleged violations of the Veterinary Licensing Act, Tex. Rev. Civ. Stat. art. 8890 ("Act"), and the Board's Rules of Professional Conduct ("Board Rules"):

I.

On August 8, 1996, Ms. Cari McPherson, Harlingen, Texas received a bottle of ten Acepromazine tablets from Dr. Elton Dean Joines, Pet Care Clinic, Harlingen, Texas. The medication was to be administered to her six year old female, Shar Pei dog "Cassie", to tranquilize the dog prior to transporting it to Dr. Joines' clinic. The dog was aggressive.

II.

On the morning of August 9, 1996, Ms. McPherson administered two Acepromazine tablets to her dog, as directed by Dr. Joines. The dog was then presented to the clinic for a yearly examination, vaccinations, and grooming.

III.

At approximately 5:30 p.m., August 9, 1996, Ms. McPherson arrived at the clinic to pick up her dog. Ms. McPherson was escorted to the kennel area to retrieve the dog. Upon arriving in the kennel area, Ms. McPherson observed her dog to be unresponsive and with an extremely bloated abdomen. The dog was released to Ms. McPherson in a sedated condition. There is no record to indicate that Dr. Joines assessed the dog's condition prior to release.

IV.

On August 9, 1996, upon arriving home with her dog, Ms. McPherson attempted to stimulate the dog, by calling her name and by rubbing her stomach. Ms. McPherson observed blood seeping from the dog's rectum which also seem dilated.

V.

At approximately 9:30 p.m., August 9, 1996, Ms. McPherson telephoned Dr. Joines' answering service to report that "Cassie" was still unresponsive. Approximately 15 minutes later, Dr. Joines returned Ms. McPherson's phone call. Ms. McPherson informed him that "Cassie" had a bloated abdomen, was unconscious, and blood was dripping from her rectum. Dr. Joines asked McPherson to take the dog's temperature. The dog's temperature was 96.8. Dr. Joines then instructed Ms. McPherson to place the dog on a heating pad and then observe for improvement.

VI.

At approximately 10:45 p.m., August 9, 1996, Ms. McPherson telephoned Dr. Joines' answering service a second time. Approximately 5 minutes later, Dr. Joines returned Ms. McPherson's telephone call. Ms. McPherson informed Dr. Joines that "Cassie" was unconscious and her temperature was now at 98.5. Dr. Joines agreed to examine the dog at his clinic that night.

VII.

At approximately 11:00 p.m., August 9, 1996, Ms. McPherson arrived at Dr. Joines' clinic and waited in the parking lot for approximately 10 minutes. Once Dr. Joines arrived, he informed Ms. McPherson to take the dog into the clinic. While being taken into the clinic the dog stopped breathing. Once in the clinic, Dr. Joines began chest compressions and the dog was then placed on oxygen therapy. At this point the dog's heart stopped and it died.

VIII.

On August 12, 1996, Dr. H.E. Tewell, II, San Benito Animal Hospital, conducted a necropsy on the remains of Ms. McPherson's dog. The necropsy revealed no evidence of tumors in the abdomen, chronic disease process, or congenital defects upon gross examination.

IX.

The original copies of patient records sent to the Board by Dr. Joines for "Cassie" fail to reflect the evening visit on August 9, 1996, or any diagnosis or emergency treatment rendered in an attempt to save the dog's life. The records also fail to reflect any diagnoses during the first visit to support dispensing Panalog 15 with Ivomec and do not include the amount of Ivomec dispensed.

X.

Dr. Joines subsequently provided the Board with copies of patient records which had been substantially altered to reflect treatment, diagnosis, and patient weights and temperature.

XI.

Based on the above, it is alleged Dr. Joines has violated Board Rule 573.22 by failing to assess the dog's condition prior to release.

XII.

Based on paragraph IX, it is alleged Dr. Joines has violated Board Rule 573.52 by failing to maintain adequate patient records.

XIII.

Based on paragraphs XI and XII, it is alleged Dr. Joines has violated Act § 14 (a) (5).

Act § 14 (a) authorizes the Board to "revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee... if it finds 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 the law;

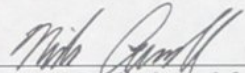
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 7<sup>th</sup> day of July 1997.

Further, Affiant sayeth not.

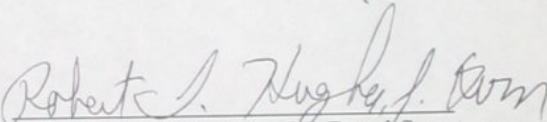
  
Peter C. Hartline, Affiant

SUBSCRIBED AND SWORN TO before me by the said Peter C. Hartline this the 7<sup>th</sup> day of July 1997



  
Notary Public in and for Texas

The forgoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Elton Dean Jones, DVM, under Docketed Number 1997-14 this the 7 day of July 1997.

  
Robert I. Hughes, Jr., DVM, Board Secretary  
Texas State Board of Veterinary Examiners