

DOCKET NO. DK2019-089

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
JAMES KAAZ, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners (“Board”) considered the matter of the license of James Kaaz, D.V.M. (“Respondent”).

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT

1. Respondent, James Kaaz, D.V.M., of Montgomery, Texas, holds Texas veterinary license 7539.
2. On January 12, 2017, the complainant presented her four-year-old, male, Border Collie mix canine, Jake, to the Respondent at Western Hills Animal Care Clinic, Montgomery, Texas, to address a ruptured cranial cruciate ligament. After an initial examination, Respondent recommended surgery to address the injury. Jake was then transferred to Lakeway Animal Medical and Surgical Clinic (LAMSC), Willis, Texas.
3. The surgery was scheduled for January 25, 2017. A Cora Based Leveling Ostectomy surgery was performed successfully, and recovery from anesthesia was uneventful. Jake was boarded post-operatively on January 26, 2017. The complainant stated that Jake was not sedated while boarded, which caused Jake to remove his e-collar and staples. During boarding, Jake was administered 100mg carprofen, 150mg tramadol, and 1000mg cephalexin every twelve hours. The complainant stated that she did not receive any communication from the Respondent regarding Jake’s status or recovery during this time.
4. On January 30, 2017, Jake stopped eating and defecating. Respondent did not transfer Jake into observation. On the morning of February 1, 2017, Jake’s breathing was accelerated and lethargic. Jake also began vomiting. Upon examination, Respondent discovered that Jake’s heart and lungs sounded normal, however, his temperature was 104°. Respondent ordered a blood chemistry panel and complete blood count, which yielded no abnormalities. Radiographs of Jake’s thorax also yielded no abnormalities, but images of the abdominal cavity revealed a large amount of feces in the colon, which was firm upon palpitation.

5. Enemas were performed immediately, along with manual evacuation of the colon to relieve the constipation. Three enemas were given approximately one hour apart. Afterward Jake began gasping for air. Respondent performed CPR immediately and placed an endotracheal tube. Positive pressure ventilation with oxygen was started. Respondent gave 1 cc of epinephrine, and subsequently Jake's heart stopped. Attempts at cardiac resuscitation were unsuccessful, and Jake died. When the endotracheal tube was removed afterward there was ingesta found in the cuff. Respondent stated that he believed Jake had vomited and aspirated ingesta, resulting in suffocation and death.

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. Respondent received notice as required by law.

2. Respondent has violated Board Rule §573.22, Professional Standard of Care, of the Board's Rules of Professional Conduct.

3. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting conduct that violates the Board's Rules of Professional Conduct.

4. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.

5. Pursuant to Board Rule 575.25, Respondent's violations are Class B violations, and Respondent is subject to disciplinary action under that Rule.

TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

1. REPRIMAND

- a. Respondent is hereby formally reprimanded by the Board. This formal reprimand may be published in the Board's newsletter and routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database.

2. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of one thousand dollars (\$1,000.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe

Street, Suite 3-810, Austin, Texas 78701. Partial payments will not be accepted.

- b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent's license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter may be referred to the Attorney General for collection, pursuant to Texas Occupations Code, Section 801.458.

3. CONTINUING EDUCATION

- a. In addition to the annual continuing education required for license renewal, Respondent shall complete three (3) hours of continuing education in the area of emergency/critical care within six months of the date the Board approves this Order. Respondent shall submit documentation of the completed continuing education penalty and the required annual continuing education to the Board within six months of the date the Board approves this Order. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

4. ADHERENCE TO THE LAW AND BOARD RULES

- a. Respondent shall abide by the Board's Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.
- b. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this Order.
- c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

Certification and 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.

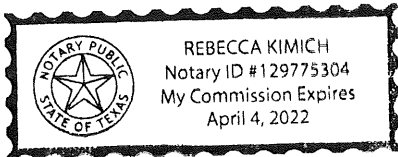
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions 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 27 day of January, 2020.

James Kaaz DVM
James Kaaz, D.V.M.

Sworn and subscribed before me this 27th day of January, 2020.

SEAL:



Kimich
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this _____ day of _____, 20____.

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