

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 June 26, 2017, Missy Pool presented her four (4) year old, female, Dachshund mixed breed, Ellie, to Respondent at Western Hills Animal Medical and Surgical Clinic ("the facility") in Montgomery, Texas, to address symptoms of back pain that Ellie had been experiencing since an anal gland expression three (3) days prior. Ellie had not eaten or drank water in two (2) days.
3. Respondent performed a physical examination, which revealed a general stiffness and feces blockage in the colon. No neurological defects were noted, but there was some mild discomfort when Respondent palpitated Ellie's caudal thoracic vertebrae. Respondent diagnosed Ellie with constipation and noted that her back was not the primary concern. Respondent advised Ms. Pool to refrain from giving Ellie her morning medication as she could be a candidate for a steroid injection, and then stated that he would like to keep Ellie at the facility for monitoring. Ms. Pool consented and left Ellie in Respondent's care.
4. Respondent administered Tramadol, Methocarbamol, and Meloxicam. Respondent then gave Ellie an enema. When Ellie did not produce a bowel movement, another identical enema was given approximately an hour later. After the administration of the second enema, Ellie became ataxic, lethargic, and was unable to stand, with excessive drooling. Respondent administered heat support and no further enemas were given due to the deterioration in Ellie's condition.
5. At around 1:00 PM, Respondent contacted Ms. Pool with news that Ellie's condition had declined. Ms. Pool approved blood work and radiographs, which Respondent stated revealed no abnormalities. Ellie was subsequently given buprenorphine, and was discharged for observation at

home. Respondent stated that he discussed transfer to an emergency facility for overnight observation with Ms. Pool. Respondent's medical records do not reference this referral recommendation.

6. At approximately 3:00 AM on June 27, 2017, Ellie began exhibiting rapid eye movement and increased breathing, and subsequently died.

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 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.

3. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.

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 C 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 informally reprimanded by the Board. This informal reprimand will not be published in the Board's newsletter and will not be routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database. A copy of this informal reprimand will be forwarded to the AAVSB if specifically requested by that organization.

2. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of five hundred dollars (\$500.00) 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 patient record keeping within one year of the date the Board approves this Order. These hours shall be in addition to Respondent's annual continuing education requirements. Respondent shall submit documentation of the completed continuing education penalty and the required annual continuing education to the Board within one year and 30 days 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.

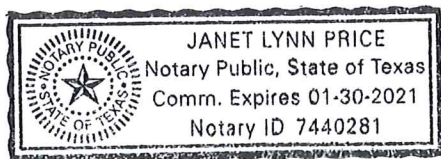
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions 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 18 day of July, 2018.

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

Sworn and subscribed before me this 18 day of July, 2018.

SEAL:



Janet L Price
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 23rd day of October, 2018.

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