

Received

JAN 14 2019

Texas State Board of
Veterinary Medical Examiners

DOCKET NO. 2017-158

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
JENNIFER KAPP, 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 Jennifer Kapp, 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, Jennifer Kapp, D.V.M., of Carrollton, Texas, holds Texas veterinary license 7361.
2. On April 21, 2016, a rescue organization presented a 7-month-old foster dog, Titus, to Respondent at Noah’s Ark Pet Hospital in Carrollton, Texas, for neutering. Respondent’s medical records do not include details of Titus’s vital signs, surgical monitoring, or an anesthesia log.
3. Sarah Sloan, who was fostering Titus, picked up Titus later that day. Ms. Sloan placed an e-collar on Titus and allowed him to rest. A few hours later, Ms. Sloan checked Titus’s incision and noted that it was swollen, bruised, and uneven.
4. On April 22, 2016, Ms. Sloan instructed a kennel technician to return Titus to Respondent for an examination. Respondent noted swelling at the incision site, but stated that there was no bruising. Respondent also noted that the glue was no longer apposing the skin edges of the incision. Respondent stated that there was no indication of infection, but prescribed cephalexin. Respondent’s medical records do not include details of her examination, including her observations regarding the tissue bond glue.
5. Later that day, Ms. Sloan instructed the kennel technician to present Titus to Chris Carmichael, D.V.M., at Highland Pointe Animal Hospital in Highland Village, Texas. Dr. Carmichael noted that the incision was closed with a single cruciate suture placed in the cranial aspect of the incision, leaving the caudal 2/3 of the incision open. The suture was tight and constricted the skin, preventing adequate blood supply. Dr. Carmichael also noticed a scrotal hematoma with significant bruising on the left side of the surgery site and an apparent infection. Dr. Carmichael performed a surgical revision of the neuter site then prescribed antibiotics and pain medication. Titus made a full recovery.

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 recordkeeping 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.

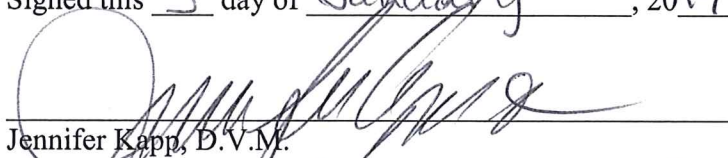
Certification and signature page follows.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth 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 3 day of January, 2019.

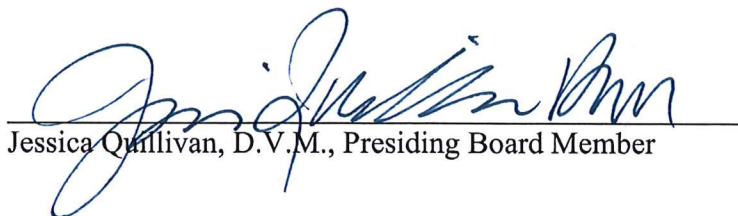

Jennifer Kapp, D.V.M.

Sworn and subscribed before me this 31 day of January, 2019.




Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 9th day of April, 2019.


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