



1. Philip Wesol and Carla Ransier (the "Complainants") brought their now eleven year old Sheltie male canine, "Dutch," to the Lake Parkway Animal Hospital (the "Hospital") for examination by Respondent on April 5, 2010. Complainants state that Dutch had tenderness on both sides. Respondent did not take radiographs.
2. Respondent performed blood work and diagnosed Dutch with arthritis and possible nerve damage from a prior dog attack. Respondent prescribed Rimadyl. Respondent states that he did not order radiographs because Dutch did not have a history of trauma and his lungs were clear.
3. Respondent did not follow up with the Complainants to see if Dutch's tenderness improved. Complainants state that Dutch was always tender since 2010 and was examined by Respondent on other occasions after the 2010 visit but radiographs were never ordered.
4. On August 9, 2013, Complainants took Dutch to Bridget K Neal, D.V.M. of Atascocita Animal Hospital. Dr. Neal examined Dutch and took radiographs. Dr. Neal states that she decided to take radiographs because she suspected degenerative joint disease and spondylosis and Dutch's lungs did not sound good on his right side. After the radiographs revealed a diaphragmatic hernia, Dr. Neal then referred the Complainants to Justin D. Payne, D.V.M., a specialist at North Houston Veterinary Specialists, and recommended surgery. Dr. Payne states that the diaphragmatic hernia was slow developing.
5. Respondent states that he examined Dutch many times since April 2010 and that he never suspected he had a diaphragmatic hernia.
6. Complainants have elected to forego surgery due to risks associated with Dutch's age. They state that if Respondent had made the diagnosis in 2010, the surgery would have been less risky.

#### **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.
2. Based on the above Findings of Fact, Respondent has violated Rule 573.22 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 by average members of the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities. Respondent failed to take radiographs to determine the cause of Dutch's tenderness.
3. Based on Conclusions of Law 1 through 2, Respondent has violated Section 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 practices or conduct that violates the board's rules of professional conduct;

4. Based on Conclusions of Law 1 through 3, 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:

- (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.

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, be INFORMALLY REPRIMANDED.

The Board further ORDERS that:

1 Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and 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 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 his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that

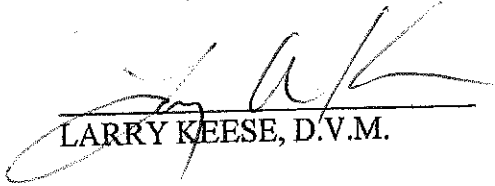
he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he 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. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER 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 effective date of this Agreed Order shall be the date it is adopted by the Board.

I, LARRY KEESE, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

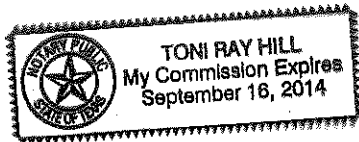
  
LARRY KEESE, D.V.M.

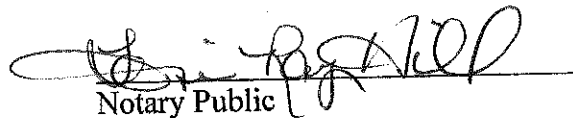
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STATE OF TEXAS §  
COUNTY OF Harris §

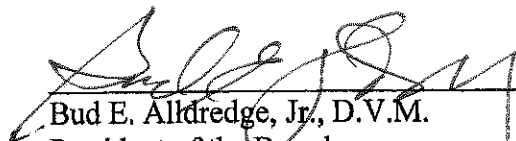
BEFORE ME, on this day, personally appeared LARRY KEESE, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 31 day of July, 2014.



  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 21 day of October, 2014.



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Bud E. Alldredge, Jr., D.V.M.  
President of the Board