

3. At approximately 6:15 p.m., Mr. Schuyler arrived to pick up "Joey" and spoke with Dr. King. Dr. King summarized the surgery and instructed Mr. Schuyler on post-operative care and feeding instructions, but did not adequately communicate to him the serious nature of the cat's condition. Dr. King referred the cat to the Emergency Pet Clinic for overnight observation. Dr. King did not call ahead to give the EPC a "heads up" that a critically ill cat was on the way, but did fax a referral form which indicated under Special Concerns, "hypothermia and post op enterotomy support." The patient record did not include entries for temperature, pulse, and respiration rate.
4. When presented to the Emergency Pet Clinic at about 6:45 p.m., David Bristol, D.V.M., noted that the cat was in critical condition. The cat was recumbent and hypothermic (temperature 93 degrees F), and had a weak pulse and heart rate of >160. The abdomen stretching out from the suture line was hemorrhaged and bruising. Dr. Bristol began treatment to reverse the cat's condition. Dr. Bristol tried to call Dr. King for consultation at the number listed as his home number, but the call went to a recording at the Converse Animal Hospital. "Joey's" condition never stabilized and he died at around 8:50 p.m.

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 Finding of Fact 3, Respondent has violated Rule 573.52, PATIENT RECORD KEEPING, which requires that patient records contain adequate treatment and diagnosis information for follow-up care.
3. Based on Finding of Fact 3, Respondent has violated Rule 573.25, AVOIDANCE OF GUARANTEED CURES, which states that a veterinarian must avoid bold and confident assurances to clients regarding likely cures.
4. Based on Findings of Fact 3 and Conclusions of Law 1 through 3, 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.

5. Based on Conclusions of Law 1 through 4, 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 a civil 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 Leonard A. King, Jr., D.V.M., be FORMALLY 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 is 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, **LEONARD A. KING, Jr.**, 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.

Leonard A. King, Jr. DVM
Leonard A. King, Jr., D.V.M.

6/25/05
Date

STATE OF TEXAS §
COUNTY OF Harris §

BEFORE ME, on this day, personally appeared LEONARD A. KING, Jr., 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 25 day of June, 2005.



R. Price
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 14th day of October, 2005.

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Gary C. Brantley, DVM
Gary C. Brantley, D.V.M., President