

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

**AGREED ORDER**

On this the 25 day of March, 2013, came to be considered by the Texas Board of Veterinary Medical Examiners (Board) the matter of the license of Elaine Knape, D.V.M. (Respondent). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on January 9, 2013. Respondent attended the informal conference and was not represented by counsel. The Board was represented at the conference by the Board's Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

Upon the recommendation of the Enforcement Committee and with Respondent's consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

**Findings of Fact**

1. Respondent, Elaine Knape, D.V.M. of Haslet, Texas, holds Texas veterinary License 7888.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (Act). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov't Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners (Board Rules) (22 Tex. Admin. Code, Chapter 575).
3. On November 8, 2011, Julie Davis presented her eight-month old black and tan mixed-breed female canine named "Libby" to Respondent at the Haslet Veterinary Hospital in Fort

Worth, Texas for a spay procedure. Respondent performed surgery and released "Libby" to her owner that afternoon.

4. Over the next few days, "Libby's" condition deteriorated until she was no longer eating, drinking or urinating. Ms. Davis presented "Libby" to Banfield Pet Hospital, and then to the Emergency Hospital of North Texas in Grapevine, Texas. The veterinarian at the Emergency Hospital of North Texas referred "Libby" to the Dallas Veterinary Surgical Center on November 13, 2011.

5. On November 13, 2011, H. Fulton Reaugh, AVM, ACVS-DL performed exploratory abdominal surgery on "Libby" at the Dallas Veterinary Surgical Center. The surgery revealed that Respondent had ligated the right ureter in her ligation of the ovarian pedicle. The ligature of the ureter rendered it strictured and completely non-functional, and caused urine to leak into "Libby's" body cavity. Dr. Reaugh removed "Libby's" right kidney, and placed an additional ligature on the uterine stump.

6. Following surgery with Dr. Reaugh, "Libby" recovered. Respondent sought and received advice from Dr. Reaugh on how to avoid such a complication from a spay surgery in the future, a mitigating circumstance.

### **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 Conclusions of Law 1 through 6, Respondent violated Rule of Professional Conduct 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, by ligating the right ureter in her ligation of the ovarian pedicle during a spay surgery.

3. Based on Findings of Fact 1 through 6 and Conclusions of Law 1 and 2, Respondent has violated Sections 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: (a)

- (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.

.... (d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

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 receive a FORMAL REPRIMAND.

In addition, the Board ORDERS that Respondent complete an additional THREE (3) hours of continuing education in SOFT TISSUE SURGERY within one year of the date of this Order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days after one year of the date of this Order. If Respondent fails to provide documentation of completion within forty-five (45) days of one year of the date of this Order, Respondent's license may be suspended until the continuing education penalty is completed and documentation is received by the Board.

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 Agreed 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 her understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law set forth herein, and agrees that she 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 her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she 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. 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, ELAINE KNAPE, 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.

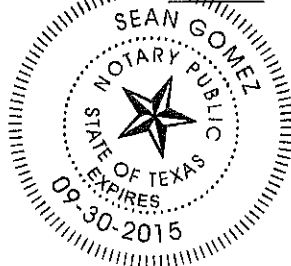
Elaine Knappe, DVM  
ELAINE KNAPE, D.V.M.

Feb 13, 2013  
DATE

STATE OF TEXAS §  
COUNTY OF Denton §

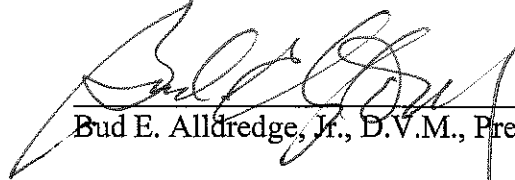
BEFORE ME, on this day, personally appeared Elaine Knape, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that she executed the same for the purposes stated therein.

Given under the hand and seal of office this 13 day of February, 2013



[Signature]  
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL  
EXAMINERS on this the 25<sup>th</sup> March, 2013.



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Bud E. Alldredge, Jr., D.V.M., President