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LEGAL DEPT.

DOCKET NO. LA2017-009

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE APPLICATION OF § VETERINARY
DENISE KOBUSZEWSKI, D.V.M. § MEDICAL EXAMINERS

AGREED LICENSING ORDER

On this day the Texas Board of Veterinary Medical Examiners ("Board") considered the matter of the license application of Denise Kobuszewski, 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 Licensing 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, Denise Kobuszewski, D.V.M., of Irving, Texas, applied for a Texas veterinary license on March 15, 2017. On her application, Respondent disclosed that she had previously been the subject of disciplinary action by the Kansas Board of Veterinary Examiners.
2. On April 30, 2003, The Kansas Board of Veterinary Examiners approved a settlement agreement and consent order (the "Order") with Respondent.
3. The Order found that in the fall of 2000, Respondent and her husband, a licensed veterinarian, entered into a business relationship with another veterinarian, Mark Schwarm, who had recently had his Kansas veterinary license and premises registration revoked. The Order found that Respondent allowed her license to be posted at the unregistered facility and used to open prescription drug accounts. The Order found that Respondent would allow Dr. Schwarm to purchase items through the prescription drug accounts and use these items in the unlicensed practice of veterinary medicine. The Order further found that Respondent performed surgeries and other treatments on patients for Dr. Schwarm without establishing a veterinary-client-patient relationship and without creating adequate medical records. The Order also found that Respondent did not adequately account for or monitor the use of controlled substances in her facilities. Additionally, the Order found that Respondent signed her husband's names to health certificates for animals that had not been examined by a licensed veterinarian.
4. Respondent's veterinary license and veterinary premise registration were suspended for two years. Following the suspension, Respondent was placed on probation for thirteen years. Respondent was fined \$54,000.

5. Respondent has complied with all provisions of the Order and is currently in good standing with the Kansas Board of Veterinary Examiners.

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. Based upon the above paragraphs, Respondent has violated Section 801.402(17) of the Veterinary Licensing Act, and is subject to denial of a license or to disciplinary action by the Board under Section 801.401 of the Act.

3. Respondent is eligible for a veterinary license subject to the terms and conditions contained in this Order.

TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

1. SUSPENSION AND PROBATION

- a. Respondent's license shall be suspended for one year, effective from the date Respondent's license is issued, with said suspension stayed immediately and Respondent placed on probation for the entire period of the suspension.
- b. During the period of probation, Respondent shall notify all present and prospective employers of this Order. Respondent shall cause employers to provide written acknowledgement to the Board that they have read and understood the Order. This acknowledgement must be provided within 30 days of the effective date of the Order for present employers, or within 15 days of undertaking new employment. This acknowledgment shall be submitted to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.
- c. If Respondent does not timely and satisfactorily comply with any of the terms of this Order, the Board may rescind Respondent's probation pursuant to Board Rule 575.36.

2. 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 the Respondent's license is issued, unless stated otherwise.

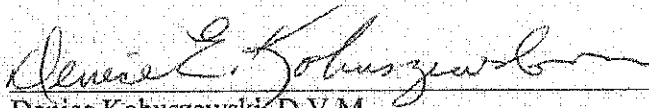
Certification and signature page follows.

RESPONDENT'S CERTIFICATION

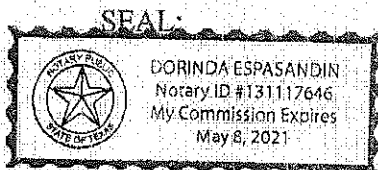
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains 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.

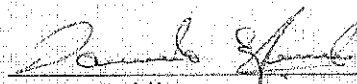
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board and issuance of my license. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply 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 9 day of October, 2017.



Denise Kobuszewski, D.V.M.

Sworn and subscribed before me this 9 day of October, 2017.




Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this _____ day of _____, 20____.


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