

dispensed controlled substances since his registration was expired and terminated.

4. Despite requests from the Board, Dr. Koski failed to provide any documentation reflecting completion of his requisite continuing education hours for the calendar years 2011, 2012, and 2013. Dr. Koski previously represented to the Board with each annual renewal that he had completed the requisite hours of continuing education. Dr. Koski failed to obtain the 17 hours of continuing education required each year for the years 2011, 2012, 2013.

5. Dr. Koski has two prior Board Orders in 2006 for failure to provide proof of continuing education hours for the years 2003 and 2004 and for failing to possess a current DPS controlled substance registration when his registration had expired in 2002.

6. On June 19, 2014, Ms. Thoa Allen took her 14 year old golden retriever mix canine, named December, to Gray Veterinary Services (the "Clinic") to be euthanized. Dr. Koski was working at the Clinic at that time as a relief veterinarian. Ms. Allen requested that December be euthanized in her truck due to his large size and her desire to bury him at her home.

7. Dr. Koski asked if Ms. Allen would like December to be sedated for the procedure and Ms. Allen agreed. The sedative did not work.

8. During the euthanasia process, Dr. Koski attempted at least four times to administer the euthanasia medication; however, he was unable to properly administer the solution. Dr. Koski then offered to administer the solution directly into December's heart. Dr. Koski was unable to properly locate the heart to administer the solution. Due to the emotional stress of the situation, Ms. Allen had to leave her vehicle and enter the Clinic. Dr. Koski later informed Ms. Allen that December had passed away.

9. Laurie Gray, D.V.M., owner of the Clinic, reported to the Board that early in Dr. Koski's employment at the Clinic, Dr. Koski had performed three surgeries one week, including two feline spays and a feline neuter. After Dr. Koski performed the surgeries, second surgeries were necessary for the two feline spay procedures. Dr. Gray stated that the surgical incisions were very large and one of the sites was already dehiscing. Dr. Gray was informed by one of her technicians that during the neuter procedure, the location of the testicles was pointed out to Dr. Koski as if he could not see them. Dr. Gray stated that no further surgeries were scheduled for Dr. Koski after that time.

10. Dr. Gray stated that she questioned Dr. Koski about his need to wear glasses and requested that he wear them when performing surgery. Dr. Koski admitted to her that he needed glasses to read. However, she stated that Dr. Koski never wore his glasses during his employment.

11. Dr. Gray further provided to the Board information about another case of a dog that was attacked and did not receive any IV fluids. The dog returned the following day for treatment of what Dr. Gray described as a "superinfection." Dr. Koski told Dr. Gray that he wasn't aware that fluids were part of the clinic's protocol.

12. Dr. Gray reported an incident where Dr. Koski treated a chow breed canine diagnosed with an infection and septicemia. Dr. Koski prescribed \$170.00 worth of doxycycline to a client with limited income. When a technician asked Dr. Koski if a week's worth of the medication could be provided rather than a month's supply, Dr. Koski explained that the dog would live if it was on the medication for a month. The client returned within three days and euthanized their pet.

13. Dr. Gray terminated Dr. Koski's employment after the June 19, 2014, incident.

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 violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, of the Board's Rules of Professional Conduct, by failing 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.

3. Based on the above Findings of Fact, Respondent violated Rule 573.43, CONTROLLED SUBSTANCE REGISTRATION, of the Board's Rules of Professional Conduct, by failing to maintain a registration with the Texas Department of Public Safety (DPS) to dispense or administer controlled substances.

4. Based on the above Findings of Fact, Respondent violated Rule 573.64, CONTINUING EDUCATION REQUIREMENTS, of the Board's Rules of Professional Conduct, by failing to obtain seventeen (17) hours of acceptable continuing education every year that Respondent renewed his license to practice veterinary medicine.

5. Based on the above Findings of Fact and Conclusions of Law, 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...

6. Based on the above Conclusions of Law, 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.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, in lieu of any administrative penalties or reprimands associated with a finding of a violation of the Board's rules and the Veterinary Licensing Act, Respondent agrees to **voluntarily surrender** his veterinary license and not seek reinstatement by the Board for five years from the date the Board approves this Order.

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law 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. 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.

Signature page to follow

I, WAYNE KOSKI, 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.

Wayne Koski DVM
WAYNE KOSKI, D.V.M.

2/12/16
DATE

STATE OF TEXAS §
COUNTY OF FANNIN §

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

Given under the hand and seal of office this 12th day of FEBRUARY, 2016



Debra Pinkston
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 19 April, 2016.

R. Lenarduzzi DVM
Roland Lenarduzzi, D.V.M., Board President