

SEP 20 2013

DOCKET NO, 2012-104

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

AGREED ORDER

On this the 22 day of October, 2013, came to be considered by the Texas Board of Veterinary Medical Examiners (Board) the matter of the license of Lawrence Koym, D.V.M. (Respondent). Pursuant to Section 801.408, Texas Occupations Code, and Board Rule 575.29, an informal conference was held on July 23, 2012, Respondent was given notice of the conference, but chose not to attend. Respondent was represented by counsel, Keith O'Connell. 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 his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

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, Lawrence Koym, D.V.M. of Kerrville, Texas, holds Texas veterinary License 3598.
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 May 25, 2010, Respondent performed a spay surgery on "Sassi," a three-month old Boston Terrier puppy at the Freeman-Fritts Animal Shelter in Kerrville, Texas.

4. The patient records that Respondent provided the Board for "Sassi" do not contain any details substantiating a pre-surgical examination of "Sassi." The records do not show any complications with anesthesia, surgery or recovery following the spay procedure.
5. In his response to the Board, Respondent stated, "It is probable that I did not see the animal prior to anesthesia and prep...it is very likely I did not auscultate this animal."
6. In later correspondence, Respondent stated that he relied on the veterinary staff of the Freeman-Fritts Animal Shelter to have performed the presurgical examination on "Sassi" before she was presented to him for surgery. However, the procedures at Freeman-Fritts Animal Shelter in place at the time did not require that an animal receive an examination from shelter staff at any point prior to surgery, and "Sassi" had not been examined by any veterinarian at the Freeman-Fritts Animal Shelter prior to surgery.
7. On June 4, 2010, Gwendolyn Katzenburger adopted "Sassi" from the Freeman-Fritts Animal Shelter. That afternoon, Ms. Katzenburger presented "Sassi" to Scott Chapman, D.V.M. at Town and Country Animal Hospital in Kerrville, Texas.
8. Upon auscultating "Sassi," Dr. Chapman diagnosed a very prominent heart murmur, indicating a significant hole in "Sassi's" heart.
9. On June 10, 2010, Ms. Katzenburger presented "Sassi" to the Veterinary Imaging Center of South Texas for an echocardiogram. Andrea Voges, D.V.M. performed the echocardiogram, and diagnosed a ventricular septal defect in "Sassi's" heart.

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 9, Respondent violated Rule of Professional Conduct 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, by failing to perform a pre-surgical examination of "Sassi."
3. Based on paragraphs 1 through 9, Respondent violated section 801.351 of the Veterinary Licensing Act, Occupations Code, which prohibits a veterinarian from practicing veterinary medicine without first establishing a veterinarian-client-patient relationship by examining the animal.
4. Based on Findings of Fact 1 through 9 and Conclusions of Law 1 through 3, Respondent has violated Sections 801.402 (4) and (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:...

(4) engages in...illegal practices in, or connected with, the practice of veterinary medicine...

(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: (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.

6. Based on Conclusions of Law 1 through 4, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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.

The Board further ORDERS that Respondent shall take and pass the Texas veterinary jurisprudence examination within 90 days from the date of this Agreed Order.

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 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.

I, LAWRENCE KOYM, 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.

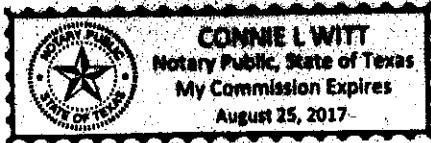
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LAWRENCE KOYM, D.V.M.

9/9/13
DATE

STATE OF TEXAS §
COUNTY OF Mason §

BEFORE ME, on this day, personally appeared Lawrence Koym, 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 9th day of September, 2013.



Connie L Witt
Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 22 October, 2013

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