

DOCKET NO. DK2018-021

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

AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners ("Board") considered the matter of the license of Austin Neely, 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 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, Austin Neely, D.V.M., of Bedford, Texas, holds Texas veterinary license 10737.
2. On September 16, 2016, Sharon Edmondson presented her eight week old, male black lab, Jax, to City Vet Flower Mound in Flower Mound, Texas, for boarding.
3. On September 19, 2016, kennel staff presented Jax to Respondent after finding him sitting in a puddle of urine and noting two sores on his front right paw. Respondent examined Jax and noted a temperature of 104.4 and two ulcerative lesions on the dorsal surface of the right front paw of approximately 3 cm in diameter. The dorsoproximal tail base also had two areas of ulcerative tissue and a clear discharge extending over the right lateral thigh.
4. Respondent contacted Ms. Edmondson and informed her of the injury. Respondent recommended a chemistry panel and CBC, and Ms. Edmondson agreed. The chemistry panel and CBC indicated a mildly decreased HCT and RBC count as well as a mildly increased ALT. Respondent performed additional examination and noted skin sloughing over the right hip and thigh region, mild green discoloration, and slight edema from the right hip to the cranial femoral region and distally towards the stifle.
5. A caretaker hired by Ms. Edmondson arrived to pick up Jax. Respondent explained to the caretaker, and then to Ms. Edmondson by telephone, that he was not comfortable discharging Jax in this condition. Respondent asked to keep Jax overnight for additional treatment and diagnostics.
6. Respondent administered buprenorphine for pain and sedated Jax with dexdomitor. Respondent did not receive authorization from Ms. Edmondson prior to administering these medications. Respondent took a culture and placed topical lidocaine gel on the wound. Respondent

removed the necrotic skin and transected the necrotic skin flap. Respondent submitted sections of the flap for histopathology. Respondent then flushed the denuded area with dilute chlorhexidine solution and reversed Jax with antiseptic. The culture results revealed E. coli bacteria and the histopathology results were inconclusive. Ms. Edmondson arrived later that day and elected to take Jax home.

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. Respondent has violated Section 801.402(12) of the Veterinary Licensing Act, Texas Occupations Code, which prohibits the performance of unauthorized treatment.
3. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
4. Pursuant to Board Rule 575.25, Respondent's violations are Class C violations, and Respondent is subject to disciplinary action under that Rule.

TERMS OF ORDER

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

1. REPRIMAND
 - a. Respondent is hereby informally reprimanded by the Board. This informal reprimand will not be published in the Board's newsletter and will not be routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database. A copy of this informal reprimand will be forwarded to the AAVSB if specifically requested by that organization.
2. ADMINISTRATIVE PENALTY
 - a. Respondent shall pay an administrative penalty of five hundred dollars (\$500.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701. Partial payments will not be accepted.
 - b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent's license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter

may be referred to the Attorney General for collection, pursuant to Texas Occupations Code, Section 801.458.

3. 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 it is adopted by the Board, unless stated otherwise.

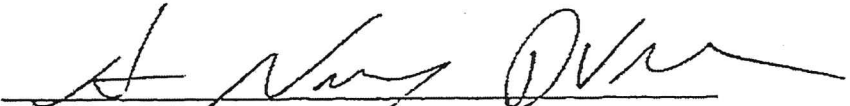
Certification and signature page follows.

RESPONDENT'S CERTIFICATION

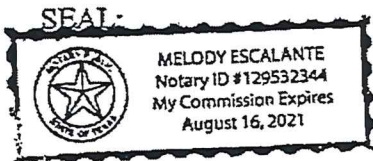
I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I deny the violation(s) herein. I understand that this Order contains the entire 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.

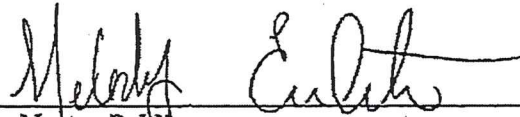
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions 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 27 day of June, 2018.



Austin Neely, D.V.M.

Sworn and subscribed before me this 27th day of June, 2018.




Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 31st day of July, 2018.


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