

DOCKET NO. DK2019-005

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
MELISSA POTTER, 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 Melissa Potter, 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, Melissa Potter, D.V.M., of Dallas, Texas, holds Texas veterinary license 7925.
2. On August 4, 2017, Owner presented his approximately 17-year-old West Highland Terrier, Ally, to another provider at Respondent’s clinic. Ally was diagnosed with Westie Lung Disease, or idiomatic pulmonary fibrosis (IPF). Ally’s prognosis was guarded, but she improved with treatment. An echocardiogram was recommended.
3. On August 7, 2017, Ally presented to Respondent for her first echocardiogram. Respondent diagnosed Ally with severe pulmonary hypertension and increased Ally’s sildenafil.
4. On August 23, 2017, Ally presented to another provider at a different clinic who performed another echocardiogram and diagnosed moderate pulmonary hypertension, which indicated the sildenafil was helping.
5. By December of 2017, Owner (who is not a veterinarian) wanted to lower Ally’s medication dosage, so he contacted several providers to get this accomplished. Respondent agreed to re-evaluate Ally. On January 4, 2018, Respondent performed another echocardiogram on Ally. Respondent had difficulty performing the pressure test and informed Owner of this. Despite the faulty test, Respondent used her knowledge, training, and experience to correctly diagnose Ally with moderate pulmonary hypertension and recommended she stay on the same course of treatment. Respondent did not refer Ally to a cardiologist or other specialist for further diagnostics or treatment.

6. Owner requested a refund for the echocardiogram or another one free of charge. Since this was a request requiring administrative approval, facility policy required this request to be sent to the practice manager. Respondent did not have any authority over the practice manager/corporate's handling of the matter. Owner was informed this request for a retest would be routed through the practice's Medical Review Committee (MRC).

7. On January 19, 2018, Owner was informed that his request for a refund was declined by the MRC. The practice manager explained that they believed the sildenafil was working for Ally and a repeat echocardiogram would not provide any additional as pressures change day by day, and Ally should be seen by a board-certified cardiologist.

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 Board Rule 573.24, Responsibility of a Veterinarian to Refer a Case, of the Board's Rules of Professional Conduct.

3. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code, prohibiting violation of Board Rule.

4. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.

5. Pursuant to Board Rule 575.25, Respondent's violations are Class B 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 one thousand dollars (\$1,000.00)

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.

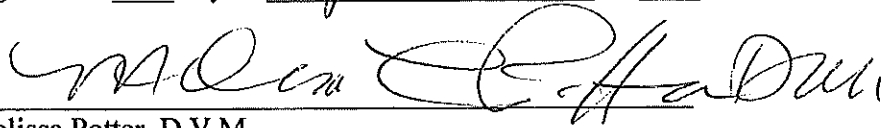
Certification and signature page follows.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I 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. 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.

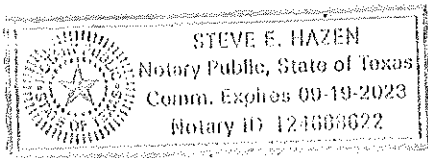
Signed this 21 day of April, 2023.



Melissa Potter, D.V.M.

Sworn and subscribed before me this 21st day of April, 2023.


SEAL:





Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 18th day of July, 2023.



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