

DOCKET NO. 2005-43

IN THE MATTER OF § TEXAS STATE BOARD OF  
THE LICENSE OF §  
WILLIAM C. ANDERSON, D.V.M. § VETERINARY MEDICAL EXAMINERS

**AGREED ORDER**

On this the 9th day of June, 2005, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of WILLIAM ANDERSON, D.V. M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on May 5, 2005. The Respondent appeared without counsel. 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. On June 5, 2003, Paul Davis, Fort Worth, Texas, presented his dog "Dixie" to William Anderson, D.V.M., Fort Worth, Texas, for an ovariohysterectomy. Dr. Anderson performed the procedure on that date. In January 2004, "Dixie" became ill. Sharon Davis presented the dog to another clinic where it was determined that the dog was in heat. Paul Davis spoke to Dr. Anderson who suggested that "Dixie" be returned to him for examination the next time she was in heat.
2. On November 28, 2004, "Dixie" had vomited from car sickness. Mr. Davis contacted Dr. Anderson who advised that he give the dog Pepto Bismol. He did so and the dog seemed to get better. However, during the week the dog began to swell and it became apparent that she was in heat again. On December 4<sup>th</sup>, Ms. Davis presented "Dixie" to the Boat Club Road Animal Hospital, where the dog was examined by Lynn Harper, D.V.M. Dr. Harper confirmed that "Dixie" was in heat. On December 8<sup>th</sup>, Dr. Harper performed exploratory surgery which revealed that the left ovary and uterine horn were intact. The right uterine horn was partially ablated and the right ovary was gone. Dr. Harper removed the uterus and remaining ovary and the dog

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recovered without incident.

3. On December 9<sup>th</sup>, Ms. Davis and Dr. Anderson spoke on the telephone. Dr. Anderson declined Ms. Davis' demand that he refund the money spent for the services rendered at the Boat Club Road Animal Hospital, because she had not returned "Dixie" to his clinic as discussed with Mr. Davis in January 2004.
4. Based on Findings of Fact 1 through 3, Dr. Anderson's failure to perform a complete ovariohysterectomy on the patient, which resulted in additional stress on the patient and additional expense to the owners, does not represent the same degree of care, skill, and diligence in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in Fort Worth, Texas or in similar communities.

#### **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 Finding of Fact 4, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF HUMANE TREATMENT, of the Board's Rules of Professional Conduct, which requires veterinarians to exercise the same degree of humane care, skill and diligence in treating patients as is 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 Findings of Fact 4 and Conclusion of Law 2, Respondent has violated Section 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.
4. Based on Conclusions of Law 1 through 3, 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:
    - (1) refuse to examine an applicant or to issue or renew a license;

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- (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 a civil penalty.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that WILLIAM ANDERSON , D.V.M., be INFORMALLY REPRIMANDED.

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 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 herein 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 is 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. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. 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.

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I, WILLIAM C. ANDERSON, 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.

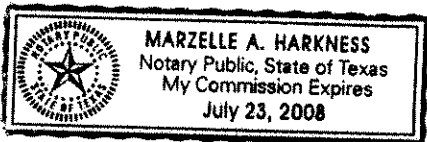
*William C. Anderson DVM*  
William C. Anderson, D.V.M.

5-20-05  
Date

STATE OF TEXAS §  
COUNTY OF TARRANT §

BEFORE ME, on this day, personally appeared WILLIAM ANDERSON, 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 20 day of May, 2005.



*Marzelle A Harkness*  
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 9th day of June, 2005.

*Gary C Brantley DVM*  
Gary C. Brantley, D.V.M., President