

DOCKET NO. 2005-44

IN THE MATTER OF § TEXAS STATE BOARD OF  
THE LICENSE OF §  
RACHEL BASS, D.V.M. § VETERINARY MEDICAL EXAMINERS

**AGREED ORDER**

On this the 9<sup>th</sup> 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 Rachel Bass, 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 attended 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 her understanding of the alleged violations and the adequacy and sufficiency of the notice provided to her.

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 July 9, 2004, Linda Mojica and Aaron Meyers, Dallas, Texas, presented their dog "Boo" to Banfield, The Pet Hospital, 12100 Inwood Road, Dallas, Texas, for an annual examination and teeth cleaning. Rachel Bass, D.V.M., conducted the examination and blood work. Upon picking up the dog later in the day, Ms. Mojica noticed that she had been charged for expressing the dog's anal gland. This procedure had not been authorized by Ms. Mojica. The Banfield drop-off sheet for July 9<sup>th</sup> contained the statement, "Please call me before treating, if my fee will be over \$1.00."
2. On July 16, 2004, "Boo" was presented for teeth cleaning. Dr. Bass performed the procedure. During the day, Ms. Mojica called the clinic to check on the dog and found that Dr. Bass had extracted two teeth. These extractions had not been authorized by Ms. Mojica. The Banfield patient drop-off sheet for July 16<sup>th</sup> contained the statement, "Please call me before treating, if my fee will be over \$0."
3. On both occasions, Ms. Mojica and Mr. Meyers had left four telephone numbers with the clinic

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where they could be reached.

### 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 Findings of Fact 1, 2 and 3, Respondent has violated Section 801.402 (12) of the Veterinary Licensing Act, Texas Occupations Code, GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION, which prohibits the performing of unauthorized treatment.
3. Based on Conclusions of Law 1 and 2, 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;
  - (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:

The Board ORDERS that RACHEL BASS, 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 her understanding of the Agreed Order,

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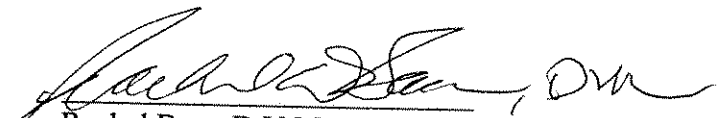
the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that she will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives her right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that she 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. 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.

I, RACHEL BASS, 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.

  
Rachel Bass, D.V.M.

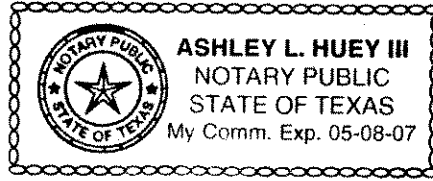
5/25/05  
Date

STATE OF TEXAS §  
COUNTY OF Wallas §

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

Given under the hand and seal of office this 25<sup>th</sup> day of May, 2005.

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*Ashley L. Huey III*  
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

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