

DOCKET NO. 2006-51

IN THE MATTER OF § TEXAS STATE BOARD OF
THE LICENSE OF §
JEANNE CHUCLE D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 12th day of October, 2006, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of JEANNE CHUCLE, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on June 16, 2006. The Respondent appeared with 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 disciplinary issues set out below. 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 or around March 17, 2005, Ms. Lois Wright, Houston, Texas, presented her 13-year old dog "Honey" to the Wesleyan Animal Clinic, Houston, Texas for boarding. The boarding form signed by Ms. Wright directed the clinic to "administer all treatment and medication deemed necessary by the doctors." Jeanne Chucle, D.V.M., had cared for "Honey" in the past. During the dog's boarding, John Grizzaffi, D.V.M., Dr. Chucle's associate, called Mary Ellen Wright, the contact person listed on the boarding admission form, to inform her that the dog's long-standing arthritis had flared up. Deramax was prescribed for the duration of the boarding period.
2. In November 2004, "Honey" had presented for arthritis and hearing issues. Dr. Chucle had noted a significant weight loss at that time. Blood work was done and Dr. Chucle reportedly suggested to Ms. Wright the option of referral to an internist or radiographs and/or ultrasound because of a possible neoplasia. Ms. Wright reportedly declined further diagnoses at that point.
3. When "Honey" arrived for boarding, Dr. Chucle noted that the dog was very thin. Weight loss had been noted in the November 2004 examination. On March 24th, the kennel staff first reported that "Honey" was having difficulty getting up and she was holding up her left rear leg.

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On this same date, Dr. Grizzaffi examined the dog and noted that the dog was holding up its left rear leg, would bear very little weight, but was happy otherwise. Pain was noted to be in the hip. Dr. Grizzaffi diagnosed a flare-up of pre-existing arthritis, and prescribed Deramaxx. On March 25th, Dr. Chucle placed some acupuncture needles because the dog was still holding up her left rear leg. The next day, March 26th, Dr. Chucle noticed that the dog seemed better, could bear some weight and was walked with the aid of a sling. She was very weak in her rear legs and had extensive muscle atrophy which had been going on for a long time, according to Dr. Chucle. The following Monday, March 28th, Dr. Chucle observed that the dog had deteriorated again over the last two days. Kennel staff were forced to carry her in and outside. At this point, according to Dr. Chucle, the dog "could not even stand." On March 28th, Dr. Chucle personally called Ms. Lois Wright and informed her of "Honey's" condition. Ms. Wright picked up "Honey" on March 29th, and noted that the dog was in a filthy condition. Her left rear leg was tucked up and she could barely ambulate. Later in the afternoon, Ms. Wright and her husband spoke to Dr. Chucle and, on the Wrights' request, the dog was referred to the Gulf Coast Veterinary Specialists in Houston.

4. On March 30, 2005, Jenifer Sheehy, D.V.M., Gulf Coast Veterinary Specialists, examined "Honey." The dog's overall body condition was evaluated as poor. Dr. Sheehy noted that she was non-weight bearing on her left pelvic limb and there was severe muscle atrophy of the limb. Based on radiographs, the diagnosis was a pathologic fracture of the proximal tibia through a bony neoplastic lesion (bony tumor), and splenic mass. Brian Beale, D.V.M., performed a splenectomy and the fracture was stabilized with a plate-rod implant. Histopathological diagnosis was splenic hemangiosarcoma with metastasis to the left tibia. "Honey" was euthanized on May 31, 2005.

5. "Honey" presented to Dr. Chucle on or around March 17, 2005 for boarding and was discharged on March 29th. Dr. Chucle observed the dog's deteriorating condition during that time period, although she also noted that the dog seemed to improve on March 26, 2005, as she was able to walk on that date without assistance. As noted in Finding of Fact 1 above, Dr. Chucle had written pre-authorization to provide all necessary treatment and medications. The only treatment provided was acupuncture and Deramaxx. No radiographs were taken. Having been alerted to the poor condition of the dog's leg, Dr. Chucle should have provided adequate diagnostics and treatment options for the clients. According to Dr. Chucle, she had offered diagnostics and treatment options in November 2004, which were declined. Dr. Chucle's failure to do so does not represent 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 Houston, Texas, or in similar communities.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act,

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Chapter 801, Texas Occupations Code, and with the Board's Rules.

2. Based on Findings of Fact 3 and 5, 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 Conclusions of Law 1 through 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;
- (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.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that JEANNE CHUCLE, D.V.M., be FORMALLY REPRIMANDED.

The Board further ORDERS that Respondent pay an ADMINISTRATIVE PENALTY of \$500.00 (Five Hundred Dollars), payable within 45 days of the date of this Order. If Respondent fails to pay the administrative penalty within 45 days of the date of this Order,

Respondent's license shall be SUSPENDED until the administrative penalty is paid.

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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, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, 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.

The parties to this Agreed Order understand, recognize, stipulate and agree that Respondent, by signing this Agreed Order, makes no admission of civil liability; that the Findings of Fact and Conclusions of Law contained in this Agreed Order are not the result of an adjudicative hearing nor based upon the burden of proof and/or evidentiary standard applicable to a civil trial; and that the terms of this Agreed Order are not intended to be offered as evidence of liability in any civil trial, nor to be probative on the issue of civil liability.

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, JEANNE CHUCLE, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I

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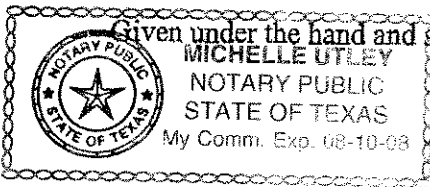
SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Jeanne Chucle
Jeanne Chucle, D.V.M.

8/10/2006
Date

STATE OF TEXAS §
COUNTY OF HARRIS §

BEFORE ME, on this day, personally appeared JEAN CHUCLE, 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 10th day of August, 2006.

[Signature]
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 12th day of October, 2006.

Robert Lastovica, DVM
Robert Lastovica, D.V.M., President