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IN THE MATTER OF § TEXAS STATE BOARD OF

THE LICENSE OF §

WILLIAM HAGLUND, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 17th day of February, 2005, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of WILLIAM HAGLUND, D.V. M. ("Respondent") Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on December 10, 2004. The Respondent appeared with counsel. The Board was represented 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 November 21, 2003, Samuel Shoss, M.D., presented his German shepherd “Sasha” to William Haglund, D.V.M., Echo Lane Animal Clinic, Houston, Texas, for boarding and an ovariohysterectomy, umbilical hernia repair, and implantation of a microchip. The surgery was performed on November 24th by William Haglund, D.V.M., and “Sasha” was sent home that afternoon.

2. On November 26th, Dr. Shoss noticed blood dripping from the dog's incision. He immediately returned the dog to Dr. Haglund's clinic. Dr. Haglund advised that the bleeding was only superficial. Dr. Haglund applied a pressure dressing to the incision and told Dr. Shoss to leave the dressing on until the next Monday, December 1st. On the evening of November 26th, "Sasha" became very restless and uncomfortable, and Dr. Shoss presented her to the Veterinary Emergency Referral Group, Inc. (VERGI), Houston, Texas. Veterinarians at VERGI examined the dog and suggested that the dog be returned the next day so that the dressings might be removed at the clinic.

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3. On November 28th, when "Sasha" became irritated and uncomfortable again, Dr. Shoss returned her to VERGI and consulted with Jennifer Garb, D.V.M., Laurie Noaker, D.V.M., and Jennifer Lavender, D.V.M. Since the dog was not getting any better, the recommendation was made for an exploratory laparotomy to determine the nature of the problem. Dr. Lavender suspected that suture reaction was involved. Surgery revealed that the uterine body was intact. The right and left uterine horns were present, each having been ligated at least four centimeters cranial to the bifurcation. The uterus was removed, and the surgery was completed. Dr. Schoss picked up the dog the next day.

4. The accepted medical definition of an ovariohysterectomy in Texas is the removal of the ovaries and uterus. Dr. Haglund did not remove the entire uterus and uterine horns and provided no compelling reason for not doing so. Leaving the uterus in a patient under these circumstances may contribute to the risk of infection or later medical complications which were not explained to the client. Because of these considerations, Dr. Haglund's actions and/or inactions do 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 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 Findings of Fact 3 and 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 3 and 4, and Conclusions of Law 1 and 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

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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:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that William Haglund, 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