DOCKET NO. 2005-52

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

AGREED ORDER

On this the 13th day of October, 2005 came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of RIORDAN HARTZOGE, D.V. M ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on August 18, 2005. The Respondent attended the conference 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.

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 February 23, 2004, Donna Smith, Midland, Texas, presented her dog "Mattie" to Riordan Hartzoge, D.V.M., for inappetence, hypoglycemia, and seizures. The dog was hospitalized and blood panels were run which showed that the dog was hypopalbumenemic. Juvenile liver disease was diagnosed. In his narrative response to the Board, Dr. Hartzoge says that he discussed the liver disease with Ms. Smith's daughter, but the diagnosis and discussion are not noted in the patient record. Dr. Hartzoge gave the dog antibiotics, antiemetics, and put the dog on a high protein diet. The next morning, glucose levels were low and treatment was continued. Glucose stabilized later in the day. By February 25th, "Mattie" was stable and she was discharged from the hospital with antibiotics, centrene and canine a/d food. Follow-up blood work on March 18th showed that blood parameters were all in the normal range.

2. An ovariohysterectomy and dental procedure were performed on "Mattie" on March 31st. Antibiotics were prescribed. On April 15th, the dog was returned because of symptoms of hypoglycemia and vomiting. The vomiting was controlled with amoxicillin and centrene and "Mattie" was sent home. Dr. Hartzoge, in his narrative report to the Board, indicated that he

discussed liver disease with Ms. Smith and suggested a liver biopsy, which was declined by Ms. Smith. On May 22nd, Shea Smith reported to Dr. Hartzoge that "Mattie" was sick again. Dr. Hartzoge sent amoxicillin and centrene home with Ms. Smith's daughter. On May 26th, "Mattie" was again returned to the hospital where laboratory work again showed an elevated white blood count and low blood glucose. Antibiotics and antiemetics were again prescribed and again the symptoms were controlled. On June 7th, a recheck showed that blood glucose was stable and the WBC was at 19,300.

3. Dr. Hartzoge reported that since "Mattie" was stable when taking antibiotics and a special diet, he recommended to Ms. Smith that the dog continue this regimen indefinitely. On June 22nd, lab analyses showed that WBC and glucose were within normal ranges, but ALT was 114 U/l. Dr. Hartzoge prescribed amoxicillin for one month and denosyl was prescribed for liver function. On July 26th, according to Dr. Hartzoge's records, Ms. Smith asked that amoxicillin and the special diet be discontinued, but she continued to use denosyl. On August 15th, an ill "Mattie" was presented to the Permian Basin Veterinary Clinic, Odessa, Texas. Henry S. Lide, D.V.M., examined the dog and advised Ms. Smith to have the dog's bile acid levels checked to rule out a portosystemic shunt and consider a possible referral to a specialist for a complete work-up. On August 16th, "Mattie" was returned to Dr. Hartzoge. Blood work confirmed low glucose, phosphorus and BUN. The usual therapy of antibiotics and antiemetics was begun again. This was the last time Dr. Hartzoge treated "Mattie." Ms. Smith requested a referral to the Animal Diagnostic Clinic (ADC) of Dallas, Texas. On August 19th, Dr. Hartzoge sent the referral and noted on the referral form "immature liver, porto systems shunt." Diagnosis of a shunt does not appear in the patient records.

4. On August 20, Erika Pickens, D.V.M., of the ADC did a complete work-up of the dog, and reported to Dr. Hartzoge that the dog had been diagnosed with a portosystemic shunt and was scheduled for a surgical correction at the Dallas Veterinary Surgical Center on August 27th. However, surgery was unsuccessful because of the location of the shunt. Dr. Pickens recommended management of the problem with diet, metonidazole and lactulose.

5. Following the treatment of "Mattie" in Dallas, Ms. Smith began using the Mesa Verde Animal Clinic in Midland for the dog's continued care. On September 1st, Mesa Verde requested copies of the patient records from Dr. Hartzoge. By letter to the Board dated January 7, 2005, Linda Smetak, D.V.M., stated that Mesa Verde never received the requested patient records.

6. Dr. Hartzoge's patient records lack patient history, physical findings, diagnoses, rule-outs, and treatment plans. Discussions of possible liver disease and biopsies are not noted in the records. A diagnosis of a shunt is not mentioned in the patient records, but is included in the referral to a specialist.

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 6, Respondent has violated Rule 573.52, PATIENT RECORD KEEPING, of the Board's Rules of Professional Conduct, which requires that a patient's record include details necessary to substantiate the examination, diagnosis, and treatment provided.

3. Based on Finding of Fact 6 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 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:
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> > (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 Riordan Hartzoge , D.V.M., be INFORMALLY REPRIMANDED.

The Board further ORDERS that Respondent shall, over a four- month period, submit to the Board copies of five patient records of the Respondent's choosing, beginning the month after the date of this Order.

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 not 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, **RIORDAN HARTZOGE**, 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.

Riordan Hartzoge, D.V.M.

8-30-05

Date