

DOCKET NO. 2005-38

IN THE MATTER OF § TEXAS STATE BOARD OF
THE LICENSE OF §
REBECCA HUDSON, 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 REBECCA HUDSON, D.V. M. ("Respondent") Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on December 9, 2004. 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 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. During the period May 6 through May 9, 2004, Connie Marino, Houston, Texas, noticed that her dog "Scarlett" exhibited the following symptoms: vomiting, loss of appetite, tiredness, weakness, and lethargy. On May 10th, Ms. Marino presented the dog to the Pet Check-up Clinic in Houston. Robyn Palmer, D.V.M., examined "Scarlett." She noted that the dog had a mild fever, had mildly labored breathing, was 2-5% dehydrated, and appeared depressed. Dr. Palmer did blood work and a urinalysis and took radiographs. The bloodwork showed hypoalbuminemia (albumin < 1.6) and hyponatremia (sodium 123). The dog was being medicated with Rimadyl. The radiographs indicated an enlarged heart. Dr. Palmer diagnosed a severe urinary tract infection and gave the dog a Baytril injection, and LRS fluids subcutaneously. The dog was sent home with antibiotics.
2. Later in the evening of May 10th, the dog's condition seemed to deteriorate and she vomited up the oral antibiotic and urinated on herself. Ms. Marino placed "Scarlett" in the bathtub to wash her off, and she appeared very weak and lifeless. Ms. Marino called the clinic's emergency number and Rebecca Hudson, D.V.M., returned the call. Dr. Hudson suggested bringing the dog back to the clinic in the morning. Ms. Marino asked about taking the dog to an emergency clinic.

RECEIVED
MAY 16 2005

Agreed Order 2005-38
Rebecca Hudson, D.V.M.

but Dr. Hudson opined that "Scarlett" would be okay until the morning.

3. Ms. Marino's son presented "Scarlett" to Pet Check-up on May 11th. The dog was placed in a cage for observation. Dr. Hudson gave her fluids subcutaneously and 80 mg Baytril and 4 mg Dexamethasone subcutaneously. Ms. Marino called for an update around 4:00 p.m. and was told by Dr. Hudson that the dog may be developing pancreatitis. Dr. Hudson suggested keeping the dog at the clinic overnight for treatment the next day, but Ms. Marino decided to take the dog home that evening. Prior to discharge, Dr. Hudson repeated the antibiotic and dex injections and told Ms. Marino to bring "Scarlett" back only if her condition did not improve.

4. On the way home, "Scarlett's" breathing seemed to become labored. Around 8:00 p.m., the dog's breathing was more rapid and labored. Ms. Marino presented the dog to Animal Hospital Jones Road (AHJR) where she was examined by Jacqueline Marcoux, D.V.M. On presentation, the dog was severely dehydrated, in shock, recumbent and in respiratory distress. Clinical signs indicated that the dog was septic. "Scarlett" died shortly after arriving at the AHJR. No necropsy was performed.

5. "Scarlett's" condition (vomiting and anorexia, low albumin, low sodium, dehydration) suggested a gastrointestinal problem with the dog. Dr. Hudson probably relied too much on the original assessment of Dr. Palmer that the dog had a urinary tract infection. Dr. Hudson should have considered "rule outs" that cause GI problems, such as a bleeding disorder, chronic use of Rimadyl, and problems that cause hyponatremia, such as Addison's Disease. When the dog's condition worsened on May 11th, Dr. Hudson should have instituted a broad assessment and aggressive therapeutic protocol. Medications were not sent home with the patient upon discharge on May 11th, although medications had been administered at the clinic. IV therapy was indicated but not provided. Dr. Hudson provided conservative treatment when more aggressive treatment should have been instituted. These 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 Finding of Fact 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

Agreed Order 2005-38
Rebecca Hudson, D.V.M.

the veterinary medical profession in good standing in the locality or community in which they practice, or in similar communities.

3. Based on Finding of Fact 5, 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:

- (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 REBECCA HUDSON, 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,

Agreed Order 2005-38
Rebecca Hudson, D.V.M.

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 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.

I, **REBECCA HUDSON, 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.

Rebecca Hudson

Rebecca Hudson, D.V.M.

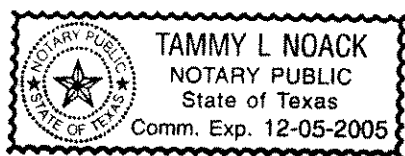
5-12-05

Date

STATE OF TEXAS §
COUNTY OF Harris §

BEFORE ME, on this day, personally appeared Rebecca Hudson 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 12th day of May, 2005.



Tammy L. Noack
Notary Public

Agreed Order 2005-38
Rebecca Hudson, D.V.M.

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



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