

DOCKET NO. 2005-17

IN THE MATTER OF § TEXAS STATE BOARD OF
THE LICENSE OF §
JERRY PARKER, 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 JERRY PARKER, 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 without 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 June 9, 2004, Estelle Easterling, Benbrook, Texas, presented her Shih-tzu "Shy Anne" to the Benbrook Animal Hospital, Benbrook, Texas, because the dog had appeared tired and lethargic. Ms. Easterling dropped the dog off at the hospital and Jerry Parker, D.V.M., examined "Shy Anne." Subsequent blood work revealed anemia and possible kidney and liver failure, and Ehrlichia infection. Ms. Easterling told Dr. Parker that she was limited to about \$400 in treatment expenses for her dog.
2. Dr. Parker treated the dog with subcutaneous fluids, Baytril, and dexamethasone. The dog was released to go home with vitamins, antibiotics, and a special formula food. Dr. Parker expressed confidence that his prescribed treatment would improve "Shy Anne's" condition.
3. At about 3:19 a.m. on June 10th, Ms. Easterling was awakened by the sound of the dog vomiting. Urine was on the floor and the dog appeared to be unconscious. Ms. Easterling rushed "Shy Anne" to the Metro West Emergency Center where she was examined by Shelley Finger, D.V.M. Based on Ms. Easterling's recital of the dog's recent treatment by Dr. Parker and Dr. Finger's own examination, treatment was not recommended. The dog died a few minutes later in

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the examination room.

4. Although constrained by the \$400 available for treatment of "Shy Anne," Dr. Parker conducted only \$269 worth of diagnostics and treatment. Blood work showed that the dog was in critical condition upon presentation. Hematocrit was 16.6%, indicating probable internal bleeding. Dr. Parker did not emphasize the seriousness of the dog's condition to Ms. Easterling. No additional diagnostics were suggested to find the cause of the bleeding and anemia, and confirm possible liver and kidney failure. Options such as continued hospitalization, euthanasia, referral, or blood transfusion were not offered. No Ehrlicia test was done. Subcutaneous fluids were given when IV fluids would have been the better choice for the dog's acute condition. Upon release of the patient, Dr. Parker did not speak with Ms. Easterling to discuss the acute condition of the patient and discharge instructions.

5. Based on Findings of Fact 2 and 4, Dr. Parker's treatment of the patient 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 Benbrook, 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 2, 4, 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 Findings of Fact 2, 4, and 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

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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 Jerry Parker, D.V.M., be FORMALLY 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 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

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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, **JERRY PARKER, 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.

Jerry Parker DVM
Jerry Parker, D.V.M.

12/29/04
Date

STATE OF TEXAS §
COUNTY OF Tarrant §

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

Given under the hand and seal of office this 29 day of December, 2004.



Klaus H W
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 17th day of February, 2005.

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

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TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS