

DOCKET NO. 2005-51

IN THE MATTER OF § TEXAS STATE BOARD OF
THE LICENSE OF §
ABRAHAM SIAGI, 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 ABRAHAM SIAGI, D.V. M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on June 10, 2005. 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 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 December 15, 2004, Clifton and Teresa Allen presented their dog "Midnight" to Abraham Siagi, D.V.M., Arlington, Texas, for a suspected urinary infection. The owners had noticed blood in the dog's urine and feces. Dr. Siagi conducted a physical examination of the dog and gave a tentative diagnosis of urinary tract infection. He gave the dog a polyflex injection and sent the dog home with Cephalexin. Dr. Siagi also administered a rabies shot on the right rear leg. The following day Mr. Allen called several times to tell Dr. Siagi that the dog was constipated. Dr. Siagi did not request that the dog be returned to the clinic, but told Mr. Allen to pick up lactulose and explained how to administer it.
2. "Midnight's" patient records for December 15th indicate that Dr. Siagi offered a fecal analysis but the client declined the additional diagnostics.
3. After a few days, the Allens noticed that "Midnight" had stopped walking and appeared to be in pain. On December 21st, they took the dog to the Animal Health Care Center, Arlington, Texas, where she was examined by Jerry B. Dittrich, D.V.M. Dr. Dittrich conducted a physical examination and quickly discovered a large mass on the dog's right hip and another mass in the

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rectal area. Radiographs revealed the mass extensively involved soft tissues in the pelvic cavity and was preventing proper bowel and bladder evacuation. In addition, the mass hindered the dog's ability to stand and walk normally. Based on a poor prognosis, euthanasia was suggested and the dog was euthanized on December 26th.

4. Dr. Siagi's failure to (a) emphasize to the client the importance of a fecal examination in light of the symptoms presented; (b) examine the patient after receiving complaints of constipation; and (c) find and diagnose the masses in the dog's right hip and rectal area, which were causing the symptoms of constipation noted by the owner, 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 Arlington, Texas, or in 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 1 through 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 Finding of Fact 4 and Conclusion of Law 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;

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- (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 ABRAHAM SIAGI, 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 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.

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I, ABRAHAM SIAGI, 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.

AS
Abraham Siagi, D.V.M.

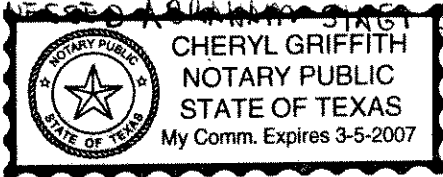
8.30.05
Date

STATE OF TEXAS §
COUNTY OF TARRANT §

BEFORE ME, on this day, personally appeared ABRAHAM SIAGI, 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 30 day of AUGUST, 2005.

~~WITNESSED BY ABRAHAM SIAGI~~ SIGNATURE ONLY



Cheryl Griffith
Notary Public

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 13th day of October, 2005.

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