

RECEIVED
NOV 14 2005

DOCKET NO. 2006-02

TEXAS STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF § TEXAS STATE BOARD OF
THE LICENSE OF §
SUSAN L. THOMAS, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 16th day of February, 2006, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of SUSAN L. THOMAS, D.V. M. ("Respondent") Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on October 14, 2005. The Respondent appeared 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 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. On February 9, 2005, Jennifer Kreutzer, Spring, Texas, presented her Basset hound "Chewy" to Susan Thomas, D.V.M., Cypresswood Animal Clinic, Spring, Texas for investigation of a large mass growing on the dog's chest. Dr. Thomas scheduled an appointment for March 16th to either remove the mass if it was a fatty tumor or biopsy the mass if it was not.
2. On March 16th, Dr. Thomas conducted the surgery. She found that the growth was not well circumscribed and had deep roots into the pectoral muscles, which indicated that the entire mass could not be removed. Dr. Thomas then biopsied the tip of the growth. She noted that the growth was very vascular with a large number of "seepers" and "oozers." A Penrose drain was placed. According to Dr. Thomas, moderate drainage was noted when "Chewy" began to move around and stand after surgery. One hour later, bleeding from the Penrose drain continued, so the drain was removed and a pressure bandage was applied. Dr. Thomas observed that clotting was not occurring as it should have. Dr. Thomas injected 50 mg of vitamin K subQ and measured PCV. The PCV reading was not noted in the patient records. Solu-Delta-Cortef, a treatment for shock and inflammation, was also administered.

Agreed Order 2006-02
Susan L. Thomas, D.V.M.

3. At around 5:30 p.m., Ms. Kreutzer arrived at the clinic to pick up "Chewy." Dr. Thomas told Ms. Kreutzer that the dog had bled profusely during the surgery and at one point she felt that she would have to give him a transfusion. Ms. Kreutzer informed Dr. Thomas that one of the dog's litter mates had bled excessively when blood was drawn at one time. "Chewy" was brought out to the reception area on a stretcher. A veterinary technician assisted Ms. Kreutzer in loading the dog into her truck. Ms. Kreutzer and the technician noted that the dog was still bleeding and they returned him to Dr. Thomas for re-evaluation. Dr. Thomas noted the presence of 3 to 4 cc of partially clotted blood (dark blood) which she felt had pooled under the dog's skin. The blood soaked bandage was not changed. "Chewy" was discharged to home care with instructions to Ms. Kreutzer to be on the lookout for red blood which would indicate new bleeding.

4. Ms. Kreutzer transported the dog to her parents' house, but then took the dog to another house at the parents' insistence. "Chewy" continued to bleed, although the blood appeared to be dark. At about 1:00 a.m., Ms. Kreutzer noticed that the dog was having difficulty breathing and he began to shake. Ms. Kreutzer and her fiancé rushed "Chewy" to an emergency facility. Corrie Bates, D.V.M., at the emergency clinic reported that the dog was dead on arrival, apparently from blood loss. Dr. Bates noted that the bandage over the wound was completely saturated with blood.

5. A copy of the surgery report was not included in the patient records that Dr. Thomas sent to Ms. Kreutzer. The patient records do not reflect any suggestion that Ms. Kreutzer transport the patient to an emergency facility for continued observation and care.

6. Dr. Thomas was confronted with a patient with continual bleeding and a possible coagulopathy. Because of blood loss, care for possible shock and hypovolemia should have been considered. The patient's condition warranted continual oversight and care by a veterinarian. Dr. Thomas placed too much of a burden for continued patient care on a lay person. The patient should have been referred for emergency observation. These failures in the care of the patient by Dr. Thomas 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 Spring, 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 6, 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

Agreed Order 2006-02
Susan L. Thomas, D.V.M.

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 and 5, Dr. Thomas has violated Rule 573.52 PATIENT RECORD KEEPING, of the Board's Rules of Professional Conduct, which requires patient record to be complete and contain all diagnoses, observations, and treatments administered.

4. Based on Finding of Fact 6 and Conclusions of Law 2 and 3, 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.

5. Based on Conclusions of Law 1 through 4, 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 SUSAN L. THOMAS, 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.

Agreed Order 2006-02
Susan L. Thomas, D.V.M.

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, 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 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, **SUSAN L. THOMAS, 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.



Susan L. Thomas, D.V.M.

11/19/05

Date