DOCKET NO. 2006-53

IN THE MATTER OF

§ TEXAS STATE BOARD OF

THE LICENSE OF

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HANS PETERSON, D.V.M.

§ VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 12th day of October, 2006 came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of HANS PETERSON, D.V. M ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on July 26, 2006. The Respondent attended the conference 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 given 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 November 14, 2005 Sue DiNino, Terrell, Texas, presented her cat "Emmitt" to Hans Peterson, Kaufman, Texas for a neuter and de-claw. Dr. Peterson anesthetized the cat using Isoflurane. During the surgery, "Emmitt" stopped breathing and Dr. Peterson was unable to revive him. At around 6:30 p.m., Dr. Peterson reported to Ms. DiNino that the cat had died during surgery.
- 2. The patient records for "Emmitt" do not contain the details of the surgery and anesthesia administration: weight and temperature, strength of medications, routes of administration of the anesthesia, and revival procedures.
- 3. On June 7, 2005, Aletia Speaks, Terrell, Texas, presented her cat "Wesley" to Dr. Peterson for treatment of a plugged urethra and full bladder. Under anesthesia, Dr. Peterson relieved the plug and placed a tube in the urethra for 24 hours. The cat was sent home on June 8th. On June 21st, Ms. Speaks returned the cat to Dr. Peterson with the same problem. Dr. Peterson tried to relieve the obstruction but during the process the cat died. Dr. Peterson noted that the cat was toxic from uremia on the June 21st visit.

Agreed Order 2006-53 Hans Peterson, D.V.M.

4. Patient records for "Wesley" are incomplete and lack essential details. There is no indication of any attempts to determine the stability of the cat (hydration, temperature, azokemia, etc.). No fluid therapy was noted. There are no notes on case management, routes of administration of the anesthesia, and revival procedures.

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 and 4, 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 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 HANS PETERSON, D.V.M., be INFORMALLY REPRIMANDED.

Agreed Order 2006-53 Hans Peterson, D.V.M.

The Board further ORDERS that within forty-five (45) days of the date of this Order, Respondent take and attain a passing grade on the Board's jurisprudence examination.

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.

I, HANS PETERSON, 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.

Agreed Order 2006-53 Hans Peterson, D.V.M.

Hans Peterson, D.V.M.

STATE OF TEXAS \$ COUNTY OF Kaifman \$

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

Given under the hand and seal of office this $\frac{21}{5}$ day of $\frac{200}{5}$, 2006.

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 12th day of October, 2006.

Robert Lastovica, D.V.M., President