

DOCKET NO. 2006-62

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IN THE MATTER OF § TEXAS STATE BOARD OF
THE LICENSE OF § VETERINARY MEDICAL EXAMINERS
JANICE PETREE, 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 JANICE PETREE, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on August 31, 2006. 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 disciplinary issues set out below. 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 January 7, Alan Pittman, Shreveport, Louisiana, noticed a slight swelling in the abdomen of his Boxer "Molli." The dog seemed to want to vomit but produced no vomitus. The swelling increased. Mr. Pittman contacted the Animal Emergency Clinic in Shreveport. Consulting by phone, the veterinarian at the clinic said that the dog likely had "flipped stomach" (gastric dilatation and volvulus or GDV). The veterinarian could not immediately see the dog and referred Mr. Pittman to the East Texas Pet Emergency Clinic (ETPEC) in Longview, Texas. About an hour later, Mr. Pittman and "Molli" arrived at the ETPEC where the dog was examined by Janice Petree, D.V.M.
2. After examining the dog, Dr. Petree opined that "Molli" did not have GDV, but was suffering from gastritis. Mr. Pittman questioned Dr. Petree about her diagnosis in light of the dog's symptoms, but Dr. Petree was firm that the problem was gastritis since the dog was not showing all the expected symptoms of GDV. Dr. Petree administered an injection of Centrene and some Centrene tablets to take home. Dr. Petree said she could take x-rays, but reportedly said they were unnecessary and she would not take x-rays of her own dog under comparable conditions. Mr. Pittman took his dog home.

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3. Shortly after arriving home, Mr. Pittman noticed that the abdominal swelling had increased and "Molli" appeared to be more uncomfortable. He rushed the dog to the Shreveport emergency clinic around 3:30 a.m. Dr. Renee Jones observed that the dog was shocky and lethargic. Her cranial abdomen was extremely extended and she was having difficulty breathing. Dr. Jones placed an IV catheter and started fluids and steroids. She then took x-rays which clearly showed the dog had GDV. The dog underwent emergency surgery but her condition declined and she died at around 6:48 a.m.

4. Dr. Petree's failure to x-ray and correctly diagnose and treat 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 Longview, Texas or similar communities, for the following reasons:

a. The Shreveport veterinarian had already suggested possible GDV to the client and the client, who had observed bloating and non-productive vomiting, had traveled a considerable distance for treatment. Although the client on several occasions expressed concern about possible GVD, Dr. Petree assured Mr. Pittman that gastritis was the problem. An x-ray and blood work would have conclusively settled the matter.

b. GDV is difficult to diagnose in deep chested breeds like Boxers. Large, deep chested breeds are most commonly affected, and GDV is rare in small animals, according to the *Saunders Manual of Small Animal Practice*, 2nd edition (2000), p. 774. The client had described the acute onset of bloating and non-productive vomiting. These factors mandated an x-ray and foundational blood work to rule out GDV.

c. Although x-rays were discussed by Dr. Petree and the client, Dr. Petree actually discouraged them. The medical history for the patient says, "I (Dr. Petree) did tell the husband that if it were my dog, I would not do radiographs at this time and would see if medications started to help. I would continue to monitor her for additional symptoms." The client apparently relied on this statement in declining x-rays.

d. According to the *Saunders Manual*, p.774, GDV is an "acute, life threatening disorder that is a medical and surgical emergency. Early recognition and treatment are essential for a successful outcome..." With the Shreveport clinic backed up by its case load, it may have been unlikely that the clinic could address the problem if it got worse. In other words, waiting and monitoring as recommended by Dr. Petree could have delayed needed treatment if the symptoms worsened when the client returned home.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act,

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Chapter 801, Texas Occupations Code, and with the Board's Rules.

2. Based on Findings of Fact 2 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 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 an administrative 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 JANICE PETREE , D.V.M., be FORMALLY REPRIMANDED.

The Board further ORDERS that by December 31, 2007, Respondent shall have acquired six (6) hours of continuing education in critical care medicine. These hours are in addition to the seventeen hours of continuing education required in 2007 for license renewal in 2008 (total required in 2007: 23 hours). Within 30 days of the end of calendar year 2007, Respondent shall provide proof to the Board that the six hours of additional CE were acquired.

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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, 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 had the right to be 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, JANICE PETREE, 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.

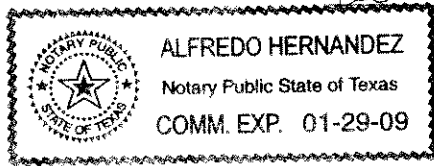
Janice Petree
Janice Petree, D.V.M.

9-28-06
Date

STATE OF TEXAS §
COUNTY OF GREGG §

BEFORE ME, on this day, personally appeared JANICE PETREE, 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 28TH day of SEPTEMBER, 2006.



[Signature]
Notary Public

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

Robert Lastovica, DVM
Robert Lastovica, D.V.M., President