

**From:** [Sunset Advisory Commission](#)  
**To:** [Trisha Linebarger](#)  
**Subject:** FW: Public Input Form for Agencies Under Review (Public/After Publication)  
**Date:** Tuesday, October 18, 2016 11:07:01 AM

---

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]  
Sent: Tuesday, October 18, 2016 10:58 AM  
To: Sunset Advisory Commission  
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BOARD VETERINARY MEDICAL EXAMINERS

First Name: Cynthia

Last Name: OBrien

Title:

Organization you are affiliated with:

Email:

City: Driftwood

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:

Dear Sunset review team,

The love on my life a four year old cat was killed at Emergency Animal Hospital South. I made a complaint to the Texas Veterinary Board this year with the sole intent that I may have had a narrative of what happened the night my cat died and what the Texas Veterinary Board discovered during the investigation into my complaint. Since the entire investigation is confidential to me which I did not know in advance I am not able to have any closure as to why my cat died and why the Texas Veterinary Board decided that no action should be taken in regards to my case and also why they did not have a hearing and investigate further or even present my case for the board to review it.

The reason for my concerns are the following:

~My regular vet immediately after the death of my cat expressed concerns about the amount of anesthesia used on my cat and the lack of proper monitoring of my cat while he was put under anesthesia a 2nd time. My vet also did a necropsy on my cat and was disturbed by the findings.

~I have also consulted with two board certified Veterinary Anesthesiologist's at the American College of Veterinary Medicine and they have emailed me their concerns as well after they looked over my records of the evening my cat went to the emergency room. They have written evaluations for me and they were not paid by me to do this They were just highly concerned that this did not raise any red flags by the vet who oversaw my complaint with the Texas Veterinary Board.

~The Texas Veterinary Board never saw my complaint just two vets looked at it and dismissed it immediately and

gave me no reason why. So my complaint never went before the board even though there are many questions surrounding my cats death by experts in the veterinary field.

~The anesthesia used on my cat was a high amount based on many experts and no monitoring was done while my cat was under anesthesia. In the vet notes there is no monitoring devices used including blood pressure, EKG, pulse oximetry, respiration rate, inspiratory and expiratory carbon dioxide levels. None of these tools were used and as a result anesthesia which usually carries minimal risks killed my cat.

~Additionally when my cat was revived under CPR he suffered trauma and bleed to death internally for two hours before his heart finally stopped. This is confirmed based on the necropsy and the fact that my cat was bleeding from his mouth for two hours after CPR and no explanation was given as to why he was bleeding from his mouth.

As you can imagine getting these statements and opinions from these experts while having no information from the Texas Veterinary Board about my complaint has been highly alarming to me.

I am just a normal woman living out in Driftwood, Texas that happened to love her four year old cat very much. I thought that by going to the Texas Veterinary Board they would help me.

I went to the Texas Veterinary Board in good faith and decided to place my efforts and trust that this organization would treat my complaint with more care than the way my cat was treated the night he died. I did not go to a lawyer as that is not the kind of person that I am and it would not bring my cat back. Everyone from the Texas Veterinary Board to the Attorney Generals office now tell me my only recourse is to sue in order to get answers. I now realize why in this country everyone sues people because it seems to be the only way in this country to get help when government agencies that are supposed to protect the public fail us. A very sad commentary on our society.

To this day the entire complaint proceeding with the board is confidential to me but not to the vet who the complaint was filed against. Why is this and what is there to hide?

I asked if I could speak to the vet who oversaw my complaint to get answers I was told by the Karen Phillips Director of Enforcement of the Texas Veterinary Board "Our vets who look at complaints are volunteers and they are too busy to talk to you." I was told I could never speak to him but the vet who killed my cat is allowed to know who he is and she can speak to him anytime she wants to.

I asked Loris Jones a staff person at the Veterinary board if I could just have a narrative of what the investigation found and why they ruled the way they did? I told Mrs. Jones I do not need to know names or addresses of anyone I just wanted to know what happened to my cat and that I had questions. She told me "You can go to the attorney general and make an open records request but they have never ruled that anyone can see confidential records in twenty years so you really should not bother doing that". So I did this anyway and of course they also said I had no right to see what was investigated about my cat.

I tried to find out what happened to my cat so I could have some closure and to make sure this never happens again to any other pet owner when they step foot into this emergency room in Texas.

I do not know what else to do. I do not understand why I can't even know a narrative of what the Texas Veterinary Board investigated or why it is so confidential that I am left with nothing. Why the veil of secrecy? Did they even call the witnesses in my case? I will never know. No one on the board ever called me or my neighbor who witnessed the events of the night my cat died.

This has been devastating to me. I wake up every night and can't sleep wishing I had never taken him to this emergency room and wishing I had some answers and closure. I suffer now with post traumatic stress disorder and depression and it has ruined my life literally. The Texas Veterinary Boards lack of empathy, secrecy and dismissal of my complaint has compounded my pain.

My hope is that no one will have to go through what I went through this year ever again.

I know a cat to some people probably means nothing but I do not have children and I tamed this feral cat spending hours with him and four years trying to keep him safe only to have this happen to him. I feel helpless and hopeless and I have no answers.

The Texas Veterinary Board stated "Minimum anesthesia was used on my cat and that the vet Beth Tawney provided the minimum standard of care to my cat and that the internal hemorrhaging noted in the autopsy most likely was caused by the CPR."

Why is it then that I have anesthesia experts from the American College of Veterinary Anesthesia and Analgesia stating the amount was a high dose of Anesthesia the exact opposite of what the Veterinary Board has stated? My regular vet has stated the same thing. There was no proper monitoring that took place when my cat was put under anesthesia for the second time so how is this considered "Minimum standard of care was met"?

I just wanted anyone to explain to me why my cat lay dying after CPR was administered to get his heart beating from 6:15am to 8:15am with blood coming out of his mouth slowly bleeding to death and nothing was done to try and save him? How is this considered "Minimum standard of care was met". I was there in the room as this was happening for two hours and I repeatedly asked why my cat was bleeding from his mouth and I was dismissed. I came to find out later when the necropsy was done that my cat was bleeding to death most likely from CPR but for two hours he lay there dying slowly. All the vet tech did was give him manual oxygen and they told me the blood might have been caused by my cat biting his tongue which did not happen as shown by the necropsy.

I have emailed the board staff all of the additional expert opinions asking for answers. The Veterinary board now does not return my phone calls or my emails with these questions. They have now decided to ignore me. This has compounded my grief.

Please tell me what I have to do and I will do it to make sure this never happens to another poor person and their beloved pet in the state of Texas.

Something has to change. I am begging you to please look at how this board reviews complaints and how it handles them. My grief and the grief of my family members is immense and I respectfully had nothing to gain by filing this complaint. My cat is not coming back. I did not hire a lawyer like everyone else in America does. I don't want money. I have money. I hope your commission can find it in your hearts to try and put yourself in my position and look at how secretive the Veterinary Board is and how there is tremendous potential for this board to not be honest and truthful in its dealings with the public.

Thank you in advance for your consideration.

Cynthia O'Brien

see letters below from experts in Anesthesia.

September 17th, 2016

Dr Lynne Kushner

Executive Secretary

American College of Veterinary Anesthesia and Analgesia Dear Dr. Kushner:

In regards to the untimely death under anesthesia of "Noname" Tawney in January 2016, I would make the following observations based on the medical records I have been asked to review:

- The post mortem report is inconclusive and does not shed any light as to the cause of Noname's death.
- His medical record describes a patient that was stressed and in discomfort with a history of likely being unable to urinate for over 24 hours, based on the owner's observation of Noname's activities outside the day before presentation.
- Noname's medical record does not denote the manner in which he was supported and monitored while he was under the influence of the anesthesia drugs, leaving me with worrisome questions such as:
  1. Was there an anesthetist in attendance and monitoring his vital signs, or was one person was acting as anesthetist and clinician performing the medical procedure?
  2. Was he receiving oxygen supplementation by face mask?
  3. Was he sufficiently unconscious during the urinary catheter placement that his airway should have been protected?

Any anesthesia drug or drug combination can cause unintended and unexpected consequences especially in the face of acute illness such as urinary bladder obstruction.

The key

to safety is in the monitoring and support of the patient.

Thus, I strongly suspect that Noname Tawney succumbed during anesthesia because he stopped breathing during the second urinary catheter placement procedure and nobody noticed until his respiratory arrest had evolved into circulatory collapse.

Respectfully,

Nancy Brock DVM

Diplomate American College of Veterinary Anesthesia and Analgesia

Any Alternative or New Recommendations on This Agency:

Recommendations for the Texas Veterinary Board for improvements:

~Transparency from the Texas Veterinary Board to a person making a complaint.

There is none. Everything is confidential. The only thing I was allowed to see was the first vet response to my complaint and in it she lied about the events of the night my cat died. I was also only able to see what I had submitted. I was not allowed to know who on the board looked at my complaint.

I was told I that the person who looked at my complaint on the board was confidential.

~Allow all complainants to see the second vet response. Why is it that the vet gets to see my two complaints but the vets second response is kept secret. I was told by the Texas Veterinary Board staff that this is because if I got to see the vets second response it could go on and on with too many responses. Basically too much work for them. This allows potential for the vet to write whatever they want to the Veterinary Board and basically lie with out any repercussion.

~Make sure qualified Veterinarian's oversee a complaint and that they are not friends with or know the Vet who the complaint was made about. The Veterinarian who oversees the complaint should not have contact with the vet who the complaint was filed against. I was never questioned nor was my neighbor who witnessed the event and yet the vet can speak to the vet who had a complaint filed against them at anytime.

~If questions are found during the review process with the Texas Veterinary Board of the complaint and an animal that has died automatically the case should be brought to conference for more questions and for the entire board to review the case. A beloved pet dying deserves this out of respect and because of the gravity of the situation.

~When a complaint is filed against a vet and the death of a beloved pet has occurred if the vet in question statements are vastly different than the complainant statements this should be grounds to bring it to a conference hearing for the entire board to review. It stands to reason that I have nothing to gain by filing a complaint if I was trying to harm a vet. My cat is already dead and I did not even know the vet in question. I am quite sure she did not mean or intend to kill my cat but never the less sometimes mistakes happen and vets should and need to be held accountable. Especially when they take a life whether by accident, negligence or carelessness. At the very least in this instance having the board actually look at the case would at least have made me feel like someone was actually taking my complaint seriously.

~If there are rules in place enforce them. An example of this would be the ten day rule for a response from the Vet to the initial complaint. I filed my complaint and many weeks went by before the vet ever responded. When I questioned this with the Veterinary Board I was told by Rebecca that they do not enforce that and that Vets are busy and sometimes do not have time to respond in the ten day time period. This appears to show favoritism to the vet and to not take the process seriously if the vet that is being complained about is allowed to respond to a complaint on their own timeline.

My Comment Will Be Made Public: I agree