

From: [Sunset Advisory Commission](#)
To: [Trisha Linebarger](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Wednesday, November 16, 2016 1:50:46 PM

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From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Wednesday, November 16, 2016 1:39 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: STATE BOARD VETERINARY MEDICAL EXAMINERS

First Name: Stefani

Last Name: Olsen

Title: Ms.

Organization you are affiliated with: The Toonces Project

Email:

City: Silver Spring

State: Maryland

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:
November 16, 2016

Dear Texas Sunset Commission,

Thank you for undertaking the important task of reviewing the Texas Board of Veterinary Medical Examiners. Because veterinarians move from state to state, and because enforcement of standards in oversight of veterinary medicine is so critically important to all of us who love our pets, people all over the country (including myself in Maryland) are keenly interested in your review of the TBVME.

After my beloved cat was given a massive insulin overdose by the unlicensed, untrained, unsupervised son of his veterinarian, I became a consumer advocate for adequate regulation of the veterinary profession. Those of us who follow this issue know that Texas has some of the most well informed and best advocates in the country for veterinary quality. Your veterinarians, however, are very much like veterinarians everywhere, and there is far too much unaddressed or inadequately addressed malpractice, negligence, and abuse in the field. Having completed a curriculum for a graduate certificate in Health Care Quality from the George Washington University School of Medicine and Life Sciences, it is shocking to me that the veterinary industry normalizes behavior and lack of standards that would be considered egregious and unconscionable in human medicine.

I have spent hours reviewing findings of fact from veterinary boards all across the country, including Texas, as well as talking to pet owners whose complaints have been dismissed. My observation is that there is little consistency either within states or across states, and that overall, disciplinary actions are inadequate to protect veterinary patients and the public --- if they are taken at all.

Of great concern to me is the lack of proportionality in issuing disciplinary actions. There are countless examples of

cases which resulted in no action, or in an informal reprimand, in spite of the fact that the veterinarian's carelessness or disregard of basic precautions resulted in the animal's death. Just from review of publicly available records, I believe a good example of this would be the case of Donald Copeland in Texas in 2015, who sedated a 14 year-old senior cat (who was ambulatory) to remove matts, vaccinate, and perform dental cleanings on the animal (the latter without the owner's knowledge, and performed by an unlicensed non-veterinarian without supervision), apparently without bloodwork or other precautions beforehand.

Moreover, an unlicensed staff member released the cat in a non-ambulatory state. The cat never recovered and died, yet the veterinarian received only an informal reprimand.

My 17-year old cat Moxie, who still plays like a kitten, is certainly glad that no one discounted her life and committed life-ending malpractice on her when she was 14, and then shrugged it off because she was "senior!" I can tell you that advanced age is no excuse for carelessness with my pets lives.

I'm not sure what was in the TBVME's mind when they issued this decision, but to me this is a good example of inadequate action.

In my own state of Maryland, a local journalist revealed that a veterinarian in our state had a staggering track record of complaints and disciplinary actions. Spay after spay, dogs were going home only to have their intestines literally falling out of their body. She analyzed the timing of each action taken by our board, and noticed that the board had a mounting backlog of complaints against this particular vet, yet the board seemed to be delaying action on pending complaints until the vet's current probationary period (from a prior disciplinary order) expired. It appeared that that board was deliberately timing their decisions to avoid having to issue an active suspension to this veterinarian (required by their own rules if the vet commits a violation during a probationary period). This happened multiple times, as last I heard, this vet still had a large number of complaints pending review and decision by the board, yet was still practicing.

I ask that in your review, you:

- Review complaints dismissed without action. Analyze and determine of violations occurred yet no action was taken. That should not occur.
- Review actions for proportionality. Does a vet who fails to take adequate CE credits receive more consistent punishment/fines than a vet whose actions cause or contribute to the death of a pet? That should not happen.
- Assess the board's apparent commitment to its own mission of regulating its industry. Is it really protecting the public from shoddy veterinary practice, or is it protecting its own? My impression is that anywhere in the country, the answer would be the latter. In doing this, look at repeat offenders. Does the board appear to delay case decisions when a practitioner is under board order, because disciplinary findings would compel the board to convert from probation to suspension or from stayed suspension to active suspension?
- Review the composition of the board. If there are non-veterinary members, are they representative of the community most impacted by the board's mission --- i.e., pet owners? If not, they should be. It should not be lobbyists, industry members, or friends of the governor.

Finally, it's not enough to take decisive action in a high profile case, like that of Kristen Lindsey (who in my opinion, should never be able to touch anyone's pets again). We who are watching, we who care, are glad for actions taken in that case however, we care equally about all of the unpublicized cases – everyday pet owners, whose pets suffer, are injured or killed due to negligence, shoddy practice/incompetence, malpractice and even physical abuse. All of these cases deserve attention and appropriate decisive action.

Thank you for the opportunity to provide input.

Sincerely,
Stefani Olsen

Founder of The Toonces Project (www.TheTooncesProject.com) Founding member of the Companion Animal Protection Alliance (www.ForOurCompanions.com)

P.S.

I believe the board has a moral responsibility to refer for prosecution clear cases of animal cruelty among their ranks. The following veterinarians were permitted to voluntarily surrender their licenses rather than have them revoked, and to my knowledge, have not been referred for prosecution although the behavior they engaged in clearly constitutes animal cruelty:

James Tucker, DVM. See Board Order, October 13, 2015. Here is an excerpt from the board order: “. . . [an] Animal Control officer with the Tulia Police Department, scheduled an appointment with James Tucker, D.V.M. to euthanize six dogs . . . Respondent attempted to euthanize the dogs using an Epsom salt solution in a large brown bottle with an orange label. The label did not identify the contents of the bottle, but had a skull and crossbones drawn on it. . . . Respondent administered the solution into the heart of the first two dogs. It took approximately seven to eight minutes for the animals to die. The third dog was injected but did not respond to the solution.” This goes on to say another dog “did not respond” to the solution and those that “did not respond” were “set aside” so the other two dogs could be killed, also taking seven to eight minutes to die.

This veterinarian should be charged with animal cruelty, and the board should ensure that occurs.

James Rogers, D.V.M., See Board Order, October 13, 2015. Excerpt: “Respondent admitted that he performs euthanasia by administering an anesthetic, such as xylazine or ketamine, and then succinylcholine.” Succinylcholine kills by paralyzing the muscles used to breathe. Since xylazine and ketamine may sedate but not render an animal unconscious, it appears likely that this resulted in conscious animals suffocating to death.

This veterinarian should be charged with animal cruelty, and the board should ensure that occurs.

Any Alternative or New Recommendations on This Agency:

Please see comments above. Non-veterinary members of the board should represent pet owners, not industry/political appointees/industry hacks/lawyers.

Standards should be established for proportionality to ensure consistent and fair disciplinary action that places a higher priority on patient safety and standard of care. Cases that result in injury or death of a patient due to incompetence, negligence, or other malpractice should receive higher penalties and stiffer action than mere administrative violations.

Establish published standards that remove the subjectivity and favoritism from the process. A repeat offender should receive an active suspension, more offenses after that should result in longer suspension, with a documented step plan leading to revocation for severe repeat offenders, again, with an emphasis on patient safety.

Consider adding individual who is a pet owner and has patient safety experience in the human medical field.

Rules should require the referral of veterinarians for prosecution for animal abuse in cases of physical violence or cruel/unauthorized methods of euthanasia which cause undue suffering.

VET BOARD MUST PROTECT PATIENTS, NOT VETS.

My Comment Will Be Made Public: I agree