

IN THE MATTER OF THE LICENSE OF § TEXAS STATE BOARD OF
EDWIN WADE MCLEOD, D.V.M. § VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 12th day of June, 1997, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of EDWIN WADE MCLEOD, DVM, ("Respondent" or "Dr. McLeod"). Pursuant to the Veterinary Licensing Act ("Act") § 18F and the Board Rules of Disciplinary Procedure 575.27, on February 28, 1997, Respondent appeared in person at an Informal Conference in response to a letter of invitation from the Board. The Board was represented at the Informal Conference by the Enforcement Committee.

Respondent wishes to waive a formal adjudicative hearing and to enter into this Agreed Order. In waiving an adjudicative hearing Respondent acknowledges understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon 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. Edwin Wade McLeod, DVM, is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 2794, 1997 renewal certificate number 1338. Respondent is not subject to prior disciplinary action by the Board.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.
3. At approximately 12:20 p.m., on Wednesday, June 26, 1996, Ms. Pamela Albee observed her eight month old Cocker Spaniel "Maxx" ingest some poison rat/mouse pellets.
4. At approximately 12:40 p.m., on June 26, 1996, Ms. Albee took "Maxx" and the box of remaining poison bait, which she had placed in a zip lock bag prior to leaving home to Dr. E. Wade McLeod, McLeod Animal Clinic, Round Rock, Texas. Dr. McLeod was shown the plastic

bag containing the box and poison. Dr. McLeod gave "Maxx" an injection to cause him to vomit. Ms. Albee was informed that she could pick up her dog on her way home from work.

5. The label on the box of the poison rat/mouse pellets clearly states that the antidote for the poison is Vitamin K. Dr. McLeod did not administer Vitamin K.

6. At approximately 5:00 p.m., on June 26, 1996, Ms. Albee returned to the clinic. Dr. McLeod informed her that the dog had vomited three or four piles of poison pellets. Approximately 30 minutes later the dog was vomiting only saliva and clear liquid. The dog was released to Ms. Albee without any instructions, medications, or a follow-up appointment.

7. During the next four days, "Maxx's" condition appeared normal. However, on Monday evening, July 1, 1996, "Maxx" appeared listless and would not eat. At approximately 8:15 a.m., July 1996, Ms. Albee arrived at the clinic with "Maxx". Dr. McLeod administered an antibiotic injection and dispensed Primor-100, with instructions to administer the first dose that evening. That evening the dog became lethargic and began vomiting a thick white mucus. Dr. McLeod was contacted by telephone and instructed Ms. Albee to bring the dog in the next morning.

8. On Wednesday morning, July 3, 1996, Dr. McLeod again examined the dog. Dr. McLeod informed Ms. Albee that "Maxx" may have contracted kennel cough on the day that he was first brought in. Dr. McLeod hospitalized the dog and started treating it with IV fluids. He found the dog dead at the clinic the next morning, bleeding from its nose and mouth.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Act and Board Rules.
2. Section 14 (a) of the Act authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings of non-compliance with the Act or Board Rules.
3. Based on Findings of Fact 4 through 8, Respondent has violated Rule 573.22 for failure to administer the identified, recommended antidote for the rat/mouse poison.
4. Based on Findings of Fact 4 through 8, Respondent has violated Act § 14 (a) (5) for engaging in practices or conduct in connection with the practice of veterinary medicine which were violative of the standards of professional conduct duly promulgated by the Board.

5. Based on any one of Conclusions of Law 3 and 4, Respondent is subject to disciplinary action by the Board under Act 14(a).

Based on the above finding of fact and conclusions of law, the Board ORDERS that Dr. McLeod receive an OFFICIAL REPRIMAND under the following terms and conditions:

1. Respondent shall agree to abide by the Rules of Professional Conduct, Texas Veterinary Licensing Act and Laws of the State of Texas and the United States.
2. Respondent shall cooperate with the Board, its attorneys, investigators, compliance officers and other employees and agents, to verify that respondent has complied and is in compliance with the order.
3. Failure by Respondent to comply with the terms of this Agreed Order or with all other provisions of the Act or the Board Rules, may result in further disciplinary action.

Respondent, Edwin Wade McLeod, DVM, by signing this Agreed Order, agrees to its terms acknowledges his understanding of it and the notice, findings of fact and conclusions of law herein set forth in the Agreed Order 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 of the Board.

Respondent, Edwin Wade McLeod, DVM, by signing this Agreed Order waives his right to a formal hearing and any right to seek judicial review of this Agreed Order.

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 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 date of this Agreed Order shall be the date it is adopted by the Texas State Board of Veterinary Medical Examiners.

I, EDWIN WADE MCLEOD, DVM, HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS.

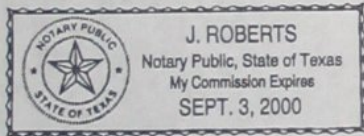
I SIGN IT VOLUNTARILY. I UNDERSTAND THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED: April 30, 1997.

Edwin Wade McLeod
EDWIN WADE MCLEOD, DVM
RESPONDENT

STATE OF TEXAS
COUNTY OF Williamson

BEFORE ME, on this day personally appeared Edwin Wade McLeod, DVM, known to me, who, first being duly sworn, signed the foregoing Agreed Order in my presence.
SIGNED on this 30th day of April, 1997.



Notary Seal

J. Roberts
Notary Public, in and for the State of Texas

This agreed order has been entered between Dr. Edwin Wade McLeod and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.

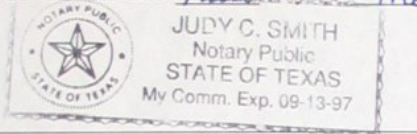
Ron Allen
RON ALLEN, Executive Director, TSBVME

Edwin Wade McLeod, DVM
Docket No. 1997-10
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STATE OF TEXAS
COUNTY OF Travis

BEFORE ME, on this day personally appeared Ron Allen, known to me, who, first being duly sworn, signed in agreement to the foregoing Agreed Order in my presence.

SIGNED on this 13th day of May, 1997



Notary Seal

Judy C. Smith
Notary Public, in and for the State of Texas

The foregoing Agreed Order, in Docketed case 1997-10 entered into between Dr. Edwin Wade McLeod and/or legal counsel representing Dr. McLeod, the Board Secretary, and the Board's Executive Staff, and having been presented to the Texas State Board of Veterinary Medical Examiners as a No Contest Plea, was accepted by the Board, and the Board, on the 12th day of June, 1997, ordered that all penalties and conditions as stated therein be complied with the same as if evidence had been heard and Findings and Orders issued.

Executed this the 12th day of June, 1997.

James N. Gomez DVM
James N. Gomez, D.V.M., President

Date

Michael J. McCulloch
Michael J. McCulloch, D.V.M., Vice-President

Date

RECUSED
Robert I. Hughes, Jr., D.V.M., Secretary

Date

Howard Head, D.V.M., Member

Date

D. Carter King DVM
D. Carter King, D.V.M., Member

6-12-97
Date

Sharon O. Matthews
Sharon O. Matthews, Member

6-12-97
Date

Jean McFaddin
Jean McFaddin, Member

6-12-97
Date

Joyce G. Schiff
Joyce G. Schiff, Member

12/6/97
Date

John A. Wood, DVM
John A. Wood, D.V.M., Member

June 12, 1997
Date

DOCKETED COMPLAINT NO. 1997-10

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 2794
vs.	§	1997 RENEWAL CERTIFICATE
EDWIN WADE MCLEOD, DVM	§	NUMBER 1338

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Peter C. Hartline, who after being duly sworn, did depose and say:

On or about July 12, 1996, Peter C. Hartline, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Edwin Wade McLeod, D.V.M., 2019 North Mays Street, Round Rock, Texas, 78664, Veterinary License Number 2794, 1997 Renewal Certificate Number 1338, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Peter C. Hartline, do hereby present the following complaint against Edwin Wade McLeod, D. V. M.

I.

At approximately 12:20 p.m., on Wednesday June 26, 1996, Ms. Pamela Albee observed her eight month old Cocker Spaniel "Maxx", ingest some poison rat/mouse pellets.

II.

At approximately 12:40 p.m., on June 26, 1996, Ms. Albee took "Maxx" and the box of remaining poison bait, which she had placed in a zip lock bag prior to leaving her home to Dr. E. Wade McLeod, McLeod Animal Clinic, Round Rock, Texas. Dr. McLeod was shown the plastic bag containing the box and poison. Dr. McLeod gave "Maxx" an injection to cause him to vomit. Ms. Albee was informed that she could pick up her dog on her way home from work.

III.

The label on the box of the poison rat/mouse pellets clearly states that the antidote for the poison is Vitamin K. Dr. McLeod did not administer Vitamin K.

IV.

At approximately 5:00 p.m., on June 26, 1996, Ms. Albee returned to the clinic. Dr. McLeod informed her that the dog had vomited three or four piles of poison pellets. Approximately 30 minutes later the dog was vomiting only saliva and clear liquid. The dog was released to Ms. Albee without any instructions, medications, or a follow-up appointment.

V.

During the next four days, "Maxx's" condition appeared normal. However, on Monday evening, July 1, 1996, "Maxx" appeared listless and would not eat. At approximately 8:15 a.m., July 2, 1996, Ms. Albee arrived at the clinic with "Maxx". Dr. McLeod administered an antibiotic injection and dispensed Primor-100, with instructions to administer the first dose that evening. That evening the dog became lethargic and began vomiting a thick white mucus. Dr. McLeod was contacted by telephone and instructed Ms. Albee to bring the dog in the next morning.

VI.

On Wednesday morning, July 3, 1996, Dr. McLeod again examined the dog. Dr. McLeod informed Ms. Albee that "Maxx" may have contracted kennel cough on the day that he was first brought in. Dr. McLeod hospitalized the dog and started treating it with IV fluids. He found the dog dead at the clinic the next morning, bleeding from its nose and mouth. No necropsy was performed.

VII.

Based on the above, Dr. McLeod has violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.

VIII.

Based on the above in paragraph VII, Dr. McLeod has also violated Section 14 (a) (5) of the Veterinary Licensing Act, article 8890.

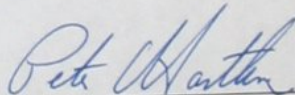
ARTICLE 8890, SECTION 14

(a) . . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee . . . if it finds that a licensee:

(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law;

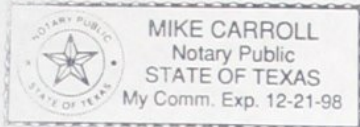
The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 17th day of April 1997.

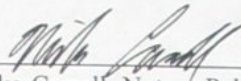
Further, Affiant sayeth not.


Peter C. Hartline, Affiant

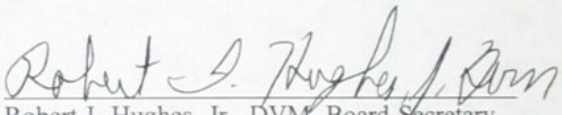
Edwin Wade McLeod, DVM
Docketed Case No.: 1997-10
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SUBSCRIBED and SWORN TO before me by the said Peter C. Hartline this the 17th
day of April, 1997.




Mike Carroll, Notary Public in and for Texas

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Edwin Wade McLeod, D.V.M., under Docketed Number 1997-10 this the 18th day of April 1997.


Robert I. Hughes, Jr., DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners