

May 3, 2016

*****HAND DELIVERED W/NINE COPIES*****

Texas State Board of Veterinary Medical Examiners
333 Guadalupe, Tower III, Suite 810
Austin, Texas 78701-3942

Re: Complaints Against:
Darren Weiss, DVM, License #9125
Jeffrey M. Schroeder, DVM, License #7577
Stefanie Marie Mosley, DVM, License #12527
Lucy Ann Pustejovsky, DVM, License #12543
Heidi Jean Moore, DVM, License #11594

Greetings,

Enclosed with this letter you will find Complaint Forms against the five referenced veterinarians for malpractice resulting in the death of my beloved horse, Harvey. Litigation in Bastrop County District Court, 21st Judicial District, Cause No. 087-21, has recently settled.

Along with the complaint forms, you will find dated photographs, the clinic notes and receipts from Bastrop Veterinary Hospital, a video link dated December 1, 2013 showing how lame Harvey was before he was finally referred to A&M, and the summary of Harvey's December, 2013 stay at A&M's Large Animal Hospital by Dr. Ashlee Watts, more photographs, and the concluding summary as well as A&M's billings. Harvey was euthanized on April 24, 2014 at my home in Smithville, Texas, by veterinarians from Elgin Veterinary Hospital after a long and very painful fight for survival. Euthanasia was recommended by Dr. Robert Lewis of Elgin Veterinary Hospital and Dr. Ashlee Watts of A&M.

Also enclosed is the full February 29, 2016 Deposition with Exhibits of Dr. Lucy Pustejovsky where she admits knowing what should have been done for Harvey and admitting neither she nor any of the veterinarians at Bastrop Veterinary Hospital conducted any of standard protocols that were required under the circumstances to save Harvey. Every single warning sign of a joint infection was present at every stage of Harvey's treatment at Bastrop Veterinary Hospital. Every one of those warning signs was ignored, overlooked and/or misdiagnosed. Further, Dr. Pustejovsky as part of her treatment regimen advised walking an extremely lame horse to move him around. There is no excuse for the manner in which Harvey was treated at Bastrop Veterinary Hospital, and no excuse for their failure to refer Harvey to Elgin or A&M at a much earlier stage.

Harvey's senseless torture and death has been deeply traumatizing to me. Harvey should have been alive and well for another twenty years for me to enjoy. I have had to move from Bastrop County and at this date am still trying to find new retirement plans. I am available to meet with the Board or its investigators at their convenience to provide further information at the contacts below. Additional information and photos of Harvey are also available at his website: www.harveysmemorial.com.

Thank you for your consideration of Harvey's case.


Judy C. Santerre



OFFICE USE ONLY: Assigned To: _____

By: _____

Date: _____ Log: _____

TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS

333 Guadalupe, Tower III, Suite 810

Austin, Texas 78701-3942

(512) 305-7555 Phone ♦ (512) 305-7556 Main Fax ♦ (512) 936-0837 Enforcement Fax

vet.board@veterinary.texas.gov

COMPLAINT FORM

Please fill out this form completely and legibly. Provide as much detail as possible and list events in chronological order with dates and times noted where appropriate. A copy of the complaint may be provided to the veterinarian or equine dental provider involved in your complaint. You may also be called to testify in a deposition or before an Administrative Law Judge. Hearing impaired persons requiring auxiliary aids or services in filing a complaint should call Relay Texas 1-800-735-2980-TDD. Other persons desiring assistance should write the Board at the above address or call the Board at 512-305-7555.

Your Name Judy C. Santerre			Name of Licensee you are complaining about Darren Weiss		
Address 110 Fischer Cove Dr			Address 2900 Hwy 96 N		
City Wimberley	State TX	Zip 78676	City Bastrop	State TX	Zip 78602
Home Phone 512-461-4501	Work Phone 512-480-5670	Cell Phone 512-461-4501	Phone 512-303-6969		
Your Email Address jsanterre@gdhm.com					

Name of Second Opinion	Address	Phone
Name of Third Opinion	Address	Phone
Animal Name Harvey	Species horse	Age ten when injured

☒ THE STATEMENTS CONTAINED ON THIS FORM AND ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature

Date

4-24-2016

(Please see reverse side)

Nature of Complaint

Clearly indicate the nature of your complaint and enclose copies of any records or reports from any other source(s) which will support your statement. Please attach additional sheets if necessary.

Darren Weiss, DVM

October 17, 2013, November 18, 2013, November 26, 2013

Reviewing a photograph of an injury over a fetlock that was draining fluid (synovial fluid, as it turned out) and making a determination that it was not synovial fluid (wrong diagnosis). Not referring to a veterinarian capable of handling the veterinary emergency. Stopping antibiotics from a critically injured horse that needed antibiotics, but dispensing bute and banamine. Failure to properly supervise veterinarians in the practice he jointly owns.

Note that I had been using Bastrop Veterinary Hospital for 14 years at this point and it was not unusual for me to email them. At the time I had two horses and five dogs, so I was a regular client and they knew me by sight and by name.

- (1) Professional Standard of Care, Rule 573.22
- (2) Responsibility of veterinarian to refer a case, Rule 573.24
- (3) Honesty, Integrity and Fair Dealing, Rule 573.27
- (4) Patient record keeping, Rule 573.52, Rules Pertaining to the Practice of Veterinary



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Your Name Judy C. Santerre			Name of Licensee you are complaining about Jeffery Schroeder		
Address 110 Fischer Cove Dr			Address 2900 Hwy 96 N		
City Wimberley	State TX	Zip 78676	City Bastrop	State TX	Zip 78602
Home Phone 512-461-4501	Work Phone 512-480-5670	Cell Phone 512-461-4501	Phone 512-303-6969		
Your Email Address jsanterre@gdham.com					

Name of Second Opinion	Address	Phone
Name of Third Opinion	Address	Phone
Animal Name Harvey	Species horse	Age ten when injured

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Signature

Judy C. Santerre

Date

4-24-2016

(Please see reverse side)

Nature of Complaint

Clearly indicate the nature of your complaint and enclose copies of any records or reports from any other source(s) which will support your statement. Please attach additional sheets if necessary.

Jeffery Schroeder, DVM

October 17, 2013

Reviewing a photograph of an injury over a fetlock that was draining fluid (synovial fluid, as it turned out) and making a determination that it was not synovial fluid (wrong diagnosis). Not referring to a veterinarian capable of handling the veterinary emergency. Failure to properly supervise veterinarians in the practice he jointly owns.

Note that I had been using Bastrop Veterinary Hospital for 14 years at this point and it was not unusual for me to email them. At the time I had two horses and five dogs, so I was a regular client and they knew me by sight and by name.

- (1) Professional Standard of Care, Rule 573.22
- (2) Responsibility of veterinarian to refer a case, Rule 573.24
- (3) Honesty, Integrity and Fair Dealing, Rule 573.27
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Your Name Judy C. Santerre			Name of Licensee you are complaining about Stephanie Mosley		
Address 110 Fischer Cove Dr			Address 6150 E. Mockingbird		
City Wimberley	State TX	Zip 78676	City Dallas	State TX	Zip 75214
Home Phone 512-461-4501	Work Phone 512-480-5670	Cell Phone 512-461-4501	Phone 214-824-0160		
Your Email Address jsanterre@gdhm.com					

Name of Second Opinion	Address	Phone
Name of Third Opinion	Address	Phone
Animal Name Harvey	Species horse	Age ten when injured

☒ THE STATEMENTS CONTAINED ON THIS FORM AND ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature *Judy C. Santerre*

Date *4-24-2016*

(Please see reverse side)

Nature of Complaint

Clearly indicate the nature of your complaint and enclose copies of any records or reports from any other source(s) which will support your statement. Please attach additional sheets if necessary.

Stephanie Mosley, DVM

September 20, 2013 and September 28, 2013

Failure to properly diagnose by following standard protocols and failure to refer to a competent veterinarian who could have saved Harvey.

- (1) Professional Standard of Care, Rule 573.22
- (2) Responsibility of veterinarian to refer a case, Rule 573.24
- (3) Honesty, Integrity and Fair Dealing, Rule 573.27
- (4) Patient record keeping, Rule 573.52,
- (5) Principles of Veterinary Medical Ethics of the American Veterinary Medical Association: II. Professional Behavior, A. and B



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Your Name Judy C. Santerre			Name of Licensee you are complaining about Lucy Pustejovsky		
Address 110 Fischer Cove Dr			Address 1518 Hwy 60 S		
City Wimberley	State TX	Zip 78676	City Wharton	State TX	Zip 77488
Home Phone 512-461-4501	Work Phone 512-480-5670	Cell Phone 512-461-4501	Phone 979-532-1431		
Your Email Address jsanterre@gdhm.com					

Name of Second Opinion	Address	Phone
Name of Third Opinion	Address	Phone
Animal Name Harvey	Species horse	Age ten when injured

☒ THE STATEMENTS CONTAINED ON THIS FORM AND ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature 

Date **4-24-2016**

(Please see reverse side)

Nature of Complaint

Clearly indicate the nature of your complaint and enclose copies of any records or reports from any other source(s) which will support your statement. Please attach additional sheets if necessary.

Re: Lucy Pustejovsky, DVM

November 8, 2013 and November 29, 2013

Failure to properly diagnose by following standard protocols, failure to refer to a competent veterinarian, unnecessary treatment advice, refusing a request for a referral, and gross negligence resulting in the torture and death of my horse, Harvey.

- (1) Professional Standard of Care, Rule 573.22
- (2) Responsibility of veterinarian to refer a case, Rule 573.24
- (3) Honesty, Integrity and Fair Dealing, Rule 573.27
- (4) Patient record keeping, Rule 573.52, Rules Pertaining to the Practice of Veterinary Medicine,
- (5) Principles of Veterinary Medical Ethics of the American Veterinary Medical Association: II. Professional Behavior, A. and B.
- (6) Unnecessary treatment advice: Advising hand walking a Grade 3 lame horse while claiming not to know what was causing the lameness and while stating there was no joint infection when there was a joint infection (November 8, 2013). Also, advising me to move around a horse with Grade 4/5 to 4.5/5 lameness when she states (in her clinic notes) she suspected a joint infection when there was a joint infection clearly present, and at the same time telling me there was no joint infection. (November 29, 2013). Section 801.402(12).
- (7) Gross malpractice, Section 801.402 (16):
 - (a) Putting a sweat wrap on a horse with an obvious joint infection.
 - (b) Refusing a request for a referral.
 - (c) Sending home a horse with a life threatening joint infection with no antibiotics.
 - (d) Falsifying clinic notes.
 - (e) Being untruthful in a deposition under oath.
 - (f) Advising that I hand walk and move around a grade 3 and then grade 4/5 to 4.5/5 lame horse.
 - (g) Repeatedly telling me Harvey did not have a joint infection when in fact he did.

Lucy Pustejovsky is the veterinarian mainly responsible for injuring Harvey so badly he could not be saved. She was the attending veterinarian on both November 8, 2013 and November 29, 2013 when I took Harvey in to be treated at Bastrop Veterinary Hospital.



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Your Name Judy C. Santerre			Name of Licensee you are complaining about Heidi Jean Moore		
Address 110 Fischer Cove Dr			Address 4015 S US Hwy 281		
City Wimberley	State TX	Zip 78676	City Marble Falls	State TX	Zip 78654
Home Phone 512-461-4501	Work Phone 512-480-5670	Cell Phone 512-461-4501	Phone 830-693-3039		
Your Email Address jsanterre@gdhm.com					

Name of Second Opinion	Address	Phone
Name of Third Opinion	Address	Phone
Animal Name	Species	Age

☒ THE STATEMENTS CONTAINED ON THIS FORM AND ANY ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature

Judy C. Santerre

Date

4-24-2016

(Please see reverse side)

Nature of Complaint

Clearly indicate the nature of your complaint and enclose copies of any records or reports from any other source(s) which will support your statement. Please attach additional sheets if necessary.

Heidi Moore, DVM

September 20, 2013 and September 28, 2013

Failure to properly diagnose by following standard protocols and failure to refer to a competent veterinarian who could have saved Harvey. Telling me Harvey would be just fine and telling me "we'll just have to watch that and see if it gets a joint infection in it."

- (1) Professional Standard of Care, Rule 573.22
- (2) Responsibility of veterinarian to refer a case, Rule 573.24
- (3) Avoidance of guaranteeing cures, Rule 573.26
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Defendant Bastrop Veterinary Hospital Large Animal Services, P.C. ("BVH") is a Texas professional corporation having its principal place of business in Bastrop, Bastrop County, Texas. BVH previously appeared for all purposes in this matter.

Defendant Dr. Jeffery Schroeder, DVM ("Schroeder") is an individual who resides in Bastrop, Bastrop County, Texas. He has previously appeared for all purposes in this matter.

Defendant Dr. Darren Weiss, DVM ("Weiss") is an individual who resides in Austin, Travis County, Texas. He has previously appeared for all purposes in this matter.

Defendant Dr. Stefanie Mosley, DVM ("Mosley") is an individual who resides in Dallas, Dallas County, Texas. She has previously appeared for all purposes in this matter.

Defendant Dr. Lucy Putesjovsky, DVM ("Putesjovsky") is an individual who resides in Wharton, Wharton County, Texas. She has previously appeared for all purposes in this matter.

III.

Jurisdiction and Venue

The Court has jurisdiction over this matter pursuant to § 25.0003, TEX. Gov't Code. Venue is proper in Bastrop County, Texas because all or part of the events giving rise to this lawsuit occurred there. The amount in controversy exceeds the minimum jurisdictional amount for this Court and the monetary relief sought is over \$200,000 but less than \$1,000,000.

IV.

Facts of the Case

This lawsuit arises from the tragic -- and needless -- death of Ms. Santerre's beloved horse, Harvey. In September 2013, Ms. Santerre brought Harvey -- an otherwise healthy 10-year old palomino performance gelding -- to the Bastrop Veterinary Hospital ("BVH") for diagnosis and treatment of a fresh cut on his right front ankle. When the Defendant vets, all employees of

BVH, accepted him for treatment on September 20, 2013, Harvey's prospects for a full and complete recovery were excellent. The Defendants portrayed themselves as possessing the clinical knowledge, experience and expertise to properly diagnose and to treat Harvey's injury, and to fully investigate and appropriately manage complications typically associated with such an injury. Their failure to do any of those things ultimately resulted in Harvey's death on April 24, 2014.

It is well-accepted that puncture wounds or lacerations of the limb over or near a joint or tendon sheath commonly result in joint infections in mature horses. It is likewise well-accepted that the most important part of treatment is early recognition of the condition and immediate (and appropriate) treatment. Well-documented clinical experience confirms that if a joint infection is not properly diagnosed and treated promptly and aggressively, then the chances of survival (let alone recovery) are significantly reduced. Accordingly, a wound over a joint is potentially life-threatening, and thus should be considered -- and must be treated as -- a medical emergency.

Defendants apparently took none of the recognized steps to prevent or detect a joint infection. Within days of initial treatment, Harvey's ankle swelled, the stitches broke, and a thick, yellowish fluid began draining from the wound. The lameness in his right leg intensified. These are well-known clinical signs of a joint infection, and clearly warranted immediate and aggressive treatment. Defendants, however, completely ignored these red flags.

Ms. Santerre kept Defendants fully informed of these developments as they occurred. She spoke to the Defendants on the phone and also sent them photos of Harvey's ankle. She asked repeatedly if she should bring Harvey to the clinic for an examination, diagnostic testing,

and an alternative treatment protocol. The Defendants consistently told her that no further examination or other treatment was warranted.

By way of illustration, on October 17, 2013, Ms. Santerre emailed a photo of Harvey's swollen ankle to Defendant Weiss. The photo clearly showed a thick yellowish discharge coming from the joint. Defendant Weiss confirmed receipt of both the photograph and Ms. Santerre's verbal description of Harvey's worsening condition. He did nothing more than to prescribe another round of the same medication (SMZ tablets) that clearly was having no effect. In the meantime, Harvey's condition was getting worse by the day.

On November 8, 2013, Ms. Santerre brought Harvey to the BVH and insisted that his deteriorating condition be re-evaluated. The top layer of the ankle wound had closed over, the joint was extremely swollen, and Harvey was profoundly lame. These are classic clinical indicators of a full-blown joint infection; indeed, there are few other explanations for profound lameness and effusion in a joint in an adult horse. Ms. Santerre specifically questioned Defendant Putesjovsky whether Harvey had a joint infection in his ankle. Defendant Putesjovsky assured Ms. Santerre that he did not. In connection with this "diagnosis," however, she did nothing more than to take two x-rays; neither was a view that would have shown changes in the bony structure of the joint associated with an infection. She prescribed "hand walking," and told Ms. Santerre that "Harvey would be fine."

In fact, however, under these circumstances a prudent vet would have immediately taken further diagnostic steps and would have implemented an aggressive treatment protocol. Such steps should have included, *inter alia*, taking a sample of the joint fluid for clinical analysis, blood work, and/or ultrasonography. Defendants took none of the appropriate diagnostic steps,

nor did they advise Ms. Santerre that such diagnostic procedures were warranted under the circumstances. As a result, Harvey's condition worsened.

Over the next 20 days, Ms. Santerre continued to apprise the Defendants of Harvey's deteriorating condition. They did nothing other than dispense bute and banamine, two anti-inflammatories that did nothing to address the massive infection in Harvey's ankle joint.

Ms. Santerre brought Harvey to the clinic again on November 29th. His ankle was even more swollen and he was "grade 4" lame. Defendant Putesjovsky performed no diagnostics at all; nevertheless, she again assured Ms. Santerre that Harvey did not have a joint infection. She put a sweat wrap on Harvey and sent him home. The proper treatment protocol at that point almost certainly would have involved some combination of joint lavage, intravenous and intramuscular antibiotics (or even local antibiotic administration), and arthroscopy. The warm, moist condition created by a sweat wrap Defendant Putesjovsky applied likely acted as a bacterial "super-charger" that kicked the ever-worsening infection into high gear.

Ms. Santerre called the clinic on December 2nd to report that Harvey's condition had not improved with the sweat wrap. The next day, the Defendants finally admitted for the first time that they had no idea what was wrong with Harvey or how to properly diagnose and treat his condition. They suggested that Ms. Santerre take Harvey to the veterinary teaching hospital at Texas A&M. Harvey was hospitalized at Texas A&M the next day. Proper diagnostic procedures revealed that under Defendants' "care" Harvey had developed a severe joint infection that, by the time the Defendants referred Harvey to Texas A&M, was extremely advanced. The veterinary professionals at Texas A&M implemented an aggressive treatment protocol, and even performed surgery on Harvey's ankle. But as a result of the Defendants' repeated failures to

follow accepted diagnostic protocol, resulting misdiagnoses and consistently improper treatments, Harvey's joint infection had become too advanced and severe, even before they even referred him for proper care. Due to the Defendants' misconduct, the measures taken by the vets at Texas A&M were not effective. Upon independent recommendations made by two highly-qualified veterinarians, Harvey was euthanized on April 24, 2014.

V.
Causes of Action

Despite holding themselves out as experienced, competent practitioners of veterinary medicine, the Defendants failed to give any attention to the likelihood that Harvey would develop a joint infection as a result of his ankle laceration. They ignored the very clear and dramatic warning signs that were both readily-observable, well-known to competent veterinary medicine practitioners, and repeatedly called to their attention. They took none of the diagnostic steps that were warranted under the circumstances. They directed a treatment protocol that fell far short of (and, in the case of the sweat wrap, was completely the opposite of) the accepted protocol for treatment of a joint infection. When Ms. Santerre asked them directly whether Harvey might have a joint infection, they assured her he did not; yet they had taken not a single one of the generally-accepted diagnostic steps required to make that determination. By the time they finally referred Ms. Santerre and Harvey to a qualified veterinary professional, his condition had deteriorated to such an extent that he could not be saved.

At all times relevant to the events giving rise to this lawsuit, the individual Defendant veterinarians were acting within the course and scope of their employment with BVH. Their acts and omissions alleged herein were within the general authority given them, were in furtherance of the business of BVH, and were for the accomplishment of the object for which the Defendant

veterinarians were employed. Accordingly, BVH is vicariously liable in connection with the acts and omissions of the individual Defendant veterinarians.

A. Veterinary Malpractice.

Defendants had a duty to meet the applicable standard of care in this case. Through their acts and omissions, they fell short of that standard. Such acts and omissions include, without limitation:

- Misdiagnosis
- Incorrect treatment
- Failure of skill in nonsurgical treatment
- Incorrect kind or amount of medication
- Violation of commonly accepted protocols
- Inadequate supervision
- Failure to provide preventative care
- Failure to suggest a referral to a specialist, or otherwise more qualified veterinarian

Defendants' acts and omissions resulted in Harvey's prolonged and deteriorating medical condition, and ultimately his death. Such acts and omissions were the proximate cause of Harvey's death and Ms. Santerre's damages.

B. Ordinary Negligence.

In the alternative, the Defendants' acts and omissions described above constitute ordinary negligence. Defendants had a duty not to engage in conduct that resulted in injury to Harvey. By their acts and omissions described herein, Defendants breached their duty. Defendants' acts and omissions were the proximate cause of Harvey's prolonged and deteriorating medical condition, his death, and Ms. Santerre's damages.

C. Actual and Exemplary Damages.

Defendants' wrongful conduct was the proximate cause of Ms. Santerre's actual damages including, without limitation, charges for medical treatment for Harvey, transportation costs, expenses for medicine, bandages and other necessary supplies and equipment, loss of use, and finally the total loss of Harvey.

Defendants' conduct was the result of malice and/or gross negligence, for which Texas law authorizes an award of exemplary damages in an amount to be determined by the trier of fact under Chapter 41 of the Texas Civil Practice & Remedies Code.

Ms. Santerre seeks to recover all such actual and exemplary damages herein.

VI.
Conditions Precedent

All conditions precedent to Ms. Santerre's right to recover herein have occurred or have been fulfilled.

WHEREFORE, PREMISES CONSIDERED, Plaintiff Judy Santerre requests that upon final trial hereof, she be awarded her actual and exemplary damages, equitable relief as requested herein, her recoverable attorneys' fees and costs, and such other and further relief, at law or in equity, to which she may show herself justly entitled.

SIGNATURE PAGE TO FOLLOW.

Respectfully Submitted,

GRAVES, DOUGHERTY, HEARON & MOODY
A Professional Corporation
401 Congress Avenue, Suite 2200
Austin, Texas 78701
(512) 480-5651 Phone
(512) 480-5851 Fax

By: /s/ Kathryn Allen

Kathryn E. Allen
State Bar No. 01043100
Email: kallen@gdhm.com
Christopher L. Elliott
Stat Bar No. 06535400
Email: celliott@gdhm.com

ATTORNEYS FOR JUDY SANTERRE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been sent as noted below this 19th day of August, 2015 to the following:

Keith B. O'Connell
James W. Goldsmith, Jr.
O'CONNELL & AVERY, LLP
4040 Broadway, Suite 522
San Antonio, Texas 78209
Telephone: (210) 824-0009
Facsimile: (210) 824-9429
ATTORNEYS FOR DEFENDANTS

Email: keitho@oalawsa.com
Email: jimg@oalawsa.com

s/Christopher L. Elliott
Christopher L. Elliot

INTERROGATORY NO. 10

10. For each communication you have had with Defendants and/or their agents, servants, representatives and/or employees in any way concerning the facts, circumstances, events, happenings and/or occurrences which form the basis of this Lawsuit, please:

- a. state the date of each communication;
- b. state the manner or method of communication (for example, face-to-face meeting, telephone call, mailed letter, facsimile transmission, e-mail transmission, etc.);
- c. identify (by name, address, and telephone number) all Persons who also were present and/or received the communication; and
- d. state the substance of the communication.

ANSWER:

September 20, 2013:

I arrived home from work and found Harvey badly injured from an attack by an ugly neighbor that I had refused to go out with. I took Harvey to BVH, which had been my veterinarians for 14 years at that point. Stephanie Mosley and Heidi Moore were the veterinarians there that evening. Heidi Moore took photos of Harvey's injury. They knew Harvey's injury had occurred that morning and was approximately ten hours old. They knew it had rained five inches in Smithville that day and Harvey had stood in that rain with dirty rainwater washing over that gaping wound for hours. Stephanie Mosley unwrapped the wound, sedated Harvey, and cleaned the wound and stitched it up, sending us home with ten days supply of SMP tablets. Mosley said nothing about the seriousness of Harvey's wound. Heidi Moore made the statement, "We'll just have to watch that and see if it gets a joint infection in it." I did not know how wrong that statement was until much later. Mosley told me the stitches probably would not hold. Heidi Moore told me Harvey would be just fine.

Violations by Heidi Moore and Stephanie Mosley:

- (1) Professional Standard of Care, Rule 573.22
- (2) Responsibility of veterinarian to refer a case, Rule 573.24
- (3) Avoidance of guaranteeing cures, Rule 573.26
- (4) Honesty, Integrity and Fair Dealing, Rule 573.27

(5) Patient record keeping, Rule 573.52, Rules Pertaining to the Practice of Veterinary Medicine, Texas Board of Veterinary Medical Examiners, Texas Administrative Code, Title 22, Part 24, Chapter 573.

(6) Principles of Veterinary Medical Ethics of the American Veterinary Medical Association: II. Professional Behavior, A. and B.

Comments:

Standard procedures would have been to immediately refer Harvey to a competent veterinarian capable of determining whether the joint was involved and upon determination that it was, begin appropriate treatment.

Mosley and Moore treated Harvey as if he had a minor flesh wound. He had a major wound over a joint which is a medical emergency.

Wrong diagnosis and wrong medication. None of the proper protocols were followed to determine joint involvement which would have saved Harvey.

Records should have noted the degree of seriousness of this wound. Records should have noted the age of the wound, the fact it was 8-10 hours old, that the horse had been standing in rain that day (five inches) and was dirty, and the likelihood of joint involvement. Records incorrectly state Harvey was not walking well when found wounded, but in fact he was not walking at all. I had phoned in order to get instructions how to get him moving so that I could load him and bring him in. I was told to inject 10cc banamine in a vein, which I did. Records should have included the photos taken by Heidi Moore. Records should have noted the presence of Heidi Moore.

Patient History Report

Client: SANTERRE, JUDY (3605382)

Phone: (512) 480-5670

Address: 836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Patient: HARVEY (32301)

Species: Equine

Age: 12 Yrs. 8 Mos.

Color: Cream/Palomino

Breed: Quarter Horse,
American

Sex: Gelding

Date	Type	Staff	History
9/20/2013	C	SM	EXAM - WOUND - FINAL 09/24/2013
HX: O JUST NOTICED WOUND ON LEG; O REPORTS PT WAS NOT WALKING WELL UNTIL AFTER 10CC BANAMINE GIVEN AT HOME			
PE: BAR; ORAL- PINK & MOIST MM; H/L- WNL; GI- WNL IN ALL QUADRANTS; ORTHO- GRADE 2 LAMENESS ON RIGHT FORELIMB; SKIN/MS- UPSIDE DOWN V-SHAPED LACERATION ON LATERAL ASPECT OF RIGHT FRONT FETLOCK, MOD SQ DAMAGE & MOD SWELLING OBSERVED; T: 100.8			
TX: PT SEDATED TO SUTURE WOUND CLOSE - WOUND CLOSED EASILY ON CAUDAL ASPECT BUT CRANIAL ASPECT WAS VERY TIGHT & DID NOT CLOSE COMPLETELY; BANDAGE WAS APPLIED TO HELP KEEP WOUND CLOSED & COVERED			
PLAN: SENT HOME SMZ TABS & O HAS BANAMINE TO CONTINUE AS NEEDED; O WILL CHANGE BANDAGE & HYDRO WOUND ONCE DAILY; O WAS WARNED THAT SUTURES MAY BUST OUT BUT ADVISED TO KEEP IT BANDAGED UNTIL IT HEALS OR SCABS OVER			

9/20/2013	B	SM	EMERGENCY SERVICE (4EXEME) by BVH
9/20/2013	B	SM	1.00 ZEMERGENCY SERVICE (Z4EXEME) by BVH
9/20/2013	B	SM	1.00 ER TECH FEE - TR (1MCM) by BVH
9/20/2013	B	SM	EXAM/EQUINE DOCTOR CONSULT (4EXR) by BVH
9/20/2013	B	SM	1.00 ZEXAM/EQUINE DOCTOR CONSULT (Z4EXR) by BVH
9/20/2013	B	SM	.50 cc of DORMOSEDAN 10MG/ML. (DORM) by BVH
9/20/2013	B	SM	SUTURE WOUND/MINIMUM (4SW1) by BVH
9/20/2013	B	SM	1.00 ZSUTURE WOUND/MINIMUM (Z4SW1) by BVH
9/20/2013	B	SM	SURICAL PREP/PACK (STEL) by BVH
9/20/2013	B	SM	1.00 ZSURICAL PREP/PACK (ZSTEL) by BVH
9/20/2013	B	SM	1.00 each of VICRYL #2/0 W/CP1 (VICR) by BVH
9/20/2013	B	SM	1.00 each of BRAUNAMID #3 (JOR3409) by BVH
9/20/2013	B	SM	1.00 BANDAGE/FOOT W/OINT. (4B3) by BVH
9/20/2013	B	SM	200.00 tablet of SMZ-TMP 960 (SMZ) by BVH
9/20/2013	B	SM	1.00 COMMENT (COMI) by BVH
9/20/2013	B	SM	1.00 THANK YOU! DR. MOSLEY (SM) by BVH
8/16/2013	B	JS	1.00 each of GRANULEX V SPRAY (8252) by CR
7/22/2013	P	LP	1.00 [None] of TETANUS TOXOID (4TT)
Rx #: 5305 Exp. 07/24/14 0 Of 0 Refills Filled by: ZB			
GIVE 1CC IN NECK MUSCLE ONCE FOR VACCINATION.			

B:Billing, C:Med note, CB:Call back, CK:Check-in, CM:Communications, D:Diagnosis, DH:Declined to history, E:Examination, ES:Estimates, I:Departing instr, L:Lab result, M:Image cases, P:Prescription, PA:PVL Accepted, PB:problems, PP:PVL Performed, PR:PVL Recommended, R:Correspondence, T:Images, TC:Tentative medl note, V:Vital signs

Patient History Report

Client: SANTERRE, JUDY (3605382)

Phone: (512) 480-5670

Address: 836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Patient: HARVEY (32301)

Species: Equine

Age: 12 Yrs. 8 Mos.

Color: Cream/Palomino

Breed: Quarter Horse,
American

Sex: Gelding

Date	Type	Staff	History
9/25/2013	P	DW	100.00 cc of BANAMINE/FLUNIXIN INJ (BY ML) (BANA) Rx #: 8134 0 Of 0 Refills Filled by: DW GIVE 10 CC IN THE MUSCLE OR VEIN ONCE DAILY AS NEEDED FOR PAIN AND INFLAMMATION
9/25/2013	B	DW	100.00 cc of BANAMINE/FLUNIXIN 50MGML (BANA) by CR
9/21/2013	P	SM	1.00 [None] of TETANUS TOXOID (4TT) Rx #: 7981 0 Of 0 Refills Filled by: SM GIVE FULL SYRINGE (1CC) IN THE NECK MUSCLE ONCE FOR TETANUS VACCINATION.
9/21/2013	B	SM	1.00 TETANUS TOXOID (4TT) by CR
9/21/2013	B	SM	1.00 THANK YOU! DR. MOSLEY (SM) by CR
9/20/2013	I	SM	PLEASE REMOVE SUTURES IN 7-10 DAYS!
9/20/2013	P	SM	200.00 tablet of SMZ-TMP 960 (SMZ) Rx #: 7970 0 Of 0 Refills Filled by: TR GIVE 10 TABLETS BY MOUTH (MIX IN FEED) TWICE DAILY UNTIL GONE FOR INFECTION.

9/20/2013 C SM ENTER DOCTOR ID - Manner of Administration Document - FINAL 09/23/2013

MEDICATION	Manner of Administration			
Acepromazine Injection 10 mg/ml	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Antisedan 0.5 mg/ml	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Atropine injection SA	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Banamine/Flunixin 50mg/ml	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Baytril inj 100 mg/ml	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Baytril Injection 22.7mg	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Benadryl injection 50mg	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Cefazolin Sodium 1 gm	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Cerenia Injection	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Convenia injection	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Depo Medrol 20 mg/ml	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Dexamethasone 2 mg/ml	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Dexdomitor 0.5 mg/ml	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Dipyrone injection 500mg/ml	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Dolorex 10 mg/ml	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Dopram V injection 5mg/ml	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Dormosedan 10 mg/ml	<input type="checkbox"/> SQ	<input checked="" type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Draxxin 100 mg/ml	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO

B: Billing, C: Med note, CB: Call back, CK: Check-in, CM: Communications, D: Diagnosis, DH: Declined to history, E: Examination, ES: Estimates, I: Departing instr, L: Lab result, M: Image cases, P: Prescription, PA: PVL Accepted, PB: problems, PP: PVL Performed, PR: PVL Recommended, R: Correspondence, T: Images, TC: Tentative medl note, V: Vital signs

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			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Epinephrine</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Furosemide injection 50mg/ml</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Gentocin 100mg/250 cc</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Glycopyrrolate 0.2mg/ml</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Ketamine 100 mg/ml</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Metacam/Loxicom injection 5mg</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Metoclopramide inj /5MGML</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Midazolam 5 mg/ml</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Naxcel 1gm 20 ml</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Nuflor 100 ml 300 mg/ml</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Oxybiotic 200mg/ml</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Oxytocin injection</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Penicillin G</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Phenylbutazone inj 20%</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Potassium injection</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Predef 2x in 2 MG/ML</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Solu-Delta Cortef 100 mg</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Sucostrin inj 20 MG/ML</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Tetanus Toxoid</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Telazol 100 mg 5 ml</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Valium injection 5 MG</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>Vetalog inj 2 MG/ML</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>VIT. A/D/E Injection</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>VIT. B12 - 3000</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>VIT. B Complex</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>VIT. C Inj 250 ML</td> <td><input type="checkbox"/> SQ</td> <td><input type="checkbox"/> IV</td> <td><input type="checkbox"/> IM</td> <td><input type="checkbox"/> PO</td> </tr> <tr> <td>VIT. 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A/D/E Injection	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO	VIT. B12 - 3000	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO	VIT. B Complex	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO	VIT. C Inj 250 ML	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO	VIT. K Inj	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO	Xylazine	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO
Epinephrine	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO																																																																																																																																											
Furosemide injection 50mg/ml	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO																																																																																																																																											
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Telazol 100 mg 5 ml	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO																																																																																																																																											
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VIT. B Complex	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO																																																																																																																																											
VIT. C Inj 250 ML	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO																																																																																																																																											
VIT. K Inj	<input type="checkbox"/> SQ	<input type="checkbox"/> IV	<input type="checkbox"/> IM	<input type="checkbox"/> PO																																																																																																																																											
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9/20/2013	CK	SM	O THINKS P HAS BEEN ATTACKED BY NEIGHBOR Date Patient Checked Out: 09/20/13 Practice 1																																																																																																																																												

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Bastrop Veterinary Hospital

www.bastropvet.com
PO Box 625
Bastrop, TX 78602
(512) 303-6969

Page 1 / 2

JUDY SANTERRE
836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Client ID: 3605382
Invoice #: 1009320
Date: 9/20/2013

Patient ID: 32301		Species: Equine	Weight:	
Patient Name: HARVEY		Breed: Quarter Horse, American	Birthday: 03/16/2003	Sex: Gelding
	Description	Staff Name	Quantity	Total
9/20/2013	EMERGENCY SERVICE	Stefanie Mosley, DVM	1.00	\$125.25
	ER TECH FEE - TR		1.00	\$50.00
	EXAM/EQUINE DOCTOR CONSULT		1.00	\$51.25
	DORMOSEDAN 10MG/ML		0.50	\$29.45
	SUTURE WOUND/MINIMUM		1.00	\$63.25
	SURICAL PREP/PACK		1.00	\$0.00
	SURICAL PREP/PACK		1.00	\$9.50
	VICRYL #2/0 W/CP1		1.00	\$10.42
	BRAUNAMID #3		1.00	\$2.54
	BANDAGE/FOOT W/OINT.		1.00	\$36.25
	SMZ-TMP 960		200.00	\$54.25
	COMMENT		1.00	\$0.00
	THANK YOU! DR. MOSLEY		1.00	\$0.00
Patient Subtotal:				\$432.16

Instructions

PLEASE REMOVE SUTURES IN 7-10 DAYS!

Reminder

04/16/2010 FLU-RHINO
STREP/STRANGLES VACCINE
STREP VACCINE INTERVET (use on P.O)
04/28/2013 DIGITAL COGGINS TEST
Fecal Exam
03/16/2014 DEWORM/TUBE/EQUINE
WEST NILE VACCINE
04/20/2014 RABIES - EQUINE
07/22/2014 TETANUS TOXOID

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Page 2 / 2

Client ID: 3605382

Invoice #: 1009320

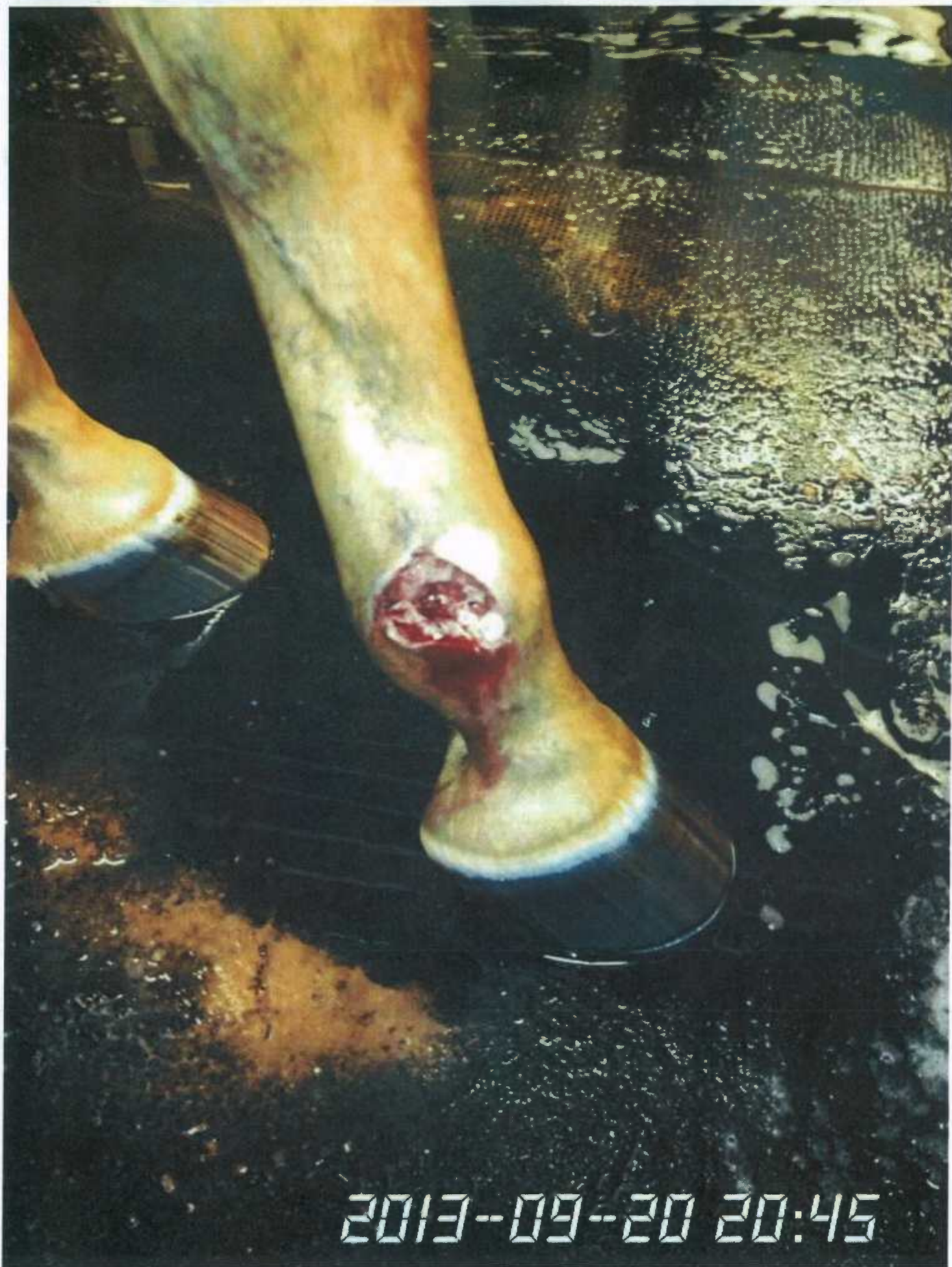
Date: 9/20/2013

JUDY SANTERRE
836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Invoice Total:	\$432.16
Total:	\$432.16
Balance Due:	\$432.16
Previous Balance:	\$0.00
Balance Due:	\$432.16
VISA/M.C./Discover:	(\$432.16)
Less Payment:	(\$432.16)
Balance Due:	\$0.00

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2013-09-20 20:45



2013-09-20 20:45



2013-09-20 20:45



2013-09-20 20:45



2017-09-20 21:20



2013-09-20 21:21

12:12 02--60--E102





2013-09-24 10:53



2013-09-24 10:53



2013-09-24 10:53



September 28, 2013

I took Harvey back to BVH because the stitches had come out. Stephanie Mosley with Heidi Moore cut away tissue around the wound and wrapped it. It was very bloody and hard to watch. I was sent home with four more days of SMP. The wound was discharging, but neither veterinarian took a sample for testing. Again, Harvey was not referred to a veterinarian capable of saving him.

Violations by Stephanie Mosley (and Heidi Moore):

(

1) Professional Standard of Care, Rule 573.22

(2) Responsibility of veterinarian to refer a case, Rule 573.24

(3) Honesty, Integrity and Fair Dealing, Rule 573.27

(4)) Patient record keeping, Rule 573.52, Rules Pertaining to the Practice of Veterinary Medicine, Texas Board of Veterinary Medical Examiners, Texas Administrative Code, Title 22, Part 24, Chapter 573. (Heidi Moore should have been listed as attending).

(5) Principles of Veterinary Medical Ethics of the American Veterinary Medical Association: II. Professional Behavior, A. and B.

Comments:

Failure to properly treat. This was a very deep wound with joint involvement. Opening the wound further probably worsened an already bad situation.

Failure to refer to a competent veterinarian who would have saved Harevy.

Improper diagnosis. None of the protocols for determining joint involvement were done.

Patient History Report

Client: SANTERRE, JUDY (3605382)
Phone: (512) 480-5670

Patient: HARVEY (32301)
Species: Equine

Breed: Quarter Horse,
 American
Sex: Gelding

Address: 836 COTTEL TOWN RD
 SMITHVILLE, TX 78957

Age: 12 Yrs. 8 Mos.
Color: Cream/Palomino

Date	Type	Staff	History
------	------	-------	---------

9/28/2013	C	SM	RECHECK WOUND - FINAL 09/28/2013 HX: O HAS BEEN DOING HYDRO THERAPY ON WOUND & CHANGING BANDAGE DAILY; O IS STILL GIVING ORAL ANTIBIOTIC BUT HAS STOPPED GIVING BANAMINE
-----------	---	----	---

PE: NO SIGNIFICANT LAMENESS OBSERVED; A FEW SUTURES HAVE COME OUT & EDGES OF LACERATION HAS NOT HEALED; WOUND IS STILL VERY THICKENED & WILL NOT CLOSE EASILY; MILD HEMORRHAGIC/PURULENT DISCHARGE OBSERVED; T: 100.3

TX: REMAINING SUTURES REMOVED; WOUND WAS CLEANED & TISSUE WAS DEBRIDED; GRANULEX SPRAY & A TIGHT BANDAGE WAS APPLIED

PLAN: MORE SMZ TABS WERE SENT HOME TO EXTEND TREATMENT; O WILL CONTINUE HYDROTHERAPY & BANDAGE CHANGES WITH GRANULEX DAILY

9/28/2013	P	SM	80.00 tablet of SMZ-TMP 960 (SMZ) Rx #: 8262 0 Of 0 Refills Filled by: SM GIVE 10 TABLETS BY MOUTH (MIX IN FEED) TWICE DAILY UNTIL GONE FOR INFECTION.
9/28/2013	CK	SM	RECHECK- SUTURES COMING OPEN Reason for Visit: Recheck Date Patient Checked Out: 09/28/13 Practice 1
9/28/2013	B	SM	EXAM/EQUINE BRIEF (4E1) by BVH
9/28/2013	B	SM	1.00 ZEXAM/EQUINE BRIEF (Z4E1) by BVH
9/28/2013	B	SM	.50 BANDAGE LEG/COMBINE ROLL (4B1) by BVH
9/28/2013	B	SM	1.00 each of GRANULEX V SPRAY (8252) by BVH
9/28/2013	B	SM	2.00 each of CAST PADDING 4 (CP4) by BVH
9/28/2013	B	SM	80.00 tablet of SMZ-TMP 960 (SMZ) by BVH
9/28/2013	B	SM	1.00 THANK YOU! DR. MOSLEY (SM) by BVH

B: Billing, C: Med note, CB: Call back, CK: Check-in, CM: Communications, D: Diagnosis, DH: Declined to history, E: Examination, ES: Estimates, I: Departing instr, L: Lab result, M: Image cases, P: Prescription, PA: PVL Accepted, PB: problems, PP: PVL Performed, PR: PVL Recommended, R: Correspondence, T: Images, TC: Tentative med note, V: Vital signs

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Client ID: 3605382

Invoice #: 1009677

Date: 9/28/2013

JUDY SANTERRE
836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Patient ID: 32301	Species: Equine	Weight:	
Patient Name: HARVEY	Breed: Quarter Horse, American	Birthday: 03/16/2003	Sex: Gelding

	Description	Staff Name	Quantity	Total
9/28/2013	EXAM/EQUINE BRIEF	Stefanie Mosley, DVM	1.00	\$32.00
	BANDAGE LEG/COMBINE ROLL		0.50	\$17.63
	GRANULEX V SPRAY		1.00	\$59.26
	CAST PADDING 4		2.00	\$4.98
	SMZ-TMP 960		80.00	\$35.05
	THANK YOU! DR. MOSLEY		1.00	\$0.00
Patient Subtotal:				\$148.92

Reminder

04/16/2010 FLU-RHINO
STREP/STRANGLES VACCINE
STREP VACCINE INTERVET (use on P.O)
04/28/2013 DIGITAL COGGINS TEST
Fecal Exam
03/16/2014 DEWORM/TUBE/EQUINE
WEST NILE VACCINE
04/20/2014 RABIES - EQUINE
09/21/2014 TETANUS TOXOID

Invoice Total:	\$148.92
Total:	\$148.92
Balance Due:	\$148.92
Previous Balance:	\$0.00
Balance Due:	\$148.92
VISA/M.C./Discover:	(\$148.92)
Less Payment:	(\$148.92)
Balance Due:	\$0.00

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2013-10-03 10:45





2013-10-03 10:45



2013-10-03 10:56

October 4, 2013

Sent email to Bastrop Vet regarding wound looking bad. Phoned later and was told to give it more time.



J Santerre <jtex363@gmail.com>

Fwd:

1 message

J Santerre <jtex363@gmail.com>

Fri, Oct 4, 2013 at 9:29 AM

To: bastropvet@hotmail.com

Drs.,

Attached is a photo of Harvey's injury. I don't know if this is where he is supposed to be or not. I've been lucky enough to never have to deal with an injury this severe. I am concerned that this wound is still so open. I gave him the last of his antibiotic this morning. Yesterday, he didn't eat with the usual vigor and I took his temperature but it was normal (just above 100). He ate better last night and this morning. He's pooping and drinking water normally. I am hydroing for 10 minutes every night and changing his bandage, using the Granulex. He doesn't limp or appear to be in pain, except at the wound site. It just looks awful. If you want to see him, I can bring him in tomorrow morning (or sooner if you think it's serious).

Judy

----- Forwarded message -----

From: **Judy** <jtex363@gmail.com>

Date: Fri, Oct 4, 2013 at 8:44 AM

Subject:

To: Jtex363@gmail.com

Sent from my iPhone



photo.JPG
131K



Patient History Report

Client: SANTERRE, JUDY (3605382)

Phone: (512) 480-5670

Address: 836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Patient: HARVEY (32301)

Species: Equine

Age: 12 Yrs. 8 Mos.

Color: Cream/Palomino

Breed: Quarter Horse,
American

Sex: Gelding

Date	Type	Staff	History
10/5/2013	I	HM	PLEASE CONTINUE WRAPPING THE WOUND ONCE A DAY. SWITCH OINTMENTS THAT ARE APPLIED TO THE WOUND EVERY DAY SWITCHING FROM GRANULEX TO QUADRATOP.,
10/5/2013	B	HM	.50 bottle of QUADRITOP OINTMENT (006572) by CR
10/5/2013	B	HM	1.00 COMMENT (COMI) by CR
10/5/2013	B	HM	1.00 THANK YOU! DR. MOORE (HM) by CR







2013-10-08 19:05



2013-10-11 19:20



2013-10-11 19:20



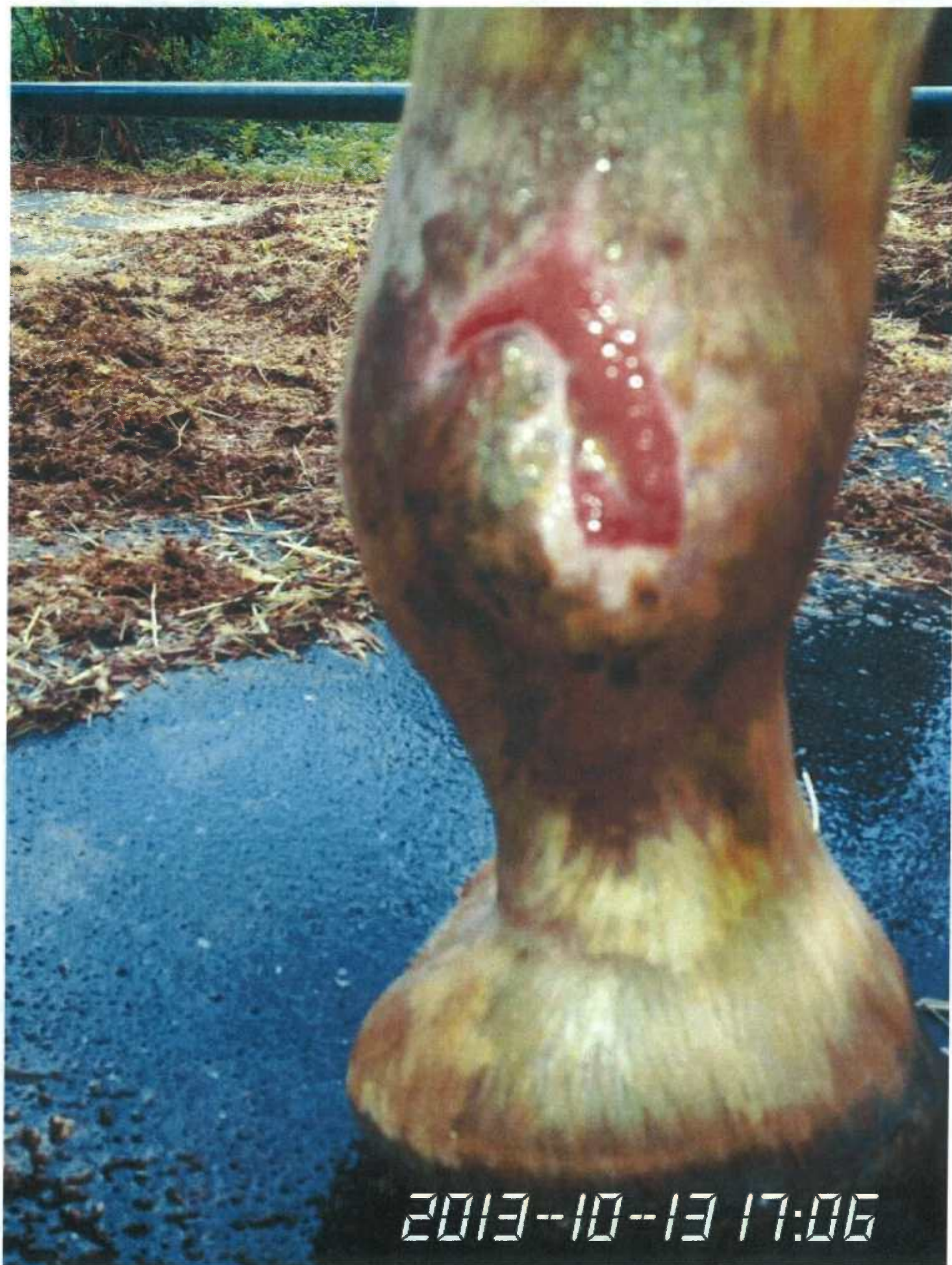
2013-10-11 19:21



100-11 E1-01-E102







2013-10-13 17:06



2013-10-13 17:06

October 14, 2013

Phoned Bastrop Vet because I was running out of antibiotics for Harvey. Dr. Weiss prescribed more TMP for Harvey and when I picked it up after work, he was at the reception area. We talked about Harvey and I told him I was having trouble finding suitable bandaging. He took some bandaging off a roll and gave it to me. The name on the invoice says Schroeder, but it was Weiss.

Patient History Report

Client: SANTERRE, JUDY (3605382)

Phone: (512) 480-5670

Address: 836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Patient: HARVEY (32301)

Species: Equine

Age: 12 Yrs. 8 Mos.

Color: Cream/Palomino

Breed: Quarter Horse,
American

Sex: Gelding

Date	Type	Staff	History
10/14/2013	P	JS	80.00 tablet of SMZ-TMP 960 (SMZ) Rx #: 8843 0 Of 0 Refills Filled by: MC GIVE 10 TABLETS BY MOUTH (MIX WITH FEED) TWICE DAILY UNTIL GONE FOR INFECTION.
10/14/2013	CK	LA	O IN LOBBY REQ: MEDS FOR THIS HORSE/O REPPORTS CUT ON RIGHT FRONT ANKLE CHECKED IN BY MARCIE Reason for Visit: Not Available Date Patient Checked Out: 10/14/13 Practice 1

B: Billing, C: Med note, CB: Call back, CK: Check-in, CM: Communications, D: Diagnosis, DH: Declined to history, E: Examination, ES: Estimates,
I: Departing instr, L: Lab result, M: Image cases, P: Prescription, PA: PVL Accepted, PB: problems, PP: PVL Performed, PR: PVL Recommended,
R: Correspondence, T: Images, TC: Tentative medl note, V: Vital signs

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836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Client ID: 3605382
Invoice #: 1010435
Date: 10/14/2013

Patient ID: 32301	Species: Equine	Weight:
Patient Name: HARVEY	Breed: Quarter Horse, American	Birthday: 03/16/2003 Sex: Gelding

	<u>Description</u>	<u>Staff Name</u>	<u>Quantity</u>	<u>Total</u>
10/14/2013	SMZ-TMP 960	Jeffrey Schroeder, DVM	80.00	\$35.05
	COMBINE ROLL		2.00	\$6.00
Patient Subtotal:				\$41.05

Reminder

04/16/2010 FLU-RHINO
STREP/STRANGLES VACCINE
STREP VACCINE INTERVET (use on P.O)
04/28/2013 DIGITAL COGGINS TEST
Fecal Exam
03/16/2014 DEWORM/TUBE/EQUINE
WEST NILE VACCINE
04/20/2014 RABIES - EQUINE
09/21/2014 TETANUS TOXOID

Invoice Total:	\$41.05
Total:	\$41.05
Balance Due:	\$41.05
Previous Balance:	\$0.00
Balance Due:	\$41.05
VISA/M.C./Discover:	(\$41.05)
Less Payment:	(\$41.05)
Balance Due:	\$0.00

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2013-10-15 19:19



2013-10-16 10:24

42:01 91--01--E102





2013-10-16 10:24

October 17, 2013

Harvey's leg was not improving. I took photos and emailed them to Dr. Weiss. I phoned him later in the day and asked if he had gotten my email and seen the photos. He said he had and would leave some antibiotics for me to pick up. I pick them up on the way home from work (more SMZ-TMP). I saw Schroeder's email later (told me to continue the antibiotics and bandaging). I had been using Bastrop Vet for fourteen (14) years at this point and it was not unusual for me to email them and phone later. I owned five dogs and two horses at this time and saw them often.

Violations by Darren Weiss and Jeff Schroeder:

- (1) Professional Standard of Care, Rule 573.22
- (2) Responsibility of veterinarian to refer a case, Rule 573.24
- (3) Honesty, Integrity and Fair Dealing, Rule 573.27
- (4)) Patient record keeping, Rule 573.52, Rules Pertaining to the Practice of Veterinary Medicine, Texas Board of Veterinary Medical Examiners, Texas Administrative Code, Title 22, Part 24, Chapter 573.
- (5) Principles of Veterinary Medical Ethics of the American Veterinary Medical Association: II. Professional Behavior, A. and B.

Comment:

The photos and email sent on October 17, 2013 show a swelling joint and the email reports increasing fluid draining from it. Harvey's injury at this point was four weeks old and clearly getting worse. The fluid draining from the wound was synovial fluid. Continuing SMP tablets beyond four weeks in the face of swelling and increasing discharge without asking a fourteen year client to bring Harvey in for examination and testing of that fluid was negligent or grossly negligent. There is no way these veterinarians could have known what was draining from the wound without testing it, which is standard procedure and one of the standard protocols.



J Santerre <jtex363@gmail.com>

Fwd:

1 message

J Santerre <jtex363@gmail.com>

Thu, Oct 17, 2013 at 9:10 AM

To: bastropvet@hotmail.com

Dr. Weiss,

Attached is a photo of Harvey's leg showing the swelling is down. However, in the next email (I don't know how to combine these), the photo shows the pus that actually appears to be increasing. I give him the final antibiotic tabs tonight. I am wrapping as you suggested with a full wrap. Please advise if there is anything else I should be doing. Should we continue the antibiotic until the pus is cleared? It still looks terrible.

Judy

----- Forwarded message -----

From: **Judy** <jtex363@gmail.com>

Date: Thu, Oct 17, 2013 at 9:06 AM

Subject:

To: Jtex363@gmail.com

Sent from my iPhone



photo.JPG
165K





J Santerre <jtex363@gmail.com>

Fwd:

1 message

J Santerre <jtex363@gmail.com>

Thu, Oct 17, 2013 at 9:10 AM

To: bastropvet@hotmail.com

This is the photo of Harvey's injury showing the pus.
Judy Santerre

----- Forwarded message -----

From: **Judy** <jtex363@gmail.com>

Date: Thu, Oct 17, 2013 at 9:05 AM

Subject:

To: Jtex363@gmail.com

Sent from my iPhone



photo.JPG
114K



Patient History Report

Client: SANTERRE, JUDY (3605382)
Phone: (512) 480-5670

Patient: HARVEY (32301)
Species: Equine

Breed: Quarter Horse,
 American

Address: 836 COTTEL TOWN RD
 SMITHVILLE, TX 78957

Age: 12 Yrs. 8 Mos.
Color: Cream/Palomino

Sex: Gelding

Date	Type	Staff	History
10/17/2013	P	JS	140.00 tablet of SMZ-TMP 960 (SMZ) Rx #: 8995 Exp. 05/01/16 0 Of 0 Refills Filled by: JS CRUSH TEN TABLETS AND MIX W/ KARO SYRUP AND PLACE IN THE FEED ONCE DAILY UNTIL GONE FOR INFECTION. STOP IF DIARRHEA STARTS
10/17/2013	P	JS	140.00 tablet of SMZ-TMP 960 (SMZ) Rx #: 8994 Exp. 05/01/16 0 Of 0 Refills Filled by: JS GIVE TEN TABLETS IN THE FEED ONCE DAILY UNTIL GONE FOR INFECTION.
10/17/2013	B	JS	140.00 tablet of SMZ-TMP 960 (SMZ) by BVH

B: Billing, C: Med note, CB: Call back, CK: Check-in, CM: Communications, D: Diagnosis, DH: Declined to history, E: Examination, ES: Estimates,
 I: Departing instr, L: Lab result, M: Image cases, P: Prescription, PA: PVL Accepted, PB: problems, PP: PVL Performed, PR: PVL Recommended,
 R: Correspondence, T: Images, TC: Tentative medl note, V: Vital signs

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Client ID: 3605382

Invoice #: 1010671

Date: 10/17/2013

JUDY SANTERRE
836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Patient ID: 32301	Species: Equine	Weight:	
Patient Name: HARVEY	Breed: Quarter Horse, American	Birthday: 03/16/2003	Sex: Gelding

	<u>Description</u>	<u>Staff Name</u>	<u>Quantity</u>	<u>Total</u>
10/17/2013	SMZ-TMP 960	Jeffrey Schroeder, DVM	140.00	\$42.25
Patient Subtotal:				\$42.25

Reminder

04/16/2010 FLU-RHINO
STREP/STRANGLES VACCINE
STREP VACCINE INTERVET (use on P.O.)
04/28/2013 DIGITAL COGGINS TEST
Fecal Exam
03/16/2014 DEWORM/TUBE/EQUINE
WEST NILE VACCINE
04/20/2014 RABIES - EQUINE
09/21/2014 TETANUS TOXOID

Invoice Total:	\$42.25
Total:	\$42.25
Balance Due:	\$42.25
Previous Balance:	\$0.00
Balance Due:	\$42.25
VISA/M.C./Discover:	(\$42.25)
Less Payment:	(\$42.25)
Balance Due:	\$0.00

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J Santerre <jtex363@gmail.com>

RE:

1 message

Bastrop Veterinary Hospital BVH

<bastropvet@hotmail.com>

Thu, Oct 17, 2013 at

10:23 AM

To: J Santerre <jtex363@gmail.com>

YES WE CAN CONTINUE THE ANTIBIOTICS, ALSO CONTINUE THE
BANDAGING. DR SCHROEDER.

Bastrop Vet Hospital

PO Box 625

2900 Hwy 95N

Bastrop, TX 78602

512-321-5386, 512-303-6969

fax - 512-321-6994

Date: Thu, 17 Oct 2013 09:10:59 -0500

Subject: Fwd:

From: jtex363@gmail.com

To: bastropvet@hotmail.com

This is the photo of Harvey's injury showing the pus.

Judy Santerre

----- Forwarded message -----

From: **Judy** <jtex363@gmail.com>

Date: Thu, Oct 17, 2013 at 9:05 AM

Subject:

To: Jtex363@gmail.com

Sent from my iPhone



2013-10-10 19:25

**Bastrop Veterinary Hospital**

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Page 2 / 2

Client ID: 3605382

Invoice #: 1012235

Date: 11/23/2013

JUDY SANTERRE
836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Patient ID: 32301	Species: Equine	Weight:
Patient Name: HARVEY	Breed: Quarter Horse, American	Birthday: 03/16/2003 Sex: Gelding

	Description	Staff Name	Quantity	Total
11/18/2013	PHENYLBUTAZONE PASTE 60ML	DR. SCHROEDER, DR. WEI	1.00	\$47.94
Patient Subtotal:				\$47.94

Reminder

04/16/2010 FLU-RHINO
STREP/STRANGLES VACCINE
STREP VACCINE INTERVET (use on P.O.)
04/28/2013 DIGITAL COGGINS TEST
Fecal Exam
03/16/2014 DEWORM/TUBE/EQUINE
WEST NILE VACCINE
04/20/2014 RABIES - EQUINE
09/21/2014 TETANUS TOXOID

Invoice Total:	\$397.27
Total:	\$397.27
Balance Due:	\$397.27
Previous Balance:	(\$122.81)
Balance Due:	\$274.46
VISA/M.C./Discover:	(\$274.46)
Less Payment:	(\$274.46)
Balance Due:	\$0.00

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2013-10-21 22:00

00:22 12--01--E102





2013-10-21 22:00



2013-10-21 22:00



2013-10-23 19:50





2013-10-23 19:59

At some point late in October, 2013 or early November, 2013:

At some point late in October or early November, 2013, I was at the clinic for one of my dogs and spoke to Weiss who was at the reception area while I was there. I told him I was nearly out of antibiotics for Harvey and wanted more. He told me, "No, it's not helping." I was surprised that he was taking Harvey off of antibiotics. I told him Harvey was getting worse, not better. Weiss told me that maybe Harvey reinjured himself. He did not ask me to bring Harvey in to see him, nor did he prescribe a different antibiotic. I was confused but Weiss clearly knew what was going on with Harvey and I trusted him.

Violation by Darren Weiss:

Patient record keeping, Rule 573.52, Rules Pertaining to the Practice of Veterinary Medicine, Texas Board of Veterinary Medical Examiners, Texas Administrative Code, Title 22, Part 24, Chapter 573.

There was no record made of this contact at all but clearly there were internal discussions about Harvey's treatment since Darren Weiss appeared to be aware of what was going on.



2013-11-07 06:56

November 8, 2013

Harvey had grown increasingly lame and I was very concerned about his condition. On the one to five scale, Harvey was at a three, walking with big head bobbing. I phoned for an appointment with Darren Weiss and was told "if he's available." I wanted a more experienced veterinarian to see Harvey.

I was disappointed to see Lucy Pustejovsky come out to treat Harvey, but we discussed his lameness. She took x-rays of the front and side of Harvey's right foot. I asked Lucy Pustejovsky if Harvey had a joint infection because I had gone online to see what was wrong with him and everything pointed to a joint infection. Lucy Pustejovsky said no, he doesn't have joint infection. I said are you sure because my research was indicating this was a joint infection. She repeated it, no, absolutely not, he does not have a joint infection. She repeated it enough and was insistent enough that I believed her. Then I asked, then what is it? She said, I don't know but it's definitely not a joint infection. He should be fine, so let's give it more time. And then she said "You should hand walk him" I told her he was in too much pain to want to walk. As I was leading Harvey away, Lucy followed and stated "Boy, he sure is lame."

Violations by Lucy Pustejovsky (with comments):

(1) Professional Standard of Care, Rule 573.22

(2) Responsibility of veterinarian to refer a case, Rule 573.24

(3) Honesty, Integrity and Fair Dealing, Rule 573.27

(4) Patient record keeping, Rule 573.52, Rules Pertaining to the Practice of Veterinary Medicine, Texas Board of Veterinary Medical Examiners, Texas Administrative Code, Title 22, Part 24, Chapter 573. Either Lucy Pustejovsky or Stephanie Mosley entered Stephanie Mosley as the attending veterinarian on November 8, 2013. That is false. It was Lucy Pustejovsky who took the appointment on November 8, 2013 and also on November 29, 2013. In the clinic notes, Lucy Pustejovsky stated Harvey was doing well and went downhill, and that is false. Harvey had not been doing well from the date of his injury. Lucy Pustejovsky stated Harvey did not have significant lameness. Harvey had lameness Grade 3 and with Harvey's history of a deep gash over a joint, that was extremely significant. Lameness is why I took Harvey in that day – he was clearly getting worse. Lucy Pustejovsky told me to hand walk Harvey and this is not in the record either. I was following Lucy Pustejovsky's veterinary advice as I waited for another three weeks for Harvey to get well, phoning Bastrop Veterinary Hospital to keep them advised as he continued to deteriorate. In fact, Harvey did have a joint infection, which was foreseeable and preventable and survivable had these veterinarians followed standard procedures.

(5) Principles of Veterinary Medical Ethics of the American Veterinary Medical Association: II. Professional Behavior, A. and B.

(6) Unnecessary treatment advice (hand walking a Grade 3 lame horse while claiming not to know what was causing the lameness and while stating there was no joint infection when there was a joint infection), Section 801.402(12).

(7) Gross malpractice, Section 801.402 (16). Lucy Pustejovsky is responsible for injuring Harvey so badly he could not be saved. In her Deposition, Lucy Pustejovsky states she knew what was supposed to be done for Harvey, but she did not do those standard protocols.

Patient History Report

Client: SANTERRE, JUDY (3605382)
Phone: (512) 480-5670

Patient: HARVEY (32301)
Species: Equine

Breed: Quarter Horse,
 American

Address: 836 COTTEL TOWN RD
 SMITHVILLE, TX 78957

Age: 12 Yrs. 8 Mos.
Color: Cream/Palomino

Sex: Gelding

Date	Type	Staff	History
RADIOGRAPHS: LATERAL & DP VIEW OF RIGHT FETLOCK REVEALED SIGNIFICANT SOFT TISSUE SWELLING, MILD OSTEOPHYTE PRODUCTION (MOSTLY LATERAL ASPECT), & NARROWED JOINT SPACE; OSSIFICATION OF COLLATERAL CARTILAGE OF P3 IS ALSO OBSERVED			
11/8/2013	I	SM	GIVE 1 SCOOP OF BUTE POWDER TWICE DAILY FOR 5-7 DAYS AS NEEDED FOR PAIN & INFLAMMATION.
11/8/2013	P	SM	140.00 tablet of SMZ-TMP 960 (SMZ) Rx #: 9924 Exp. 05/01/16 0 Of 0 Refills Filled by: SM CRUSH TEN TABLETS AND MIX W/ KARO SYRUP AND PLACE IN THE FEED TWICE DAILY UNTIL GONE FOR INFECTION. STOP IF DIARRHEA STARTS.
11/8/2013	CK	SA	SWELLING AND PAIN, CHECKED IN BY SHARON Reason for Visit: Medical Exam Date Patient Checked Out: 11/08/13 Practice 1
11/8/2013	B	SM	EXAM/EQUINE BRIEF (4E1) by BVH
11/8/2013	B	SM	1.00 ZEXAM/EQUINE BRIEF (Z4E1) by BVH
11/8/2013	B	SM	2.00 X-RAY EQUINE/PER VIEW (4XR1) by BVH
11/8/2013	B	SM	140.00 tablet of SMZ-TMP 960 (SMZ) by BVH
11/8/2013	B	SM	1.00 COMMENT (COMI) by BVH
11/8/2013	B	SM	1.00 THANK YOU! DR. MOSLEY (SM) by BVH

11/8/2013 C SM RECHECK EXAM - FINAL ***ADDENDUM 12/3/2013
 HX: PT WAS DOING WELL BUT NOW RIGHT FRONT FETLOCK IS SWOLLEN & PAINFUL AGAIN

PE: RIGHT FRONT FETLOCK SWOLLEN & WARM TO THE TOUCH, NO SIGNIFICANT LAMENESS OBSERVED, NO DRAINAGE/DISCHARGE, SCAR FROM WOUND IS CLOSED & HEALING WELL; T:99.5

RADIOGRAPHS:

PLAN: CONTINUE REST & HYDRO; USE BUTE A FEW MORE DAYS AS NEEDED FOR PAIN & INFLAMMATION; ANOTHER COURSE OF ANTIBIOTICS SENT HOME AS WELL
 ADDENDUM on 12/3/2013 at 11:20:15 from Stefanie Mosley, DVM

B: Billing, C: Med note, CB: Call back, CK: Check-in, CM: Communications, D: Diagnosis, DH: Declined to history, E: Examination, ES: Estimates, I: Departing instr, L: Lab result, M: Image cases, P: Prescription, PA: PVL Accepted, PB: problems, PP: PVL Performed, PR: PVL Recommended, R: Correspondence, T: Images, TC: Tentative medl note, V: Vital signs

**Bastrop Veterinary Hospital**

www.bastropvet.com
PO Box 625
Bastrop, TX 78602
(512) 321-5386

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JUDY SANTERRE
836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Client ID: 3605382
Invoice #: 1011682
Date: 11/8/2013

Patient ID: 32301	Species: Equine	Weight:		
Patient Name: HARVEY	Breed: Quarter Horse, American	Birthday: 03/16/2003	Sex: Gelding	
	Description	Staff Name	Quantity	Total
11/8/2013	EXAM/EQUINE BRIEF	Stefanie Mosley, DVM	1.00	\$32.00
	X-RAY EQUINE/PER VIEW		2.00	\$93.50
	SMZ-TMP 960		140.00	\$42.25
	COMMENT		1.00	\$0.00
	THANK YOU! DR. MOSLEY		1.00	\$0.00
Patient Subtotal:				\$167.75

Instructions

GIVE 1 SCOOP OF BUTE POWDER TWICE DAILY FOR 5-7 DAYS AS NEEDED FOR PAIN & INFLAMMATION.

Reminder

04/16/2010 FLU-RHINO
STREP/STRANGLES VACCINE
STREP VACCINE INTERVET (use on P.O.)
04/28/2013 DIGITAL COGGINS TEST
Fecal Exam
03/16/2014 DEWORM/TUBE/EQUINE
WEST NILE VACCINE
04/20/2014 RABIES - EQUINE
09/21/2014 TETANUS TOXOID

This was produced
in Discovery.
I have been
unable to find
my original.

Invoice Total:	\$167.75
Total:	\$167.75
Invoice Balance Due:	\$167.75
VISA/M.C./Discover:	(\$167.75)
Less Payment:	(\$167.75)
Invoice Balance Due:	\$0.00
Balance Due:	\$0.00

Our doctors and staff thank you for choosing our Hospital. We appreciate your business and enjoy providing care for your pets. Be sure to like us on Facebook.
Thank You.

November 18, 2013

I phoned Bastrop Vet and told Darren Weiss that I was out of Bute and Harvey was getting worse. He left some Bute at the front desk for me to pick. He did not ask to see Harvey. Surely he would have suspected something was wrong by now.

**Bastrop Veterinary Hospital**

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Client ID: 3605382

Invoice #: 1012235

Date: 11/23/2013

JUDY SANTERRE
836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Patient ID: 32301	Species: Equine	Weight:	
Patient Name: HARVEY	Breed: Quarter Horse, American	Birthday: 03/16/2003	Sex: Gelding

	<u>Description</u>	<u>Staff Name</u>	<u>Quantity</u>	<u>Total</u>
11/18/2013	PHENYLBUTAZONE PASTE 60ML	DR. SCHROEDER, DR. WEI	1.00	\$47.94
Patient Subtotal:				\$47.94

Reminder

04/16/2010 FLU-RHINO
STREP/STRANGLES VACCINE
STREP VACCINE INTERVET (use on P.O.)
04/28/2013 DIGITAL COGGINS TEST
Fecal Exam
03/16/2014 DEWORM/TUBE/EQUINE
WEST NILE VACCINE
04/20/2014 RABIES - EQUINE
09/21/2014 TETANUS TOXOID

Invoice Total:	\$397.27
Total:	\$397.27
Balance Due:	\$397.27
Previous Balance:	(\$122.81)
Balance Due:	\$274.46
VISA/M.C./Discover:	(\$274.46)
Less Payment:	(\$274.46)
Balance Due:	\$0.00

Our doctors and staff thank you for choosing our Hospital. We appreciate your business and enjoy providing care for your pets. Thank You.

November 26, 2013

I phoned Bastrop Vet and told Darren Weiss that Harvey was getting worse and the Bute wasn't helping. He said to try banamine. He left some banamine at the front desk for me to pick. He did not ask to see Harvey.

**Bastrop Veterinary Hospital**

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Client ID: 3605382
Invoice #: 1012525
Date: 11/26/2013

JUDY SANTERRE
836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Patient ID: 32301	Species: Equine	Weight:
Patient Name: HARVEY	Breed: Quarter Horse, American	Birthday: 03/16/2003 Sex: Gelding

	<u>Description</u>	<u>Staff Name</u>	<u>Quantity</u>	<u>Total</u>
11/26/2013	BANAMINE/FLUNIXIN 50MGML	Darren Weiss, DVM	100.00	\$58.25
Patient Subtotal:				\$58.25

Reminder

04/16/2010 FLU-RHINO
STREP/STRANGLES VACCINE
STREP VACCINE INTERVET (use on P.O)
04/28/2013 DIGITAL COGGINS TEST
Fecal Exam
03/16/2014 DEWORM/TUBE/EQUINE
WEST NILE VACCINE
04/20/2014 RABIES - EQUINE
09/21/2014 TETANUS TOXOID

Invoice Total:	\$58.25
Total:	\$58.25
Balance Due:	\$58.25
Previous Balance:	\$0.00
Balance Due:	\$58.25
VISA/M.C./Discover:	(\$58.25)
Less Payment:	(\$58.25)
Balance Due:	\$0.00

Our doctors and staff thank you for choosing our Hospital. We appreciate your business and enjoy providing care for your pets. Thank You.



2013-11-27 10:41



2013-11-27 10:41



November 29, 2013

Increasingly frantic over Harvey's deteriorating condition, I took Harvey back to Bastrop Vet. I called first and made an appointment with Dr. Darren Weiss. They told me "if he's available" but when I got there, Lucy Pustejovsky again walked out. Harvey was grade 4 to 4.5 lame by this time. Lucy looked at him and again told me again that he did not have a joint infection. I asked for a referral to A&M. Lucy said no, I want to try a sweat wrap first. She told me to put him in a larger pen and move him around. She said call on Monday if he hasn't gotten any better. She put a sweat wrap on him and sent us home with some more Bute.

Contrary to Lucy Pustejovsky's statements in her Deposition, she did not mention a referral to me. I asked for one and she refused. She waited to refer him until his joint was completely destroyed. She also advised me to move an extremely lame horse around, which constitutes animal cruelty.

I refer you to the video of Harvey attempting to walk which I took on December 1, 2013 before I took Harvey to A&M. The video can be viewed online at <https://vimeo.com/164328873>.

Note that Lucy Pustejovsky's actions on November 29, 2013 were completely consistent with her actions on November 8, 2013.

Violations by Lucy Pustejovsky (with comments):

(1) Professional Standard of Care, Rule 573.22

(2) Responsibility of veterinarian to refer a case, Rule 573.24. Lucy Pustejovsky refused my request for a referral to A&M.

(3) Honesty, Integrity and Fair Dealing, Rule 573.27

(4) Patient record keeping, Rule 573.52, Rules Pertaining to the Practice of Veterinary Medicine, Texas Board of Veterinary Medical Examiners, Texas Administrative Code, Title 22, Part 24, Chapter 573. Lucy Pustejovsky stated Harvey had Grade 3 lameness when in fact he had Grade 4 to 4.5 lameness. Lucy denied again that Harvey had a joint infection and that is not in her clinic notes. Pustejovsky's clinic notes state "possible joint and tendon sheath involvement" when in fact it was very obviously present. Lucy Pustejovsky refused my request for a referral and that is not in her clinic notes.

Lucy Pustejovsky wrote in the clinic notes for November 29, 2013 that Harvey's lameness was "worse when first starts moving." This was not true. Harvey was profoundly lame with a severely septic joint.

Lucy wrote in the notes for December 2, 2013 that Harvey's swelling was improved. She did not see Harvey on December 2, 2013, and I did not tell her his swelling had improved. In fact,

Harvey's swelling could not have improved because his joint was full of "thickened tissue" per Dr. Ashlee Watts at A&M. The joint wash taken by Dr. Watts on December 4, 2013, showed 98% neutrophils, confirming severe joint sepsis.

Lucy did not agree to the referral I asked for until December 2, 2013 when she returned my phone calls to her and told me that she "had consulted with her colleagues" and they did not know what was wrong with Harvey and I should take him to A&M. I asked Lucy to call my cell phone when she had scheduled the appointment for Harvey because I would not be in the office on December 3, 2013. Lucy phoned my office phone and left a message there. I called Bastrop Vet the afternoon of December 3, 2013 to find out when my appointment was. I took Harvey to A&M on the morning of December 4, 2013.

(5) Principles of Veterinary Medical Ethics of the American Veterinary Medical Association: II. Professional Behavior, A. and B.

(6) Unnecessary treatment advice (hand walking and moving around a Grade 4 – 4.5 lame horse while claiming not to know what was causing the lameness and stating there was no joint infection when there was in fact a severe joint infection), Section 801.402(12).

(7) Gross malpractice, Section 801.402 (16). In Lucy Pustejovsky's clinic notes for November 29, 2013, she notes "possible joint and tendon sheath involvement" but sent Harvey home in a sweat wrap with bute as the only medication. A sweat wrap was contraindicated in the presence of a joint infection. Asking me to move Harvey around in that condition was animal cruelty.

These veterinarians and especially Lucy Pustejovsky injured Harvey so severely he did not survive, despite A&M's best efforts to save him.

Patient History Report

Client: SANTERRE, JUDY (3605382)

Phone: (512) 480-5670

Address: 836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Patient: HARVEY (32301)

Species: Equine

Age: 12 Yrs. 8 Mos.

Color: Cream/Palomino

Breed: Quarter Horse,
American

Sex: Gelding

Date	Type	Staff	History
11/29/2013	I	LP	REMOVE SWEAT WRAP TOMORROW, THEN NO MORE BANDAGING JUST HYDROTHERAPY. YOU CAN LET HIM OUT INTO A SMALL PADDOCK TO GET HIM MOVING AROUND. GIVE BUTE AS NEEDED. PLEASE CALL IF HE DOES NOT IMPROVE WITH TREATMENT.
11/29/2013	P	LP	40.00 tablet of PHENYLBUTAZONE 1GR. TAB (BUTE1GR) Rx #: 10826 Exp. 11/01/14 0 Of 0 Refills Filled by: LP GIVE 2 GRAMS (2 TABLETS) BY MOUTH TWICE DAILY FOR FIRST DAY. THEN, 1 GRAM TWICE DAILY AS NEEDED FOR PAIN AND INFLAMMATION.
11/29/2013	CK	LP	RE CHECK ON RIGHT FRONT HOOF Reason for Visit: Medical Exam Date Patient Checked Out: 11/29/13 Practice 1
11/29/2013	B	LP	1.00 ZEXAM/EQUINE BRIEF (Z4E1) by BVH
11/29/2013	B	LP	1.00 BANDAGE/SWEAT (4BO) by BVH
11/29/2013	B	LP	40.00 tablet of PHENYLBUTAZONE 1GR. TAB (BUTE1GR) by BVH
11/29/2013	B	LP	1.00 THANK YOU! DR. PUSTEJOVSKY (LP) by BVH
11/26/2013	P	DW	1.00 cc of BANAMINE/FLUNIXIN INJ (BY ML) (BANA) Rx #: 10694 0 Of 0 Refills Filled by: LI GIVE 10CC ONCE A DAY FOR PAIN AND INFLAMMATION
11/26/2013	B	DW	100.00 cc of BANAMINE/FLUNIXIN 50MGML (BANA) by BVH
11/18/2013	B	LA	1.00 tube of PHENYLBUTAZONE PASTE 60ML (11947) by BVH

11/29/2013 C LP RECHECK EXAM NOTES - FINAL
HX-LIMPING HAS GOTTEN WORSE AND MORE SWOLLEN. SKIN WOUND IS HEALING. O HAS BEEN GIVING BANAMINE 10CC SID FOR 4 DAYS BUT STILL PAINFUL AND HAS BEEN BANDAGING IT WITH JUST VET WRAP. KEEPING STALLED UP.

PE:T100.6 BAR. EYES WNL. BCS 6/9. H/L-WNL, CLEAR. GUT SOUNDS NORMAL. MS-GRADE 3/5 LAME RIGHT FRONT, WORSE WHEN FIRST STARTS MOVING. THE WOUND ON FETLOCK IS PRETTY WELL HEALED, JUST SCAR. MOD-SEVERE SWELLING ON THE LATERAL ASPECT OF FETLOCK, EXTENDING UP THE CAUDAL TENDONS AND DOWN TO FOOT. PAINFUL, DEC FLEX/EXTENTION OF THE JOINT. FOOT WNL. CARPUS UP PALP WNL.
PRIOR RADS-NSF.

DDX:SEVERE INFLAMMATION, POSSIBLE JOINT AND TENDON SHEATH INVOLVEMENT.

P:SWEAT WRAP TODAY, O TO REMOVE TOMORROW AND LEAVE BANDAGES OFF JUST HYDRO. PUT OUT IN SMALL PADDOCK TO MOVE AROUND. START BACK ON BUTE.
CALL IF NOT IMPROVING.

B:Billing, C:Med note, CB:Call back, CK:Check-in, CM:Communications, D:Diagnosis, DH:Declined to history, E:Examination, ES:Estimates, I:Departing instr, L:Lab result, M:Image cases, P:Prescription, PA:PVL Accepted, PB:problems, PP:PVL Performed, PR:PVL Recommended, R:Correspondence, T:Images, TC:Tentative medl note, V:Vital signs

**Bastrop Veterinary Hospital**

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(512) 303-6969

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Client ID: 3605382
Invoice #: 1012691
Date: 11/29/2013

JUDY SANTERRE
836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Patient ID: 32301	Species: Equine	Weight:		
Patient Name: HARVEY	Breed: Quarter Horse, American	Birthday: 03/16/2003	Sex: Gelding	
	Description	Staff Name	Quantity	Total
11/29/2013	EXAM/EQUINE BRIEF	Lucy Pustejovsky, DVM	1.00	\$32.00
	BANDAGE/SWEAT		1.00	\$37.50
	PHENYLBUTAZONE 1GR. TAB		40.00	\$23.45
	THANK YOU! DR. PUSTEJOVSKY		1.00	\$0.00
Patient Subtotal:				\$92.95

Instructions

REMOVE SWEAT WRAP TOMORROW, THEN NO MORE BANDAGING JUST HYDROTHERAPY. YOU CAN LET HIM OUT INTO A SMALL Paddock TO GET HIM MOVING AROUND. GIVE BUTE AS NEEDED. PLEASE CALL IF HE DOES NOT IMPROVE WITH TREATMENT.

Reminder

04/16/2010 FLU-RHINO
STREP/STRANGLES VACCINE
STREP VACCINE INTERVET (use on P.O)
04/28/2013 DIGITAL COGGINS TEST
Fecal Exam
03/16/2014 DEWORM/TUBE/EQUINE
WEST NILE VACCINE
04/20/2014 RABIES - EQUINE
09/21/2014 TETANUS TOXOID

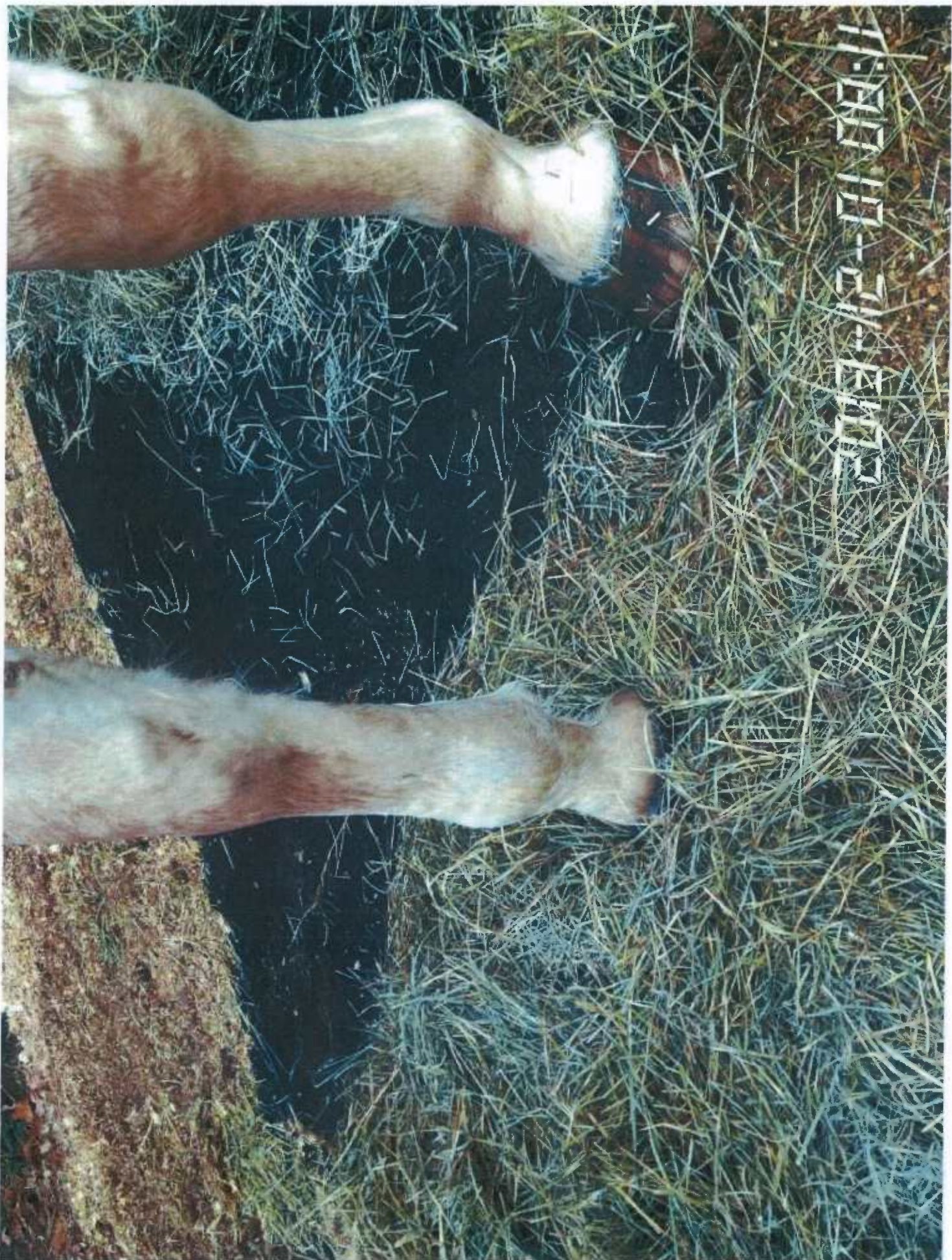
Invoice Total:	\$92.95
Total:	\$92.95
Balance Due:	\$92.95
Previous Balance:	\$0.00
Balance Due:	\$92.95
VISA/M.C./Discover:	(\$92.95)
Less Payment:	(\$92.95)
Balance Due:	\$0.00

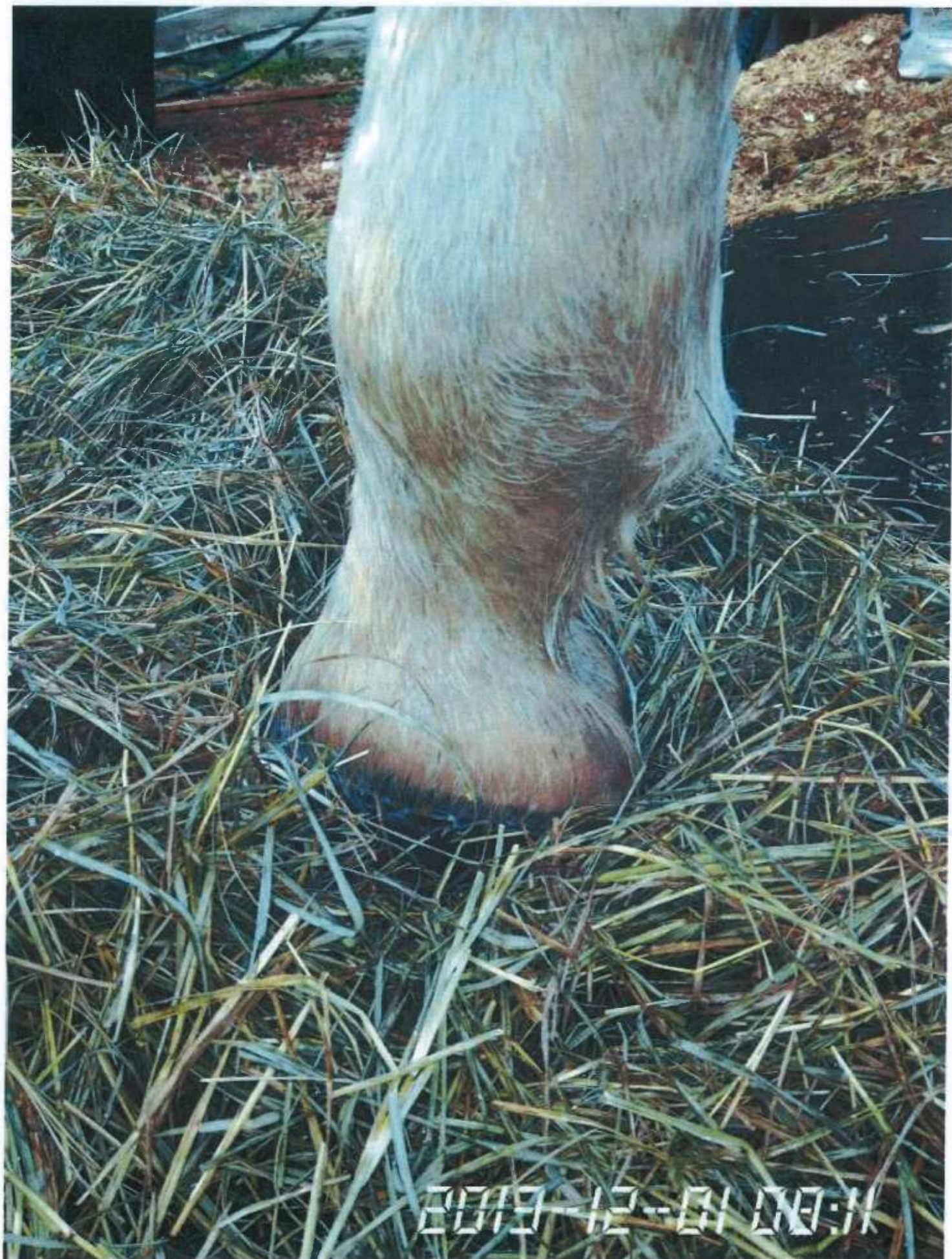
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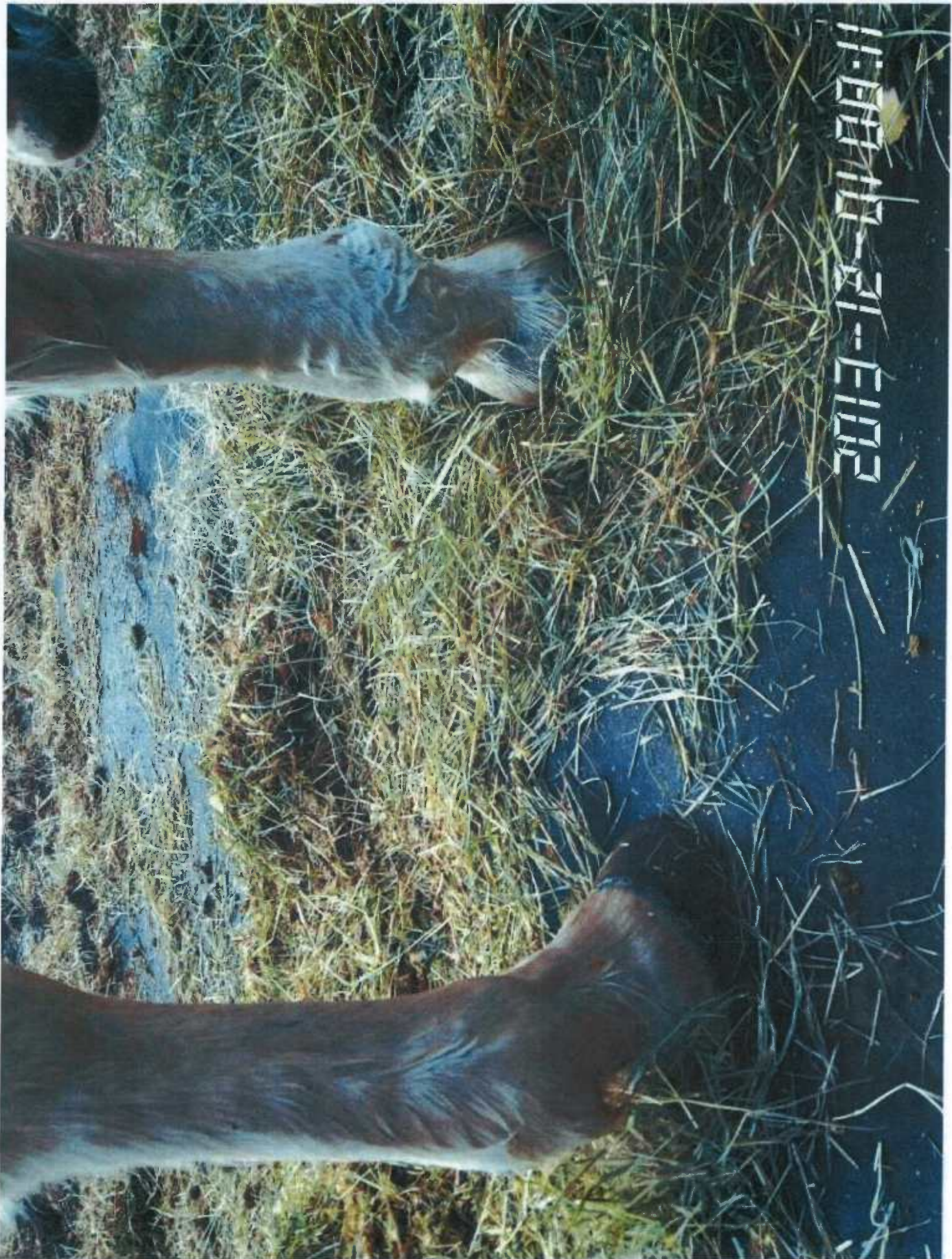
11:00 10-21-1972





2019-12-01 08:11

11-00010-21-E102



Patient History Report

Client: SANTERRE, JUDY (3605382)
Phone: (512) 480-5670

Patient: HARVEY (32301)
Species: Equine

Breed: Quarter Horse,
American
Sex: Gelding









Address: 836 COTTEL TOWN RD
SMITHVILLE, TX 78957


Age: 12 Yrs. 8 Mos.
Color: Cream/Palomino

Date	Type	Staff	History
------	------	-------	---------

12/2-O CALLED, HE IS NOT GETTING BETTER. THE SWELLING IMPROVED WITH SWEAT WRAP BUT HE WAS STILL LAME AND SWELLING CAME BACK BY THE NEXT DAY. STILL LAME AND BUTE NOT HELPING. RECOMMEND REFERRAL TO ORTHO AT TAMU FOR CONSULTATION, POSSIBLE U/S TENDONS AND FURTHER WORK UP AND TX.

Outbound Call Log

You Called	Date	Number	Status
Unknown	12/5 8:01 am	5000	
Unknown	12/5 8:01 am	5000	
Unknown	12/2 4:43 pm	8886081808	
Unknown	12/2 4:43 pm	888	
Unknown	12/2 4:09 pm	5123036969	
Unknown	12/2 10:35 am	5123036969	
Unknown	12/2 10:35 am	5123036969	
Unknown	12/2 10:10 am	8175295840	

  12 of 13  

Phone log from the
office showing my calls
to Bastrop Vet on
12/2/2013
(BVH is 512-303-6969)

December 4, 2013

I took Harvey to A&M and was horrified to hear what Dr. Watts told me. Dr. Watts screamed when she saw Harvey "Why am I getting him so late?!" Harvey had a severe joint infection. Dr. Watts asked me if I wanted to put him down. I did not believe what she was telling me. A&M treated the infection. On December 23, 2013, they stopped treatment, feeling they had gotten it all. I kept believing Harvey would be okay and that he would walk a lot better after the treatment. On Christmas day, I visited Harvey. It was two days after the last of the anesthetics had been given and he should have been much improved in my mind. In fact, he was just as bad on Christmas day as he was when I brought him in. It was Christmas day that I realized there was a strong possibility that I would lose him.

I took Harvey home on December 31, 2013 and watched him suffer, unable to walk without extreme pain, fearing that he would founder before A&M could do the arthrodesis surgery. He had the surgery but foundered afterward. He suffered every day, some days more than others. One day he was in so much pain I couldn't even brush him. I drove every day to see him. He just wanted to come home.

Watching Harvey suffer and die has been extremely traumatizing and life altering.

Harvey was euthanized on April 24, 2014.

Lucy Pustejovsky started her new job at Wharton Veterinary Clinic on June 2, 2014.

Stephanie Mosley started her new job at Hillside Veterinary Clinic on or around July, 2014.

1E:11 40--21--E103



December 11, 2013

Dr. Watts phoned Lucy Pustejovsky on December 11, 2013 to update her on Harvey's condition. According to Lucy Pustejovsky's notes, Harvey was "doing much better, lameness much improved." This was also completely false. I refer you to Page 2 of Dr. Watts Equine Orthopedic Survey Discharge Summary (Discharge Date December 31, 2013), wherein she states "Repeat radiographs on 12/16 and 12/24 revealed progression of the fetlock osteoarthritis and fetlock joint collapse." Harvey's lameness did not improve.

Patient History Report

Client: SANTERRE, JUDY (3605382)

Phone: (512) 480-5670

Address: 836 COTTEL TOWN RD
SMITHVILLE, TX 78957

Patient: HARVEY (32301)

Species: Equine

Age: 12 Yrs. 8 Mos.

Color: Cream/Palomino

Breed: Quarter Horse,
American

Sex: Gelding

Date	Type	Staff	History
------	------	-------	---------

12/11/2013 C LP NOTES - FINAL

REFERRED TO DR. WATTS-CALLED WITH UPDATE. RECHECK RADS- NOTED ENTHESOPHYTES AND LYSIS ON MARGINS OF THE PROXIMAL SESMOIDS.

SEPTIC JOINT. SYNOVIUM THICKENED, JOINT WASH. 98% NEUTROPHILS.

12/4 SURGERY-FLUSHED JOINT, VERY COLLAPSED AND FILLED WITH FIBROUS TISSUE. CARTILAGE THIN, NO OSTEOMYELITIS. JOINT OPEN AND DRAINING, COVERED IN STERILE BANDAGE. TX WITH AMIKACIN.

1ST DAY POSTOP SEEMS MORE COMFORTABLE JUST ON 1 GRAM BUTE.

P:LAVAGE JOINT EVERY FEW DAYS. DISCUSSED WITH O MAY STILL BE LAME WITH SEPSIS RESOLVED, MAY NEED TARSAL ARTHRODESIS LATER ON.

12/17 UPDATE- DOING MUCH BETTER, LAMESNESS MUCH IMPROVED. STOPPED THE EOD JOINT FLUSHING ON 12/13, NOW JUST BANDAGING AND WAITING FOR ARTHROTOMY SITES TO HEAL. SEVERE ARTHRITIC CHANGES, JOINT NOT DISTENDED. CURRENTLY ON IV K-PEN AND GEN, 1 GRAM BUTE BID AND BANDAGE CHANGES.
