

# BOARD OF VETERINARY MEDICAL EXAMINERS

## Minutes

Date: August 26 - 27, 2014

Time: 8:30 a.m., C.S.T.

Location: Iris Room  
665 Mainstream Drive  
Nashville, TN 37243

Members Present: Charles R. Halford, D.V.M., President  
R. A. Tai Federico, D.V.M.  
Stephen S. Galloway, D.V.M., Secretary  
Forrest W. Reynolds, D.V.M., Vice-President  
Kim D. Johnson, D.V.M.  
Karen S. Walsh, L.V.M.T.

Members Absent: B. Ann Strong, Public Member  
Charles Hatcher, D.V.M., State Veterinarian, Ex-officio Member

Staff Present: Rita Buckner-Shelton, Board Administrator  
Keith D. Hodges, Board Attorney  
Lisa Lampley, Board Director

Upon the determination of a quorum being present, the Board meeting was called to order by Dr. Halford at 8:40 a.m.

### **Contested Case Hearing – Todd Patrick Murphy, D.V.M.**

This hearing was continued from the meeting held on April 9 – 10, 2014.

Dr. Todd Murphy, DVM, was present and was represented by Edward U. Babb, Esq. Mr. Keith Hodges, Assistant General Counsel, represented the State. The proceedings were presided over by Administrative Law Judge Joyce Grimes Safley. Dr. Kim Johnson recused herself from the hearing. Dr. Murphy was charged with failing to disclose disciplinary action by the Texas State Board of Veterinary Medical Examiners. Dr. Murphy's license to practice veterinary medicine in the state of Texas was revoked on December 13, 2010. Dr. Murphy was charged, while employed as a veterinary surgeon at Blue Pearl Veterinary Partners from January 2010 to January 2011, with performing unnecessary surgeries, performing numerous surgeries

incorrectly, misdiagnosing patients on multiple occasions or otherwise providing care below the applicable standard of care for veterinary medicine in the state of Tennessee, failing to maintain accurate patient records, and falsifying patient records to indicate he had performed certain procedures he in fact had not performed.

The hearing resumed with the state presenting expert testimony from Dr. Joseph Desch, DVM, ACVS and Dr. LeeAnn Blackford, DVM, ACVS regarding their review of nine (9) animal records that were treated by Dr. Murphy.

Drs. Desch and Blackford individually testified that it was their respective expert opinion that the veterinary services provided by Dr. Murphy were below the standard of care, that unnecessary surgeries were performed, animals were misdiagnosed, records were falsified, and that animals endured unnecessary suffering. Expert testimony was provided on behalf of the Respondent by Ronald Douglas Montgomery, DVM, ACVS and by the Respondent himself, Todd Patrick Murphy, DVM, ACVS. Drs. Montgomery and Murphy individually testified that it was their respective expert opinion that the veterinary services provided by Dr. Murphy did not deviate from nor fall below the acceptable standard of care in Tennessee.

Testimony was presented on the Respondent's behalf from Cynthia Walker, DVM; Timothy Tomlinson, DVM; Judy Torchia, DVM; and Harry Markham, DVM who testified to the veterinary services provided by Dr. Murphy. Dr. Murphy testified on his own behalf.

The Board recessed at 6:15 p.m.

#### **August 27, 2014**

Board members absent from the meeting: Beverly Ann Strong, Consumer Member and Dr. Charles Hatcher, State Veterinarian

Dr. Halford called the meeting to order at 8:44 a.m.

#### **Contested Case Hearing – Todd Patrick Murphy, D.V.M.**

The hearing resumed and closing arguments were presented by both sides.

Upon deliberation, the Board found that Dr. Murphy had multiple violations of the standard of care in Texas and that Dr. Murphy violated this Board's laws and rules by providing services that were below the standard of care by the following acts: misdiagnosing cases; performing unnecessary surgical treatments; failing to perform necessary diagnostic testing; falsifying patient records; performing surgical techniques below the standard of care; failing to provide appropriate surgical care; and failing to maintain accurate patient records. The Board, therefore, found him guilty of violating the following statutes or rules: T.C.A. § 63-12-124(a)(1) Willful or repeated violation of any provisions of this chapter or any rules of the board; T.C.A. § 63-12-124(a)(11) Gross malpractice or a pattern of continued or repeated malpractice, ignorance,

negligence or incompetence in the course of veterinary medical practice; T.C.A. § 63-12-124(a)(12) Unprofessional or unethical conduct or engaging in practices in connection with the practice of veterinary medicine that are in violation of the standards of professional conduct as defined in this section or prescribed by the rules of the board; and T.C.A. § 63-12-124(a)(15) Revocation by another state of a license to practice veterinary medicine in that state, in which case the record of such revocation shall be conclusive evidence. The Board unanimously moved to revoke Dr. Murphy's license to practice veterinary medicine and to assess total civil penalties in the amount of \$6,000.00 plus costs of the proceedings.

### **Adjournment**

There being no further business, the Board moved to adjourn at 4:44 p.m.

**These minutes were ratified at the meeting held on December 9, 2014.**