DOCKET NO. DK2017-220

IN THE MATTER OF § TEXAS BOARD OF
THE LICENSE OF § VETERINARY
TIMOTHY HAWKS, D.V.M. § MEDICAL EXAMINERS

AGREED ORDER

On this day the Texas Board of Veterinary Medical Examiners ("Board") considered the matter of the license of Timothy Hawks, D.V.M. ("Respondent").

Respondent, without admitting the truth of the Findings of Fact and Conclusions of Law set out in this Order, waived notice and hearing and agreed to the entry of this Order. Accordingly, the Board makes the following Findings of Fact and Conclusions of Law and enters this Order as set forth below.

FINDINGS OF FACT

1. Respondent, Timothy Hawks, D.V.M., of Flower Mound, Texas, holds Texas veterinary license 5311.

2. On October 8, 2016, at approximately 9 a.m., Helen Sanderson presented her two dogs, Nizhoni and Baylor, to Respondent at Mobile Veterinary Services, a temporary clinic located outside the D&L Feed Store in Denton, Texas. Nizhoni, an 11 month old Australian Shepard mix, was presented for a spay procedure.

3. Respondent performed the spay procedure and hand-tied the ligatures using a single simple encircling knot with 0 chromic gut. Respondent’s medical records do not detail the examination, diagnosis, and treatment provided, or the surgical procedure performed. In particular, the medical records do not include pulse, respiration rate, or actual weight.

4. Ms. Sanderson returned at approximately 11 a.m. to pick up Nizhoni and Baylor. Nizhoni was lethargic and incontinent. Ms. Sanderson expressed concern about Nizhoni’s condition to Respondent, and Respondent informed her that the surgery went well and there was no cause for concern. Respondent did not provide Ms. Sanderson with take-home instructions.

5. Ms. Sanderson took Nizhoni home and placed her in her kennel. At approximately 3 p.m., Ms. Sanderson let Nizhoni out of the kennel to urinate and Nizhoni collapsed. Ms. Sanderson helped her into her dog bed to rest. At approximately 5 p.m. Nizhoni attempted to get off the bed, and Ms. Sanderson placed her back into the kennel to sleep.

6. The following day, Ms. Sanderson discovered that Nizhoni had died during the night. Ms. Sanderson attempted to contact Respondent, but got no response from the number listed on the
receipt provided. Ms. Sanderson also contacted the emergency number provided in Respondent's voicemail for the North Texas Emergency Pet Clinic in Carrollton, Texas. The staff told Ms. Sanderson that they did not know or have any affiliation with Respondent.

7. Later that afternoon, Ms. Sanderson presented Nizhoni's body to Helmut Block, D.V.M., at Cottonwood Animal Hospital in Dallas, Texas, for a necropsy. The necropsy identified the cause of death as intra-abdominal exsanguination resulting from the suture tying off the left ovarian artery and vein slipping off the ovarian stump.

8. Respondent did not return Ms. Sanderson's attempts to contact him until approximately 4 p.m. on October 10, 2016.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Chapter 801, the Board has jurisdiction over this matter. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board's Rules. Respondent received notice as required by law.

2. Respondent has violated Board Rule 573.22, Professional Standard of Care, of the Board's Rules of Professional Conduct.

3. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.

4. Respondent has violated Section 801.402(6) of the Veterinary Licensing Act, Texas Occupations Code.

5. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.

6. Pursuant to Board Rule 575.25, Respondent's violations are Class B violations, and Respondent is subject to disciplinary action under that Rule.

TERMS OF ORDER

Now, therefore, the Board and Respondent agree to the following terms:

1. REPRIMAND

   a. Respondent is hereby formally reprimanded by the Board. This formal reprimand may be published in the Board's newsletter and routinely reported to the American Association of Veterinary State Boards (AAVSB) for inclusion in the national reporting database.

2. ADMINISTRATIVE PENALTY

Agreed Order DK2017-220
Timothy Hawks, D.V.M.
a. Respondent shall pay an administrative penalty of one thousand and five hundred dollars ($1,500.00) within 30 days of the date the Board approves this Order. Payment shall be made directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701. Partial payments will not be accepted.

b. If Respondent does not timely pay the administrative penalty, the Board may deny a request to renew Respondent’s license until the outstanding administrative penalty is received, pursuant to Board Rule 573.62(b). Any monetary funds paid to the Board to renew a license shall first be applied to any outstanding unpaid administrative penalties, pursuant to Board Rule 571.57. Additionally, the matter may be referred to the Attorney General for collection, pursuant to Texas Occupations Code, Section 801.458.

3. CONTINUING EDUCATION

a. In addition to the annual continuing education required for license renewal, Respondent shall complete three (3) hours of continuing education in the area of patient recordkeeping and three (3) hours in the area of high volume spay and neuter within one year of the date the Board approves this Order. These six (6) total hours shall be in addition to Respondent’s annual continuing education requirements. Respondent shall submit documentation of the completed continuing education penalty and the required annual continuing education to the Board within one year and 30 days of the date the Board approves this Order. Documentation shall be submitted directly to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.

4. ADHERENCE TO THE LAW AND BOARD RULES

a. Respondent shall abide by the Board’s Rules of Professional Conduct, the Texas Veterinary Licensing Act, and the laws of the State of Texas and the United States.

b. Respondent shall cooperate with the Board’s attorneys, investigators, compliance officers and other employees and agents investigating Respondent’s compliance with this Order.

c. Failure by Respondent to comply with the terms of this Order, or with any other provisions of the Veterinary Licensing Act or the Board Rules, may result in further disciplinary action.

The effective date of the terms of this Order shall be the date it is adopted by the Board, unless stated otherwise.

Certification and signature page follows.
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Order. I waive representation by counsel. I have reviewed this Order and understand the Findings of Fact and Conclusions of law set forth herein. I neither admit nor deny the violation(s) herein. I understand that this Order contains the entire agreement, and there is no other agreement of any kind. I waive the right to any further proceedings, including a formal hearing, and the right to seek judicial review of this Order.

I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions of the Order in a timely manner. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and appropriate disciplinary action as a result of my noncompliance.

Signed this 17th day of May, 2018

Timothy Hawks, D.V.M.

Sworn and subscribed before me this 14th day of May, 2018.

SEAL:

NOTARY PUBLIC

ERLINDA PAZ
Notary ID # 12131711
My Commission Expires November 17, 2020

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 31st day of July, 2018.

Jessica Quillivan, D.V.M., Presiding Board Member

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Timothy Hawks, D.V.M.