DOCKET NO. 2008-39

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

AGREED ORDER

On this the 14th day of February, 2008, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Christian Steenholdt, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on January 18, 2008. The Respondent was represented by counsel, Slater C. Elza. The Board was represented at the conference by the Board’s Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving an adjudicative hearing, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon the recommendation of the Enforcement Committee and with Respondent’s consent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below.

Findings of Fact

1. The Texas Animal Health Commission (TAHC) furnished information in May 2007 regarding Dr. Christian W. Steenholdt, D.V.M., Clovis, New Mexico. TAHC investigated Dr. Steenholdt for false identification numbers on health certificates and failure to timely submit TB tests on dairy cattle as required by TAHC under the Texas Agriculture Code. TBVME opened an investigation on Dr. Steenholdt based upon the information received from TAHC. Dr. Steenholdt is a licensed veterinarian in Texas. Dr. Steenholdt is accredited by the United States Department of Agriculture (USDA).

2. In response to numerous and repeated violations of TAHC rules in 2006, on September 9, 2006, TAHC’s general counsel, Gene Snelson sent a letter to Dr. Steenholdt instructing Dr. Steenholdt to record official identification of the cattle he examines, and properly and timely submit test documents for TB as required by law. The certificate of veterinary inspection (CVI)
must indicate that the accredited veterinarian found the animals to be free of symptoms or evidence of communicable disease and that all tests, immunizations or treatments required by TAHC were completed.

3. On August 18, 2006, Dr. Steenholdt TB tested 150 head of cattle for S&D Dairy at Bovina, Texas. This test record was not timely submitted to a TAHC office until October 20, 2006. On August 29, 2006, Dr. Steenholdt TB tested 660 Holstein heifers for Progress Dairy of Muleshoe, Texas. The original of this document has never been submitted as required by law, and the only record is a copy left at the dairy.

4. On September 29, 2006, TAHC Inspector Steve Shaller went to S&D Dairy to verify an entry permit, #C189TX06, for Holstein heifers from New Mexico. The heifers did not have official identification as required by TAHC. The heifers were listed on the Certificate of Veterinary Inspection #85-357721, by non-official plastic tags. Dr. Steenholdt issued the CVI. Dr. Steenholdt is required to properly record the official identification on the animals he inspected and listed on the CVIs. This requirement is set forth in both federal and state law.

5. On November 2, 9 and 14, 2006, Dr. Steenholdt issued CVIs #85-357800, 85-357802 and 85-357824 for cattle returning to Progress Dairy in Muleshoe, Texas from Tulsa Cattle calf grower in Clovis, New Mexico. The heifers were again identified by unofficial identification on the CVIs. On December 6, 2006, TAHC staff met with Dr. Steenholdt to explain Texas TB requirements, entry requirements and USDA requirements for approved personnel, such as Dr. Steenholdt. Dr. Steenholdt agreed to adhere to the requirements, use official identification as required on CVIs and promptly mail all documents to TAHC.

6. Despite this conversation with TAHC, on January 23, 2007, Dr. Steenholdt TB tested 201 Holstein heifers at Progress Diary. Three of the heifers were responders to the TB test. Dr. Steenholdt failed to follow the correct follow-up procedures with these three cows. Dr. Steenholdt did not notify TAHC of the test results as required by the Texas Agriculture Code. TAHC became aware of the test results because the dairy contacted TAHC by telephone. TAHC received the records from the dairy on February 8, 2007. On January 30th and February 26, 2007, Dr. Steenholdt again issued CVIs on Holstein heifers from Tulsa Cattle to Mission Dairy without official identification noted on the CVIs.

7. On February 20, 2007, TAHC filed misdemeanor criminal charges against Dr. Steenholdt. Dr. Steenholdt received deferred adjudication and pretrial diversion in the two counties where charges were filed. USDA reviewed Dr. Steenholdt's accreditation based upon these and other actions and suspended his accreditation for six months with all six months probated. Dr. Steenholdt committed acts that were in violation of the laws of the State of Texas and the United States and were in connection with his practice of medicine.

8. Dr. Steenholdt failed to report or timely report required testing records to the Texas Animal
Health Commission as required by Section 161.101, Agriculture Code.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act, Chapter 801, Texas Occupations Code, and with the Board’s Rules.

2. Based on Finding of Facts 1 through 8, Respondent has violated Rule 573.4 ADHERENCE TO THE LAW, of the Board’s Rules of Professional Conduct, which requires that no licensed veterinarian shall commit any act that is in violation of the laws of the State of Texas, other states, or of the United States, if the act is connected with the veterinarian’s practice of medicine.

3. Based on Findings of Facts 1 through 8, Respondent has violated Section 801.403 of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.403. FAILURE TO REPORT DISEASE. The board may suspend or revoke a license, place a license holder on probation, or reprimand a license holder if the license holder knowingly fails to report a disease to the Texas Animal Health Commission as required by Section 161.101, Agriculture Code.

4. Based on Finding of Facts 1 through 8 and Conclusions of Law 1 through 3, Respondent has violated Section 801.402 (6) of the Veterinary Licensing Act, Texas Occupations Code, and is subject to disciplinary action by the Board:

801.402. GENERAL GROUNDS FOR LICENSE DENIAL OR DISCIPLINARY ACTION. A person is subject to denial of a license or to disciplinary action under Section 801.401 if the person:
(6) engages in practices or conduct that violates the board’s rules of professional conduct;

5. Based on Conclusions of Law 1 through 4, Respondent is subject to disciplinary action under Section 801.403 and Section 801.401 of the Veterinary Licensing Act, Texas Occupations Code:

801.401. DISCIPLINARY POWERS OF BOARD. (a) If an applicant or license holder is subject to denial of a license or to disciplinary action under Section 801.402, the Board may:
(1) refuse to examine an applicant or to issue or renew a license;
(2) revoke or suspend a license;
(3) place on probation a license holder or person whose license has been suspended;
(4) reprimand a license holder; or
(5) impose an administrative penalty.

NOW, THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Christian Steenholdt, D.V.M., be FORMALLY REPRIMANDED.

In addition, the BOARD orders License No. 9770, issued to Christian Steenholdt, D.V.M., be SUSPENDED for two years from the date this Order becomes final under Section 2001.144, Government Code, and that such suspension be PROBATED for all two (2) years. If, during the period of probation, Christian Steenholdt, D.V.M., fails to comply with this Order, the Texas Licensing Act and/or the Rules of the Board, the Board shall take immediate disciplinary action(s).

The Board further ORDERS that:

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

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

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

Respondent, by signing this Agreed Order, acknowledges his understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action by the Board.

Respondent, by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he had the right to be represented by legal counsel in this matter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD

Agreed Order 2008-39
Christian Steenholdt, D.V.M.
OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The effective date of this Agreed Order shall be the date it is adopted by the Board.

I, CHRISTIAN STEENHOLDT, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THAT THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

Christian Steenholdt, D.V.M.

Date

STATE OF TEXAS
COUNTY OF Curry

BEFORE ME, on this day, personally appeared CHRISTIAN STEENHOLDT, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that She executed the same for the purposes stated therein.

Given under the hand and seal of office this 29 day of January, 2008.

Notary Public

Agreed Order 2008-39
Christian Steenholdt, D.V.M.
SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 14th day of February, 2008.

Dr. Pat M. Allen

Robert Lastovica, D.V.M., President
Patrick Allen, D.V.M.
Vice-President