DOCKET NO. 2008-45

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

AGREED ORDER

On this the 14th day of June, 2008, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Robert Tiller, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on February 22, 2008. The Respondent waived the informal conference. 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 their understanding of the alleged violations and the adequacy and sufficiency of the notice provided to them.

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. On June 26, 2007, David Sizemore of Waskom, Texas, presented “Roxy”, a fourteen-month-old female Schnauzer dog to Robert Tiller, D.V.M., of Waskom, Texas, of Tiller Veterinary Clinic (TVC) for spay surgery. According to Dr. Tiller, the spay surgery was uneventful and went fine. Two hours after the surgery, “Roxy” developed complications and went into respiratory distress. Dr. Tiller stated he performed cardio pulmonary resuscitation, used respiratory shunts and administered epinephrine. Dr. Tiller did not provide an IV catheter for fluids, a blood transfusion, or initiate any additional surgery to go back in and see if there was internal bleeding. Dr. Tiller stated “Roxy” did not respond to any treatment efforts and died.

2. When David Sizemore was informed of the death of “Roxy,” he took “Roxy’s” body to the Companion Animal Medical Hospital in Shreveport, Louisiana to have a necropsy performed. Dr. Kathryn Hartline, D.V.M. performed the necropsy on June 26, 2007. The necropsy revealed...
free blood occupying approximately one fourth of the abdominal cavity with a single tied white
suture floating in the cavity in the area of the kidney. Dr. Hartline’s records note that the dog was
presented with an abdominal pressure bandage. Dr. Hartline stated that in her opinion the left
ovarian vessels were ligated with a single circumferential suture that slipped off the vessel
causing bleeding into the abdominal cavity. Dr. Hartline stated there were no other abnormalities
noticed during the necropsy. Dr. Hartline retrieved the free-floating suture and provided it with
her documentation.

3. Dr. Tiller’s failure to provide adequate post surgical observation and treatment when it
became apparent that the dog was having post surgical complications does not represent the same
degree of humane care, skill, and diligence in treating patients as is ordinarily used in the same
or similar circumstances by average members of the veterinary medical profession in good
standing in Waskom, Texas or similar communities. The failure to follow through with standard
post-surgical procedures by Dr. Tiller led to the premature death of “Roxy.”

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 Findings of Fact 1 through 3, Respondent has violated Rule 573.22,
PROFESSIONAL STANDARD OF HUMANE TREATMENT, of the Board’s Rules of
Professional Conduct, which requires veterinarians to exercise the same degree of humane care,
skill and diligence in treating patients as is ordinarily used in the same or similar circumstances
by average members of the veterinary medical profession in good standing in the locality or
community in which they practice, or in similar communities.

3. Based on Finding of Fact 3 and Conclusions of Law 1 and 2, 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.

4. Based on Conclusions of Law 1 through 3, Respondent is subject to disciplinary action under
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 Robert Tiller, D.V.M., be INFORMALLY REPRIMANDED.

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 their understanding of the Agreed Order, the notice, and Findings of Fact and Conclusions of Law herein set forth herein, and agrees that they 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 their right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that they had the right to be represented by legal counsel in this matter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR 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, ROBERT TILLER, 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.

[Signature]
Robert Tiller, D.V.M.

3/20/08
Date

STATE OF TEXAS
COUNTY OF $§$

BEFORE ME, on this day, personally appeared ROBERT TILLER, 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 20th day of March, 2008.

[Notary Seal]
[Notary Signature]

Agreed Order 2008-45
Robert Tiller, D.V.M.
SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 19th of June, 2008.

Bud E. Allredge, D.V.M., President