DOCKET NO. 2011-69

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

AGREED ORDER

On this the 23 day of June, 2011, came to be considered by the Texas Board of Veterinary Medical Examiners ("Board") the matter of the license of Robert C. Tiller, D.V.M. ("Respondent"). Pursuant to Section 801.408, Texas Occupations Code and Board Rules 573.22 and 573.52, an informal conference was held on April 11, 2011. The Respondent was represented by Dean A. Searle, but the attorney did not appear at the 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 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


2. Dr. Tiller examined “Minnie” and started her on fluids, steroids, and antibiotics. Dr. Tiller hospitalized “Minnie” and on August 2, 2010 performed a cesarean section. “Minnie” was released the same day with pain medication and antibiotics.

3. Dr. Tiller failed to record in his patient records for “Minnie” the dosages for drugs including Gentamicin, Rompum, Dexamethasone, and Ketaset that he administered to “Minnie,” nor did he record either the amount of intravenous fluids administered or the time period over
which he administered the fluids.

4. The medical records for “Minnie” completed by Dr. Tiller do not meet the requirements set forth under Rule of Professional Conduct §573.52. Specifically, the records do not state the names, dosages, concentration and routes of administration of each drug prescribed, administered and/or dispensed, and do not provide other details necessary to substantiate the treatment provided and/or surgical procedure performed.

5. After receiving treatment from Dr. Tiller, “Minnie” appeared to be doing well, until she stopped eating on August 5, 2010.

6. On August 6, 2010, Mr. Gongre presented “Minnie” to Virginia Brookings, D.V.M. of Brookings Animal Hospital in Shreveport, Louisiana, for pain, refusal to eat and drink, and difficulty standing. Dr. Brookings recommended exploratory surgery. Mr. Gongre declined due to financial considerations. A necropsy was performed where a uterine leak was found through the caesarean incision in the uterus. Dr. Brookings stated she found only one layer of a simple continuous suture with knots holding at both ends at the uterine incision. Dr. Brookings stated the uterine incision was not sealed by healing and uterine fluid could be easily expressed through the incision. There was no evidence of any other sutures in the uterus or loose in the abdomen. The muscle and skin sutures in the abdominal wall were intact and the incisions were closed and healing.

7. Dr. Tiller’s surgical technique in closing the suture 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, as is required under Board Rule §573.22.

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 Facts 1 through 4, Respondent has violated Rule 573.52 PATIENT RECORD KEEPING, which requires veterinarians to state dosages and routes of administration of each drug administered, and any other details necessary to substantiate the treatment provided and/or surgical procedures performed.

3. Based on Findings of Facts 1 through 2 and 5 through 7, Respondent has violated Rule 573.22 PROFESSIONAL STANDARD OF HUMANE TREATMENT, which requires veterinarians to exercise the same degree of humane care, skill, and diligence in treating patients as are ordinarily used in the same or similar circumstances by average member of the veterinary medical profession in good standing in the locality or community in which they practice, or in
similar communities.

4. Based on Findings of Fact 1 through 7 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.

4. Based on Conclusions of Law 1 through 4, 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:

(a)

(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.

(d) In addition to other disciplinary actions authorized by this subchapter, the board may require a license holder who violates this chapter to participate in a continuing education program.

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 C. Tiller, D.V.M., be FORMALLY REPRIMANDED.

In addition, the Board ORDERS that Robert C. Tiller, D.V.M. complete an additional THREE (3) hours of continuing education in recordkeeping, an additional THREE (3) hours of continuing education in soft tissue surgery, and an additional THREE (3) hours of continuing education...
education in emergency medicine, with all NINE (9) hours to be completed within one year of the date of this order. Documentation of the completion of the continuing education penalty shall be received by thirty (30) days following the end of the period to receive the continuing education required for this Order. If Respondent fails to provide documentation of completion within forty-five (45) days from the end of the period to receive the continuing education, Respondent’s license shall be suspended until the continuing education penalty is completed and documentation is received by the Board.

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 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 OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. 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 C. 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.

Agreed Order 2011-69
Robert C. Tiller, D.V.M.
STATE OF TEXAS  
COUNTY OF HARRISON

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

Given under the hand and seal of office this 28th day of April, 2011.

NAKCY C. SIPEB  
Notary Public
STATE OF TEXAS  
My Comm. Exp. 07-06-2012

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 28th of June, 2011.

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

Agreed Order 2011-69
Robert C. Tiller, D.V.M.