DOCKET NOS. 2013-152; 2013-49

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

AGREED ORDER

On this, the 4th day of February 2013, 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 Rule 575.29, an informal conference was held on November 12, 2013. Respondent did attend the conference, and was represented by Mr. Greg Porter of The Porter Law Firm and Mr. Otis Carroll of Ireland, Carroll & Kelly, P.C. 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 her.

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. The Board has jurisdiction over the subject matter and Respondent. Respondent received notice, which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied under Tex. Occ. Code Ann. Title 4 (Act). By entering into this Agreed Order, Respondent waives any defect in the notice and any further right to notice and hearing under the Act; Tex. Gov’t Code Ann. §§ 2001.051-.054; and the Rules of the Texas Board of Veterinary Medical Examiners (Board Rules) (22 Tex. Admin. Code, Chapter 575).

3. Respondent owns and operates the Tiller Veterinary Clinic ("Clinic") in Waskom, Texas.
4. From October 27 to October 31, 2011, a Labrador named Brown Bear owned by Bobby Rich was treated at the Clinic for kidney stones.

5. Stephen Williams, D.V.M. worked at the Clinic as a relief veterinarian from October 27 to October 29, 2011, and treated Brown Bear during that time. However, the patient records for Brown Bear contain an entry from October 31, 2011, documenting treatment by Dr. Williams that actually occurred on October 29, 2011. Moreover, the patient record for Brown Bear does not contain any record of the treatment Brown Bear actually received on October 31, 2011, including the removal of a catheter that had been sutured in place. The patient records for October 31, 2011, do not contain details necessary to substantiate examination or treatment, do not contain a temperature for Brown Bear necessary for diagnosis and treatment, and do not contain names, dosages, concentrations and routes of administration for all drugs administered, prescribed or dispensed.

6. On March 23, 2012, Angelina Sinclair dropped off her English Bulldogs—Tug, a white and brown male, and Bonnie, a brindle female—for boarding at the Tiller Veterinary Clinic in Waskom, Texas, which is owned by Respondent.


8. Respondent recorded the treatment and diagnosis for Tug in the patient record for Bonnie. The record did not include any details to substantiate his examination of Tug.

9. The prescription drugs that Respondent dispensed for Tug were incorrectly labeled as having been prescribed and dispensed for Bonnie.

10. In 2013, Respondent employed and supervised Thomas Hooper, D.V.M. as a veterinarian at the Clinic.

11. Dr. Hooper failed to renew his veterinary license for calendar year 2013. Dr. Hooper’s controlled substance registration with the Texas Department of Public Safety (“DPS”) was terminated on November 1, 2002.

12. On June 5, 2013, Board Investigator Dennis Barker visited the Clinic, and determined that Dr. Hooper was working for Respondent, practicing veterinary medicine without a valid Texas veterinary license, and administering, prescribing and dispensing controlled substances without a valid DPS controlled substance registration.

13. Respondent has been disciplined by the Board previously, on multiple occasions. Since 2008, the Board disciplined Respondent in Agreed Order 2008-45 for failing to uphold the standard of care, in Agreed Order 2011-69 for failing to uphold the standard of care and maintain adequate patient records, in Agreed Order 2013-24 for failing to maintain adequate patient records, and in Agreed Order 2013-80 for violating a prior board order.
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 9, Respondent has violated Rule 573.52, VETERINARIAN PATIENT RECORD KEEPING, of the Board’s Rules of Professional Conduct, by failing to maintain contemporaneous records; failing to accurately record the date of treatment; and failing to include details necessary to substantiate examination or treatment, a temperature for Brown Bear necessary for diagnosis and treatment, and names, dosages, concentrations and routes of administration for all drugs administered, prescribed or dispensed.

3. Based on Findings of Fact 1 through 9, Respondent violated Rule of Professional Conduct 573.40, LABELING OF MEDICATIONS DISPENSED, by failing to record required information on the labels of containers for medication dispensed, including the identity of the patient.

4. Based on the Findings of Fact 10 through 12, Respondent has violated Rule 573.12, RESPONSIBILITY FOR LICENSURE OF UNLICENSED PERSONS, of the Board’s Rules of Professional Conduct, by failing to assure that the person he employed and supervised was actively licensed and met the controlled substance registration requirements under state and federal law.

5. Based on Findings of Fact 1 through 12 and Conclusions of Law 1 through 4, 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.

6. Based on Conclusions of Law 1 through 5, 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;

Agreed Order 2013-152; 2013-49
Robert C. Tiller, D.V.M.
(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.

7. Based on Conclusions of Law 1 through 5, Respondent may be disciplined in the manner set out in Section 801.451, IMPOSITION OF ADMINISTRATIVE PENALTY, of the Veterinary Licensing Act, which authorizes an administrative penalty for violations of the Act and Board rules.

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

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Respondent receive a FORMAL REPRIMAND.

The Board further ORDERS that the license of Respondent is SUSPENDED for TWO YEARS, with ALL of the suspension STAYED and Respondent placed on PROBATION.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of ONE THOUSAND DOLLARS ($1,000.00). If Respondent fails to pay the administrative penalty within 45 days of the date of this Order, Respondent’s license may be suspended until the penalty is paid.

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 Agreed 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.

Agreed Order 2013-152; 2013-49
Robert C. Tiller, D.V.M.
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.

[Signature]
ROBERT C. TILLER, D.V.M.       11/29/13
DATE

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 29 day of November, 2013

[Notary Seal]
DEBORAH L. DAVIS
Notary Public
State of Texas

Agreed Order 2013-152, 2013-49
Robert C. Tiller, D.V.M.
SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 18th of February, 2014.

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

Agreed Order 2013-152; 2013-49
Robert C. Tiller, D.V.M.