

DOCKET NO. DK2017-159

IN THE MATTER OF	§	TEXAS BOARD OF
THE LICENSE OF	§	VETERINARY
ROBERT TILLER, 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 Robert Tiller, 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, Robert Tiller, D.V.M., of Waskom, Texas, holds Texas veterinary license 4002.
2. On August 3, 2016, Kristi Rojas presented her one year old Blue Heeler, named JJ Blue, to Respondent at Tiller Veterinary Clinic in Waskom, Texas, for a neuter procedure. Ms. Rojas informed Respondent that JJ Blue had a retained testicle. Ms. Rojas was told that JJ Blue could be picked up on August 5, 2016.
3. Respondent's medical records do not include any information to document that an examination was performed prior to the surgical procedure. Respondent's medical records state that he ligated both testicular arteries, and noted that the intra-abdominal testicle was "deep and tight." Ms. Rojas telephoned the facility that afternoon and was told the surgery had been successfully completed.
4. On the morning of August 4, 2016, Ms. Rojas telephoned the facility and was told that JJ Blue was recovering well and eating and drinking. Ms. Rojas telephoned again that afternoon and was told she could pick JJ Blue up the next day.
5. Later on the afternoon of August 4, 2016, JJ Blue collapsed when a technician placed him in a run. Respondent stated that he examined JJ Blue and observed signs of a possible blood clot and stroke. Respondent administered 6mg of dexamethasone and 50mg of ketofen. Respondent stated that JJ Blue did not respond well to this treatment. Approximately two hours after collapsing, JJ Blue ate and drank a small amount but then vomited. Respondent did not inform Ms. Rojas of JJ Blue's condition.

6. The morning of August 5, 2017, Respondent stated that JJ Blue was unresponsive but had normal color. JJ Blue died later that morning. Respondent called Ms. Rojas at approximately 8 a.m. to inform her that JJ had died.

7. Ms. Rojas retrieved JJ Blue's body from the facility and presented him to Sonya McClendon, D.V.M., at McClendon Veterinary Services in Marshall, Texas, for a necropsy. Dr. McClendon observed extreme bruising on the ventral abdomen and two incisions. The first incision was cranial to the scrotum and the second was on the right side of the prepuce. Dr. McClendon further observed large blood clots in the abdominal cavity. Dr. McClendon noted that the right testicle, artery, vein, and vas were completely intact with no sign of ligation. Dr. McClendon diagnosed the cause of death as exsanguination into the abdominal cavity from a torn vessel. Dr. McClendon opined that the vessel was ruptured by aggressive probing for the retained testicle.

8. Respondent has five previous Board Orders for similar violations. On June 19, 2008, the Board approved Agreed Order DK2008-45, which found a violation of Rule 573.22, Professional Standard of Care, and issued an informal reprimand. On June 28, 2011, the Board approved Agreed Order DK2011-69, which found violations of Rule 573.22, Professional Standard of Care, and Rule 573.52, Veterinarian Patient Record Keeping, and issued a formal reprimand. This Order also required Respondent to complete 3 hours continuing education in patient record keeping, 3 hours in soft tissue surgery, and three hours in emergency medicine. On March 25, 2013, the Board approved Agreed Order DK2013-24, which found a violation of Rule 573.52, Veterinarian Patient Record Keeping, and issued a formal reprimand. This Order also required Respondent to complete 3 hours continuing education in patient record keeping and to pay a \$1,000 administrative penalty. On March 25, 2013, the Board approved Agreed Order DK2013-80, which found a violation of Rule 573.62, Violation of Board Orders/Negotiated Settlements, and issued a formal reprimand. This Order also required Respondent to pay a \$1,000 administrative penalty. On February 18, 2014, the Board approved Agreed Order DKs2013-152; 2013-49, which found violations of Rule 573.52, Veterinarian Patient Record Keeping, Rule 573.40, Labeling of Medications Dispensed, and Rule 573.12, Responsibility for Licensure of Licensed Persons. This Order issued a formal reprimand, placed Respondent on probated suspension for two years, and required Respondent to pay a \$1,000 administrative penalty.

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 573.27, Honesty, Integrity, and Fair Dealing, of the Board's Rules of Professional Conduct.

4. Respondent has violated Board Rule 573.52, Veterinarian Patient Record Keeping, of the Board's Rules of Professional Conduct.
5. Respondent has violated Section 801.402(6), prohibiting violations of Board rule, of the Veterinary Licensing Act, Texas Occupations Code.
6. Respondent has violated Section 801.402(16), prohibiting gross malpractice or a pattern of acts that indicate consistent malpractice, negligence, or incompetence in the practice of veterinary medicine, of the Veterinary Licensing Act, Texas Occupations Code.
7. Respondent is subject to disciplinary action under Texas Occupations Code, Sections 801.401(a), and 801.451.
8. Pursuant to Board Rule 575.25, Respondent's violations are Class A 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. SUSPENSION AND PROBATION

- a. Respondent's license shall be suspended for 4 years, effective two weeks from the date this order is adopted, with said suspension stayed and Respondent placed on probation for the entire period of the suspension.
 - i. During the first year of probation, Respondent shall submit quarterly reports to the Board certifying compliance with this Order. Respondent's quarterly reports shall include copies of medical records for all abdominal surgeries performed during the quarter. Reports shall be submitted to the Texas Board of Veterinary Medical Examiners at 333 Guadalupe Street, Suite 3-810, Austin, Texas 78701.
- b. If Respondent does not timely and satisfactorily comply with any of the terms of this Order, the Board may rescind Respondent's probation pursuant to Board Rule 575.36.

2. 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.

3. ADMINISTRATIVE PENALTY

- a. Respondent shall pay an administrative penalty of five thousand dollars (\$5,000.00) 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.

4. CONTINUING EDUCATION

- a. In addition to the annual continuing education required for license renewal, Respondent shall complete seventeen (17) hours of continuing education, with three (3) hours in the area of patient recordkeeping and fourteen (14) hours in the area of soft tissue surgery within one year of the date the Board approves this Order. These 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.

5. 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 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.

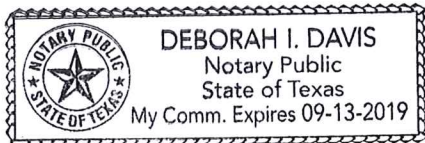
I understand that this Order is subject to approval by the Board. I understand that the terms and conditions of this Order become effective upon approval by the Board. A copy of the approved Order will be mailed to me. By signing this Order, I agree to satisfactorily comply with the terms and conditions 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 16 day of March, 2018.

Robert Tiller
Robert Tiller, D.V.M.

Sworn and subscribed before me this 16 day of March, 2018.

SEAL:



Deborah I. Davis
Notary Public

THEREFORE, the Texas Board of Veterinary Medical Examiners does hereby adopt this Order. This Order is effective and final on this 10 day of April, 2018.

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