

IN THE MATTER OF THE LICENSE OF § TEXAS STATE BOARD OF
STEVEN R. COTTER, D.V.M. § VETERINARY MEDICAL EXAMINERS

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STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

AGREED ORDER

On this the 11 day of June, 1998, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of STEVEN R. COTTER, D.V.M., ("Respondent" or "Dr. Cotter"). Pursuant to the Veterinary Licensing Act ("Act") § 18F and Board Rule 575.27, on February 28, 1997, Respondent appeared in person at an Informal Conference in response to a letter of invitation from the Board. The Board was represented at the Informal Conference by the Enforcement Committee.

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

Upon 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. Steven R. Cotter, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 4699, 1997 renewal certificate number 4488. Respondent is not subject to prior disciplinary action by the Board.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.
3. Between April 2 & 6, 1996, Ms. Francesca Buck, of Azle, Texas, a dog breeder,

contacted Dr. Steven Cotter, of Boyd Animal Clinic, Boyd, Texas, by telephone to obtain advice and treatment for "Paramount's Echo," a five year old female Catahoula. "Echo" was in labor, experiencing difficulty in delivering (two hours between births), had a vaginal discharge and was lethargic. Dr. Cotter prescribed and dispensed 1 cc injection of oxytocin to Ms. Buck to administer to "Echo." Dr. Cotter did not examine "Echo" prior to dispensing the medication.

4. On or about April 7, 1996, at approximately 8:00 a.m., Ms. Buck took "Echo" to the Boyd Animal Clinic, Boyd, Texas, as an emergency because the dog continued to experience problems related to labor. Dr. Cotter's examination found that the dog was very thin, had a normal temperature (101.2), a vaginal discharge, normal mucus membranes, and had a palpably enlarged uterus. Dr. Cotter's clinical diagnosis was metritis (uterine infection). Dr. Cotter prescribed and injected 20 mg dexamethasone, 25 mg Flunixin Meglumine and 68 mg enrofloxacin, and infused 105 cc diluted povidone-iodine solution. Dr. Cotter's examination did not discover a retained pup inside "Echo."

5. On or about April 7, 1996, at approximately 5:00 p.m., "Echo's" condition had not improved. Dr. Cotter could not be reached. Ms. Buck called her equine veterinarian, and his examination of "Echo" disclosed a serious condition due to probable failure to deliver all the pups. The equine veterinarian recommended emergency care.

6. On or about April 7, 1996, at approximately 8:00 p.m., "Echo" was seen at an emergency care clinic. An examination disclosed that a pup had been retained and the pup was removed with forceps. Radiographs indicated no other pups were present. "Echo" was administered antibiotics and kept overnight for observation. "Echo" was sent home with antibiotics.

7. On or about April 8, 1996, "Echo" was taken back to the emergency care clinic because she was not responding well to treatment. An examination disclosed a serious infection of the uterus. Exploratory surgery revealed a necrotic uterus and possible peritonitis. An emergency Ovariohysterectomy (OHE) was performed. "Echo" was discharged on April 10, 1996, and has since recovered.

Conclusions of Law

1. Respondent is required to comply with the provision of the Act and Board Rules.
2. Section 14 (a) of the Act authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings of non-compliance with the Act or Board Rules.
3. Based on Findings of Fact 3 and 4, Respondent has violated Rule 573.22 for failure to discover a retained pup inside "Echo" during a physical examination.
4. Based on Findings of Fact 3 and 4, Respondent has violated Act §14 (a) (5) for engaging in practices or conduct in connection with the practice of veterinary medicine which were violative of the standards of professional conduct duly promulgated by the Board.
5. Based on any one of the Conclusions of Law 3 and 4, Respondent is subject to disciplinary action by the Board under the Act §14(a).

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Dr. Cotter receive an OFFICIAL REPRIMAND under the following terms and conditions:

1. Respondent shall abide by the Rules of Professional Conduct, Texas Veterinary Licensing Act and 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 Act or the Board Rules, may result in further disciplinary action.

Respondent, Steven R. Cotter, D.V.M., by signing this Agreed Order, understands its terms, 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 of the Board.

Respondent, Steven R. Cotter, D.V.M., by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order.

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 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 date of this Agreed Order shall be the date it is adopted by the Texas State Board of Veterinary Medical Examiners.

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

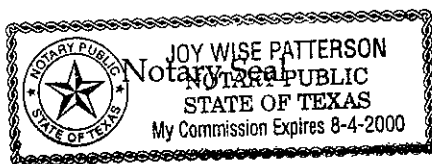

STEVEN R. COTTER, D.V.M.
Respondent

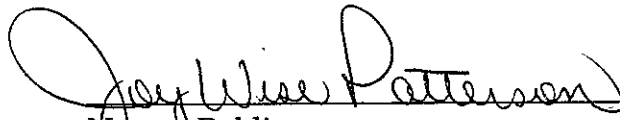
4-13-98, 1998
DATE

§ STATE OF TEXAS
§ COUNTY OF Wise

BEFORE ME, on this day, personally appeared Steven R. Cotter, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 13 day of April, 1998.




Notary Public

This agreed order has been entered between Dr. Steven R. Cotter and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.



RON ALLEN
Executive Director, TSBVME

April 24, 1998
DATE

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the ____ day of _____, 1998.



MICHAEL J. MCCULLOCH, D.V.M.
President

DOCKETED COMPLAINT NO. 1997-11

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 4699
vs.	§	1998 RENEWAL CERTIFICATE
STEVEN R. COTTER, DVM	§	NUMBER 4627

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Charles Adkins, who after being duly sworn, did depose and say:

On or about June 21, 1996 Charles Adkins, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Steven R. Cotter, D.V.M., P.O. Box 400, Boyd, Texas, 76023, Veterinary License Number 4699, 1997 Renewal Certificate Number 4488, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Charles Adkins, do hereby present the following complaint against Steven R. Cotter, DVM.

I.

Between April 2 & 6, 1996, Ms. Francesca Buck, of Azle, Texas, a dog breeder, contacted Dr. Steve Cotter, of Boyd Animal Clinic, Boyd, Texas, by telephone to obtain advice and treatment for "Paramount's Echo," a five year old female Catahoula. "Echo" was in labor, experiencing difficulty in delivering (two hours between births), had a vaginal discharge, and was lethargic. Dr. Cotter prescribed and dispensed 1 cc injection of oxytocin to Ms. Buck to administer to "Echo". Dr. Cotter did not examine "Echo" prior to dispensing the medication.

II.

On or about April 7, 1996, at approximately 8:00 a.m., Ms. Buck, took "Echo" to the Boyd Animal Clinic, Boyd, Texas, on an emergency basis because the dog continued to experience problems related to labor. Dr. Cotter's examination found that the dog was very thin, had a normal temperature (101.2), a vaginal discharge, normal mucus membranes, and a palpably enlarged uterus. Dr. Cotter's clinical diagnosis was metritis (uterine infection). Dr. Cotter prescribed and injected 20 mg dexamethasone, 25 mg Flunixin Meglumine, and 68 mg enrofloxacin, and infused 105cc diluted povidone-iodine solution. Dr. Cotter's examination did not discover a retained pup inside "Echo".

III.

On or about April 7, 1996, at approximately 5:00 p.m., "Echo's" condition had not improved. Dr. Cotter could not be reached. Ms. Buck called her equine veterinarian, and his examination of "Echo" disclosed a serious condition due to probable failure to deliver all of the pups. The equine veterinarian recommended emergency care.

IV.

On or about April 7, 1996, at approximately 8:00 p.m., "Echo" was seen at an emergency care clinic. An examination disclosed that a pup had been retained and the pup was removed with forceps. Radiographs indicated no other pups were present. "Echo" was administered antibiotics and kept overnight for observation. "Echo" was sent home with antibiotics.

V.

On or about April 8, 1996, "Echo" was taken back to the emergency care clinic because she was not responding well to treatment. An examination by disclosed a serious infection of the uterus. Exploratory surgery revealed a necrotic uterus and possible peritonitis. An emergency Ovariohysterectomy (OHE) was performed. "Echo" was discharged on April 10, 1996, and has since recovered.

VI.

Based on paragraphs I and II, Dr. Cotter violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.

VII.

Based on the above in paragraph VI, Dr. Cotter also violated Section 14 (a) (5) of the Veterinary Licensing Act, article 8890.

ARTICLE 8890, SECTION 14

(a) . . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee . . . if it finds that a licensee:

(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law;

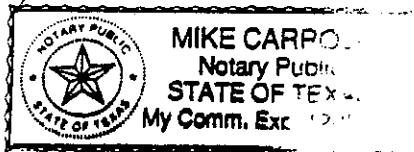
Steven R. Cotter, DVM
Docketed Case No.: 1997-11
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The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 19TH day of MAY, 1998.

Further, Affiant sayeth not.

Charles Adkins
Charles Adkins Affiant

SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 19TH day of MAY, 1998.



Mike Carroll
Mike Carroll, Notary Public in and for Texas

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Steve Cotter, D.V.M. under Docketed Number 1997-11, this the 21st day of MAY, 1998.

Howard M. Head DVM
Howard M. Head, DVM, Board Secretary
Texas State Board of Veterinary Medical Examiners