

DOCKET NO. 2011-49

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

AGREED ORDER

On this, the 29th day of March 2011, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board") the matter of the license of TIMOTHY HOLT, D.V.M. ("Respondent"). Pursuant to Section 80L2056, Texas Occupations Code, a committee of the Board's staff met on January 26, 2011 to consider alleged violations of the Veterinary Licensing Act and the Board's rules by Respondent.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a conference under Section 801,2056 and thereby dispose of the compliance issues set out below. Respondent agrees to comply with the terms and conditions set forth in this Order. In waiving the right to a conference, Respondent acknowledges his understanding of the alleged violations and the adequacy and sufficiency of the notice mailed to him,

Upon the recommendation of the staff 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 April 22, 2010, Dr. Timothy Holt, Terrell, Texas, began a thirty day suspension of his USDA accreditation, for incomplete EIA Laboratory Test records, failure to submit test documents in a timely manner, failure to properly sign test documents, failure to be responsible for the security and proper use of EIA test forms. The underlying acts occurred on or about February 12, 2008, April 7, 2008, May 20, 2008, June 2-17, 2009, and July 2-20, 2009. This was in violation of the standards for accredited duties in Title 9 of the Code of Federal Regulations (9 CFR), part 16 1.3.

Conclusions of Law

1. Respondent is required to comply with the provisions of the Veterinary Licensing Act.

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Timothy Holt D.V.M.

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Chapter 801, Texas Occupations Code, and with the Board's Rules.

2. Based on Finding of Facts 1, Respondent has violated Rule 573.4, ADHERENCE TO THE LAW, of the Board's Rules of Professional Conduct, which states no veterinarians shall commit any act that is in violation of the laws of the State of Texas, other states, or of the United States, if the act is connected with the veterinarian's practice of medicine. Dr. Holt violated federal law, 9 CFR, part 161.3.

3. In addition, based on Finding of Facts 1, Respondent has violated Rule 573.8, LOSS OF ACCREDITATION, of the Board's Rules of Professional Conduct, which states that a licensed veterinarian is subject to disciplinary action by the Board, where the licensee's accreditation has been suspended or revoked by a state or federal authority,

4. Based on Finding of Facts 1 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.

5. 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:

- (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.

6. Based on Conclusions of Law 1 through 4, 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 Timothy Holt, D.V.M., be FORMALLY REPRIMANDED.

The Board further ORDERS that Respondent pay, within 30 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 30 days of the date of this Order, enforcement action will be taken.

In addition, the Board ORDERS that Respondent complete an additional THREE (3) hours of continuing education in recordkeeping within one year of the date of this order. Documentation of the completion of the continuing education penalty shall be received within thirty (30) days of the end of the period to complete the continuing education. If Respondent fails to provide documentation of completion within forty-five (45) days of the end of the period to complete the continuing education, further enforcement action will be taken.

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 herein 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.

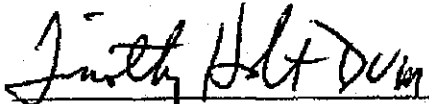
Respondent, by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he had the right to be

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, **TIMOTHY HOLT, 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.


Timothy Holt, D.V.M.

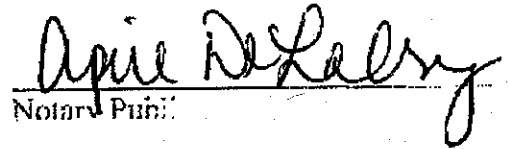
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STATE OF TEXAS §
COUNTY OF Rauhan §

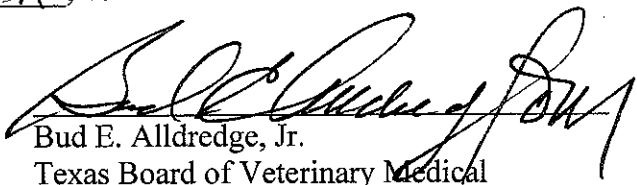
BEFORE ME, on this day, personally appeared Timothy Holt, D.V.M., known to me as the person whose name is subscribed to the foregoing document, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 23 day of March, 2011.




Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 29 day of March, 2011.



Bud E. Alldredge, Jr.
Texas Board of Veterinary Medical
Examiners, President