

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

AGREED ORDER

On this the 16 day of July, 2013, came to be considered by the Texas Board of Veterinary Medical Examiners (Board) the matter of the license of Timothy R. Holt, D.V.M. (Respondent). Pursuant to Section 801.408, Texas Occupations Code and Board Rule 575.27, an informal conference was held on May 13, 2013. The Respondent appeared at the informal conference, and was not represented by counsel. 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

1. Respondent, Timothy Holt, D.V.M. of Terrell, Texas, holds Texas veterinary license 7095.
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. On July 18, 2012, Nancy Watts presented her seven-year old Arabian gelding horse named "Sandman" to Respondent for lethargy, loss of weight, and because he was urinating blood.

4. Respondent noted that "Sandman" had some ataxia with right rear lameness or weakness. Respondent determined that "Sandman" had either Equine Protozoal Myoencephalitis, a urinary tract infection or a kidney infection.

5. Respondent took blood samples for testing. Respondent sent the blood samples to the Texas Veterinary Medical Diagnostic Laboratory ("TVMDL") by regular U.S. mail rather than by overnight mail. The blood samples from "Sandman" were not received at TVMDL for testing until July 31, 2012. The deteriorated quality of the blood samples limited the accuracy of the test results.

6. Respondent referred "Sandman" to Las Colinas Veterinary Clinic for further diagnosis and treatment. Respondent prescribed and dispensed antibiotics for ten days, in order to give Ms. Watts enough time to make an appointment at Las Colinas Veterinary Clinic.

7. On October 19, 2012, Board Investigator Karen Hudson sent a letter to Respondent, requesting that he furnish the Board with a copy of all pertinent patient records for "Sandman" within 21 days. With the letter, Investigator Hudson sent a records verification form for Respondent to sign and return with the pertinent records.

8. Respondent sent patient records to the Board that the Board received on November 16, 2012. With the patient records, Respondent sent a signed records verification form, attesting that:

[T]he attached patient records are true and accurate, and the entries were made during or immediately after the examination/treatment of the animal in question. I understand that additional entries (late entries) to the patient records are acceptable, if they accurately reflect the treatment provided and are made to clarify an issue, and these entries are dated on the actual date that they are made.

9. In his patient records for his treatment of "Sandman" on July 18, 2012, Respondent did not record the address and phone number of the client; the species, breed, age, sex and description of the patient; weight required for treatment; temperature required for diagnosis; the differential diagnosis; the names, dosages, concentrations and routes of administration for drugs prescribed, dispensed and administered; and the date and substance of any referral recommendations, with a reference to the response of the client.

10. At the informal conference, Respondent gave the Board additional patient records that were not included in the records the Board received on November 16, 2012. These new patient records added the required information that was missing from the patient records Respondent

originally sent, but the new records did not have any indication that the records included amendments and corrections, or any indication of when these amendments were made.

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 5, Respondent has violated Rule 573.22, PROFESSIONAL STANDARD OF CARE, by failing to send blood samples by overnight mail, causing the blood samples to arrive at the testing laboratory in a deteriorated condition that prevented the laboratory from attaining accurate test results.
3. Based on Findings of Fact 1 through 10, Respondent has violated Rule 573.52, PATIENT RECORDKEEPING, of the Board's Rules of Professional Conduct, by failing to note non-contemporaneous amendments, corrections or changes to the records by indicating that there has been an amendment, along with the date and time of the amendment.
4. Based on Findings of Fact 1 through 10, Respondent has violated Rule 573.75, DUTY TO COOPERATE WITH THE BOARD, of the Board's Rules of Professional Conduct, by failing to provide all patient records to the Board within 21 days in response to the Board's request in the course of an investigation.
5. Based on Findings of Fact 1 through 10 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;
- (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 an FORMAL REPRIMAND.

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 after one year of the date of this Order. If Respondent fails to provide documentation of completion within forty-five (45) days of one year of the date of this Order, Respondent's license may be suspended until the continuing education penalty is completed and documentation is received by the Board.

The Board ORDERS that Respondent pay, within 45 days of the date of this Order, an ADMINISTRATIVE PENALTY of ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00). 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, and any payment by the Respondent to the Board to renew his license will be applied toward the payment of any administrative fee owed to the Board, and further enforcement action may 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 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.

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, TIMOTHY R. 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 R. HOLT, D.V.M.

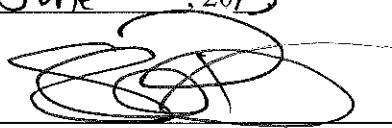
6-12-13
DATE

STATE OF TEXAS §
COUNTY OF Dallas §

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.

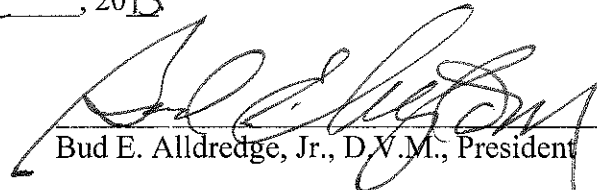
Given under the hand and seal of office this 2 day of June, 2013





Notary Public

SIGNED AND ENTERED by the TEXAS BOARD OF VETERINARY MEDICAL EXAMINERS on this the 16th of July, 2013



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