STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS

IN THE MATTER OF:	*	
JAMES D. NOLTE, D.V.M.	*	DOCKET NO. 05-003
LICENSE NO. 2076	*	

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CONSENT AGREEMENT

This Consent Agreement, dated this 21st day of March, 2006, is between the State Board of Veterinary Medical Examiners ("Board") and James D. Nolte, D.V.M., License No. 2076. The Agreement concerns the charges that the Board filed against Dr. Nolte, pertaining to the care provided "Pumpkin," a two-year old male Domestic Shorthair owned by Ms. Allison Bogese.

Under State law, the Board is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating the provisions of the Veterinary Practice Act and regulations adopted thereunder. The Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with [the Veterinary Practice Act and] Board rules and regulations after receiving a license" (Md. Code Ann., Agric. Art., §2-310(8)); and in lieu of, or in addition to, suspending a veterinarian's license, the Board may impose a civil penalty of not more than $5,000 (Md. Code Ann., Agric. Art., §2-310.1).

In this matter, the Board charged that Dr. Nolte failed to comply with the record-keeping requirements for companion animals specified under COMAR 15.14.01.10.

FINDINGS OF FACTS

Dr. Nolte, by entering into and signing this document, acknowledges that the Board could produce evidence establishing the following Findings of Fact:

1. At all times relevant to the charges, Dr. Nolte was, and is, a veterinarian licensed to practice veterinary medicine in the State of Maryland, and practiced veterinary medicine

at the Chesapeake Animal Clinic, located at 1727 Northwood Drive, Salisbury, Maryland 21801.

2. On or about March 13, 2003, Allison Bogese presented her cat, Pumpkin, a two-year old male Domestic Shorthair, to Dr. Nolte, the owner of the Chesapeake Animal Clinic, for a front declaw.

3. Dr. Nolte did not record in the patient's record Pumpkin's physical condition at the beginning of custody -- basic information that a veterinarian should ascertain and note in the patient's record, particularly when, as in this case, the animal is to undergo anesthetic induction.

4. To perform this procedure, Dr. Nolte anesthetized Pumpkin, but failed to record in the patient's record the particular anesthetic used, the route of administration, and the amount actually administered -- basic information that should have been noted in an anesthetic log. Dr. Nolte also failed to note in the patient's record what declaw procedure and closure were used, and what peri-operative antibiotic or analgesic was used -- basic information that should have been noted in a surgical log.

5. Indeed, the only information that Dr. Nolte did note in the patient's record was: a.) the owner's name, address, and telephone number; b.) the cat's name; c.) the date the owner presented Pumpkin; and d.) the procedure he performed on the cat, to wit: "(2) front declaw."

6. On or about September 30, 2004, Ms. Bogese presented Pumpkin to the Annapolis Cat Hospital for an infected left front paw, where the cat was seen by Dr. Anne Maxson.

7. Examining the cat's paw, Dr. Maxson noted a purulent debris with a possible fistula at D3, and regrowth of the nail at D2. Dr. Maxson ordered radiographs, which showed that Dr. Nolte had removed little, if any, of P3 (successful and permanent declawing is dependent on the complete removal of the ungulate process of P3).

CONCLUSIONS OF LAW

1. On or about March 13, 2003, Dr. Nolte failed to record in the patient's record Pumpkin's physical condition at the beginning of custody (basic information that a veterinarian should ascertain and note in the patient's record, particularly when, as in this case, the animal is to undergo anesthetic induction), a violation of COMAR 15.14.01.10A(6) (a veterinarian shall record the animal's physical condition at the beginning of custody).

2. On or about March 13, 2003, Dr. Nolte anesthetized Pumpkin to perform a frontal declaw, but failed to record in the patient's record the anesthetic agent that was administered, a violation of COMAR 15.14.01.10A(7) and (9) (a veterinarian shall keep an anesthetic log).

3. On or about March 13, 2003, Dr. Nolte performed a frontal declaw on Pumpkin, but failed to create a log of the procedure, beginning with the failure to specify the technique used to perform this procedure, a violation of COMAR 15.14.01.10A(9) (a veterinarian shall keep a surgical log).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Nolte violated the Veterinary Practice Act, it is this 21st day of March, 2006, by the State Board of Veterinary Medical Examiners, **ORDERED**:

1.) That Dr. Nolte is assessed a Civil Penalty in the amount of Six Hundred and Sixty-Eight Dollars and Fifty Cents ($668.50) (the fee that Ms. Bogese paid the subsequent treating veterinarian to treat her cat); however, in lieu of paying this Civil Penalty, that Dr. Nolte pay Ms. Allison Bogese this amount within thirty (30) days from the date of this Consent Agreement;

2.) That Dr. Nolte's license to practice veterinary medicine in this State is suspended for a period of two weeks, but that this suspension is stayed; and

3.) That Dr. Nolte is placed on probation for a period of six months under the condition that he obey all laws and regulations governing the practice of veterinary medicine in this State.

3/21/04
Date

Chris H. Runde, DVM
Chris H. Runde, D.V.M.
President
State Board of Veterinary
Medical Examiners

CONSENT

I, James D. Nolte, D.V.M., acknowledge that I had an opportunity to consult with counsel before entering into and signing this document. By this Consent, I hereby acknowledge that the Board, by a preponderance of the evidence, could prove the Findings of Fact and Conclusions of Law contained herein. Accordingly, in order to resolve these matters, I agree to accept and submit to the foregoing Consent Agreement, consisting of 4 pages.

I acknowledge the validity of this Consent Agreement as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the laws of the State of Maryland. I also affirm that I am waiving my right to appeal from this Consent Agreement.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Agreement.

I sign this Consent Agreement without reservation as my voluntary act and deed after having an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

3/16/06
Date

James D. Nolte, D.V.M.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Wicomico

I HEREBY CERTIFY that on this 17 day of March, 2006, before me, a Notary Public of the State and City/County aforesaid, personally appeared James D. Nolte, D.V.M., and made oath in due form of law that the foregoing Consent Agreement was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Connie Lewis

Notary Public

My Commission expires: _____

Connie Lewis
NOTARY PUBLIC
Wicomico County, Maryland
My Commission Expires 12/14/2008