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

IN THE MATTER OF:	*	
JAMES D. NOLTE, D.V.M. Veterinary License No. 2076	*	DOCKET NO. 09-12
	*	

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CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order") dated this 1st day of ~~May~~ June CHR 2009, is between the Maryland State Board of Veterinary Medical Examiners ("Board") and James D. Nolte, D.V.M. ("Dr. Nolte"), License No. 2076. This Agreement concerns the resolution of charges filed by the Board in April 2009 concerning Dr. Nolte's care and treatment of Elizabeth Horner's dog "Tinkerbell" in May and July 2006.

Specifically, the Board alleged that Dr. Nolte failed to conform to the minimal standard of care expected of veterinarian in this State, a violation of COMAR 15.14.01.07, by not performing any diagnostic evaluations (*e.g.*, a CBC, a biochemical profile, urinalysis, radiograph, or ultrasound) for the condition of "pyometra," although he acknowledged that the dog was "in heat" in May 2006 and had documented symptoms consistent with this condition. In addition, the charges alleged that Dr. Nolte violated the record-keeping requirements, as specified in COMAR 15.14.01.10, by failing to record information in a timely manner after seeing Ms. Horner's dog, and, if discovering that the record was incomplete, failing to date and initial his amendments to the animal's records. Finally, the charges allege that Dr. Nolte also violated COMAR 15.14.01.10 by failing to properly prepare a legibly written record that accurately and thoroughly reflected the treatment he provided to Ms. Horner's dog and to document the dog's physical condition while in his custody.

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 provisions of the Veterinary Practice Act, Agriculture Article §§ 2-301 *et seq.*, Annotated Code of Maryland and regulations adopted thereunder. As part of its authority, the

seq., Annotated Code of Maryland and regulations adopted thereunder. As part of its authority, 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 Board rules and regulations after receiving a license." Md. Code Ann., Agric. Art., § 2-310(8). In addition, the Board may also impose a civil penalty of not more than $5,000 in lieu of or in addition to suspending a veterinarian's license. Md. Code Ann., Agric. Art., § 2-310.1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. Nolte, by entering into and signing this document, while generally and specifically denying liability in this case, agrees to this Agreement & Order, acknowledging that the Board has sufficient evidence to find, as fact, that he did not conduct any diagnostic evaluations of "Tinkerbell," despite recognizing symptoms associated with the disease of pyometra. Dr. Nolte further acknowledges that he did not properly prepare a legibly written record that accurately and thoroughly reflected the treatment he provided to "Tinkerbell" and failed to record information about "Tinkerbell" in a timely manner and did not date and initial amendments he made to "Tinkerbell's" records. Based on these findings of fact, Dr. Nolte acknowledges that the Board could conclude as a matter of law that Dr. Nolte violated the minimal standard of care expected of veterinarian in this State, a violation of COMAR 15.14.01.07 and failed to comply with the record-keeping requirements for companion animals specified in COMAR 15.14.01.10.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Nolte violated the Veterinary Practice Act and its affiliated regulations, it is this 1st day of May June 2009, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED**:

1. That Dr. Nolte is assessed a civil penalty in the amount of Three Thousand Five Hundred Dollars ($3,500.00);

2. That Dr. Nolte's license is suspended for two weeks; one week of this suspension, however, is stayed;

3. That Dr. Nolte is placed on probation for a period of one-year from the date of this Agreement & Order requiring him to obey all laws

and regulations governing the practice of veterinary medicine in this State;

4. That Dr. Nolte must complete 6.0 credit hours of Board-approved continuing education relating to internal medicine by October 15, 2009; and

5. That Dr. Nolte must complete 6.0 credit hours of Board-approved continuing education relating to veterinary medicine ethics by October 15, 2009.

Chris H. Runde, DVM

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

CONSENT

I, James D. Nolte, D.V.M., acknowledge that I have had an opportunity to consult with legal counsel before entering into and signing this document. By this Consent, I hereby acknowledge the legal authority and the jurisdiction of the Board over this matter and to issue and enforce this Consent Agreement and Order. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement and Order, consisting of three pages.

I sign this Consent without reservation as my voluntary act, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement and Order.

5/27/09
Date

James D. Nolte, D.V.M.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Salisbury / Wicomico

I HEREBY CERTIFY that on this 27 day of May, 2009, 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 and Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Betty M Anderson
Notary Public

My Commission expires: 6-1-10