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. 09-31

* * * * * * * * * * * * * *

CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order") dated this 23rd day of November 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 July 2009 alleging that Dr. Nolte violated the Veterinary Practices Act and its regulations with respect to the care and treatment of William Brittingham's dog, "Diva." Specifically, the charging document alleges 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 properly closing the surgical incision he made on "Diva's" abdomen on August 27, 2008, after performing surgery on the dog.

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 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 (a) find, as fact, that Dr. Nolte did not properly close the surgical incision he made on "Diva's" abdomen on August 27, 2008, and (b) based on this finding of fact, conclude as a matter of law, that Dr. Nolte did not conform to the minimal standard of care expected of veterinarian in this State, a violation of COMAR 15.14.01.07.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law finding that Dr. Nolte violated the Veterinary Practice Act, it is this 23rd day of November 2009 by the Maryland State Board of Veterinary Medical Examiners, **ORDERED**

(1) that Dr. Nolte is assessed a civil penalty in the amount of Five Hundred Dollars ($500.00);

(2) that Dr. Nolte's veterinarian license is suspended for two weeks—one week of which is stayed;

(3) that Dr. Nolte will complete 6.0 hours in continuing education in surgical technique, as approved by the Board, and

(4) that Dr. Nolte will serve a period of probation of one year from the date of this Order. Violation of probation (Dr. Nolte is charged and the Board ultimately concludes that Dr. Nolte was in violation of the Maryland Veterinary Practices Act during the period of probation) will result in

the stay being lifted, and Dr. Nolte will have to serve the remaining ~~two-month~~ one week suspension for the charges resolved here.

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 two 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.

11/13/9
Date

James D. Nolte DVM
James D. Nolte, D.V.M.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Wicomico

I HEREBY CERTIFY that on this 13 day of November, 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.

Notary Public Bonnie Mason

My Commission expires: July 22, 2013