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

IN THE MATTER OF:	*	
JAMES L.B. THOMPSON, D.V.M.	*	DOCKET NO. 04-032
LICENSE NO. 1938	*	

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

CONSENT AGREEMENT

This Agreement, dated this 25 day of March, 2005, is between the State Board of Veterinary Medical Examiners ("Board") and James L.B. Thompson, D.V.M., License No. 1938 ("Dr. Thompson"). The Agreement concerns the charges that the Board filed against Dr. Thompson, alleging that he violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to his treatment of "Gracie," a four-year old Maltese owned by Mr. and Mrs. Bill and Debbie Hickman.

Under the Veterinary Practice Act, 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 ... 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).

More specifically, in this matter, the Board's charges against Dr. Thompson include the following:

(1) He failed to comply with the record-keeping requirements for companion animals provided under COMAR 15.14.01.10; and

(2) The care he provided Gracie fell below the minimal standard required of a veterinarian in this State, a violation of COMAR 15.14.01.07.

FINDINGS OF FACT

Dr. Thompson, 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. Thompson was, and is, a veterinarian licensed to practice veterinary medicine in the State of Maryland, and practiced veterinary medicine at the Somerset Animal Hospital, located at 11279 Stewart Neck Road, Princess Anne, Maryland.

2. On or about June 10, 2004, "Gracie," a four year-old female Maltese owned by Bill and Debbie Hickman, was presented to Dr. Thompson for an ovario-hysterectomy.

3. In his written response to the owners' complaint, Dr. Thompson stated that Gracie's "pre-surgical examination was unremarkable." Assuming Dr. Thompson performed a pre-surgical examination on Gracie, he did not record his findings in the patient's record (*e.g.*, if Dr. Thompson examined Gracie's temperature, pulse and respiration rates, or performed any diagnostic tests, in evaluating her preoperative physical status, he did not record his findings in the patient's record).

4. In his written response to the owners' complaint, Dr. Thompson stated that he administered Atropine to Gracie as a pre-anesthetic agent. Dr. Thompson, however, made no notation in the patient's record that he had administered this drug to Gracie; nor did he record the dosage administered.

5. In his written response to the owners' complaint, Dr. Thompson stated that he gave "an IM injection of Xylazine/Ketoset [Ketamine] combination" to anesthetize Gracie; and because "[t]he injectable drugs were insufficient to maintain a surgical plane of anesthesia[,] ... [he administered] additional anesthesia in the form of Halothane." Dr. Thompson's notations in the patient's record concerning the administration of these drugs are as follows: "R-K-Halothane." Dr. Thompson did not record the dosage for any of the drugs used to anesthetize Gracie or the route of administration.

6. Ketamine is a rapid acting agent whose pharmacologic action is characterized by profound analgesia, immobilization, normal pharyngeal-laryngeal reflexes, mild cardiac stimulation, and respiratory depression. Xylazine is an a-2 agonist, providing analgesia and sedation. Xylazine may induce profound cardiovascular changes (*e.g.*, bradycardia, second-degree heart block, and hypotension following a brief period of hypertension). Therefore, the combination of Ketamine/Xylazine may be associated with significant cardiovascular and respiratory side effects.

7. During and following the ovario-hysterectomy, Gracie was under the effects of the anesthesia referenced above. Before undertaking this procedure, Dr. Thompson did not intubate Gracie's trachea (and thus, failed to ensure that the dog had a patent airway not only during surgery, but also following surgery, while still recovering from anesthesia). If Dr. Thompson took this step, he failed to record it in the patient's record.

8. Dr. Thompson also did not monitor Gracie's respiratory or cardiac function. Dr. Thompson made no notation in the patient's record concerning Gracie's response to anesthesia or her vital signs throughout anesthesia (such as pulse, respiration, and temperature).

9. In his written response to the owners' complaint, Dr. Thompson stated that, following surgery, he administered Yobine (Yohimbine) and Amoxicillin to Gracie, and placed her in a cage to recover. Dr. Thompson, however, made no notation in the patient's record that he had administered these drugs to Gracie; nor did he note the dosage administered and the route of administration. Additionally, Dr. Thompson did not note in the patient's record Gracie's response, if any, to the Yobine that he had administered to her (*e.g.*, the drug's effect on either the dog's cardiac or respiratory function).

10. In his written response to the owners' complaint, Dr. Thompson stated that, following surgery, "the patient was observed to recover from the anesthesia and regain sternal recumbency." Dr. Thompson's notation in the patient's record on this matter

states: "Surgery - Completed 9:30 Dog recovering well." Dr. Thompson did not state that Gracie had regained sternal recumbency.

11. In his written response to the owners' complaint, Dr. Thompson stated that, following surgery, at 11:30 a.m., Gracie was observed on her side and in agonal throes. Dr. Thompson further stated that "[r]esuscitative measures were given using Oxygen and IC Adrenalin and Yobine but to no avail." Although Dr. Thompson did note in the patient's record that he took resuscitative measures, he did not specify any of the measures he took (*e.g.*, that he had administered Oxygen and IC Adrenalin and Yobine to Gracie).

12. Dr. Thompson was unable to revive Gracie, and the dog died.

CONCLUSIONS OF LAW

Based upon these Findings of Fact, the Board makes the following Conclusions of Law:

1. On or about June 10, 2004, Dr. Thompson anesthetized and then performed an ovario-hysterectomy upon "Gracie," a four year-old female Maltese owned by Bill and Debbie Hickman. If Dr. Thompson assessed the dog's physical condition at the beginning of custody (to wit: he took the dog's temperature, pulse and respiration rates, and performed diagnostic tests to evaluate her preoperative physical status), he did not record sufficient information in the patient's record showing that he had done so, a violation of COMAR 15.14.01.10A(6) (requiring a veterinarian to assess an animal's physical condition at the beginning of custody).

2. On or about June 10, 2004, Dr. Thompson administered Atropine to Gracie as a pre-anesthetic agent, but failed to note this fact (and the dosage administered) in the patient's record, a violation of COMAR 15.14.01.10A(7) (requiring the veterinarian to record the treatment provided and the amount of any medication administered).

3. On or about June 10, 2004, Dr. Thompson administered a Xylazine/Ketamine combination to anesthetize Gracie, but failed to note in the patient's record the actual dosage administered, a violation of COMAR 15.14.01.10A(7) (requiring the veterinarian to record the amount of a medication administered when treating an animal).

4. On or about June 10, 2004, Dr. Thompson anesthetized and then performed surgery upon Gracie without first intubating the dog's trachea, and thus, without ensuring, among other things, that the dog would have a patent airway not only during surgery, but also following surgery while still recovering from anesthesia, and in so doing, the care that Dr. Thompson provided the animal fell below the minimal standard required of a veterinarian in this State, a violation of COMAR 15.14.01.07.

5. On or about June 10, 2004, Dr. Thompson, following surgery, administered Yobine (Yohimbine) to Gracie, but failed to note this fact in the patient's record (and also failed to note the actual dosage administered), a violation of COMAR 15.14.01.10A(7) (requiring the veterinarian to record the amount of a medication administered when treating an animal).

6. On or about June 10, 2004, Dr. Thompson, following surgery, administered Amoxicillin to Gracie, but failed to note this fact in the patient's record (and also failed to note the actual dosage administered), a violation of COMAR 15.14.01.10A(7) (requiring the veterinarian to record the amount of a medication administered when treating an animal).

7. On or about June 10, 2004, Dr. Thompson took resuscitative measures after Gracie was observed on her side and in agonal throes, but failed to specify in the patient's record the treatment provided, a violation of COMAR 15.14.01.10A(7) (requiring the veterinarian to record the treatment provided, including the amount of a medication administered).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that James L.B. Thompson, D.V.M., License No. 1938, violated COMAR 15.14.01.07 and 15.14.01.10, it is this __ day of _____, 2005, by the State Board of Veterinary Medical Examiners, **ORDERED**:

1.) That Dr. Thompson pay a civil penalty in the amount of One Thousand Eight Hundred and Fifty Dollars ($1,850);

2.) That Dr. Thompson's license to practice veterinary medicine in this State is suspended for a period of one week, however, this suspension is stayed; and

3.) That Dr. Thompson is placed on probation for six months, under the following terms and conditions:

a.) That he obey all laws and regulations governing the practice of veterinary medicine in this State; and

b.) That he pay the civil penalty within thirty (30) days from the date this Consent Agreement is fully executed.

3-25-05
Date

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

CONSENT

I, James L.B. Thompson, 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 6 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.

3-15-05
Date

James L.B. Thompson DVM
James L.B. Thompson, D.V.M.
Respondent

NOTARY

STATE OF _____

CITY/COUNTY OF _____

I HEREBY CERTIFY that on this 15th day of March, 2005, before me, a Notary Public of the State and City/County aforesaid, personally appeared James L.B. Thompson, 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.

Nancy E. Biles
Notary Public

My Commission Expires: _____

NANCY E. BILES
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 2, 2008