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

IN THE MATTER OF:	*	
JAMES D. NOLTE, DVM LICENSE NO. 2076	*	DOCKET NO. 21-15A
	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 15th day of July 2022, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and James T. Nolte, DVM ("Dr. Nolte"), License No. 2076. This Consent Agreement resolves a case arising from a complaint filed with the SBVME in Docket No. 21-15A, alleging that Dr. Nolte violated the Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 – 2-316 and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17, as set forth herein.

On June 15, 2022, Dr. Nolte, through his legal counsel, having been advised regarding his due process rights, agreed to resolve this case under the terms and conditions reflected in this Consent Agreement. By signing this Consent Agreement, Dr. Nolte agrees to waive his right to formal proceedings in this case, including the issuance of charges and a hearing, and further agrees to the terms and conditions of this Consent Agreement.

Under Maryland law, the SBVME 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 related COMAR regulations adopted pursuant to this law. As part of its authority, the SBVME "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. § 2-310(8). The Board may also impose a civil penalty of not more than $5,000 for a first offense, or $10,000 for a second or subsequent

offense, in lieu of or in addition to suspending or revoking a veterinarian's license, respectively. Agric. § 2-310.1. In setting the amount of a civil penalty, the Board shall consider the severity of the violation, the good faith of the violator, and any history of prior violations, as well as the Board's civil penalty standards. Md. Code Ann., State Gov't. § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

James D. Nolte, DVM, License Number 2076, by entering into and signing this Consent Agreement, having had the opportunity to seek the advice of counsel, agrees to the provisions of this Consent Agreement, acknowledging that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Nolte did not satisfy COMAR 15.14.01.07 (Professional Judgment) and COMAR 15.14.01.10A (Record Keeping) as described below:

1. Dr. Nolte is a veterinarian licensed to practice in Maryland, where he has been licensed since 1978. At the time of the events described herein, Dr. Nolte was the owner and responsible veterinarian at Chesapeake Animal Clinic ("CAC") (License No. 22-005), located at 1727 Northwood Drive, Salisbury, MD 21801. Over ten years ago, Dr. Nolte had a significant history with the Board, as reflected in the Consent Agreements and Orders, attached as Exhibits A – G. Among other issues, Dr. Nolte had been disciplined for professional judgment violations in five different cases and had been found to have committed record keeping violations three times. However, he has not been disciplined since 2011, and he has had a successful veterinary practice since that time.

2. This case involves the care and treatment provided to Koda, a 6-year-old neutered Shih Tzu owned by Janifer Phillips ("Owner" or "Ms. Phillips").

3. On August 16, 2020, Ms. Phillips took Koda to Pet's ER ("PER") (License No. 22-00242) for vomiting, where Tiffany Bowers, DVM (License No. V-08352), became Koda's attending veterinarian.

4. Dr. Bowers performed a physical exam and noted that Koda was tense upon abdominal palpation. Dr. Bowers recommended abdominal radiographs and bloodwork. Ms. Phillips consented.

5. Dr. Bowers performed three-view abdominal radiographs on Koda, which she interpreted as showing "gas in the stomach and a focal, non-distended area of gas in the small intestine and descending

colon, no obvious foreign body or obstruction." Further, Dr. Bowers noted that Koda was mild to moderately dehydrated, and her SNAP cPL was normal.

6. Dr. Bowers believed that Koda's symptoms were consistent with gastritis. Dr. Bowers further noted that she was "not overly suspicious of a blockage or a foreign body" at the time. Dr. Bowers told Ms. Phillips that she recommended subcutaneous ("SQ") fluids, a Cerenia injection, and oral sucralfate for Koda. Ms. Phillips consented.

7. On August 18, 2020, Ms. Phillips took Koda to CAC because Koda was still vomiting. According to Ms. Phillips, CAC was Koda's primary veterinary facility.

8. At CAC, Dr. Nolte was Koda's attending veterinarian. Ms. Phillips asked Dr. Nolte to review the radiographs taken at PER on August 16, 2020. What happened next is disputed. According to Ms. Phillips, Dr. Nolte told her that "he didn't need to because he read the report from PER and the report indicated a normal radiograph." Dr. Nolte denied this conversation, as he would not make such a statement to a client. However, he would have stated that he could not have reviewed the radiographs from another hospital because he lacked the technology to do so. He would have also instructed the client to contact PER and have them email the images to his clinic.

9. Dr. Nolte examined Koda and noted that Koda's mucus membranes and conjunctiva were inflamed in the medical record. He found that Koda was otherwise stable, and he did not appear to be in any distress. Vitals were normal. Dr. Nolte administered Koda Cerenia, Depo-Medrol, and dexamethasone. Koda was then discharged from CAC.

10. The following day, August 19, 2020, Ms. Phillips called CAC and spoke to Dr. Nolte. According to the medical record, Ms. Phillips reported that Koda was improving. According to Ms. Phillips, she told Dr. Nolte that Koda was still vomiting and unable to drink water. Ms. Phillips requested antibiotics, and Dr. Nolte told Ms. Phillips that she could pick up Clavamox at the clinic. Dr. Nolte believes that when Ms. Phillips came to the clinic on August 19, 2020 to pick up the antibiotics, Koda was not with Ms. Phillips, although that fact is not reflected in the record. However, Ms. Phillips claims that when she arrived at CAC with Koda, Dr. Nolte told her he did not need to examine Koda.

11. On August 20, 2020, Ms. Phillips took Koda to another veterinary hospital, Salisbury Animal Hospital ("SAH") (License No. 22-003), for lethargy and not eating. The attending veterinarian at SAH performed a physical exam and recommended abdominal and chest radiographs and bloodwork. Ms. Phillips consented.

12. According to SAH's medical record, Koda's chest radiographs were normal, but Koda's abdominal radiographs showed a possible foreign body within the stomach. The SAH veterinarian also noted that she reviewed Koda's radiographs from PER and could see a similar solid soft tissue density in the stomach in those radiographs. The SAH veterinarian recommended that Ms. Phillips take Koda to a referral hospital for exploratory surgery.

13. Subsequently, Ms. Phillips took Koda to Anne Arundel Veterinary Emergency Clinic, LLC ("AAVEC") (License No. 02-00248). The attending veterinarian reviewed Koda's previous medical history and radiographs from SAH. The veterinarian told Ms. Phillips that she agreed that Koda had a possible foreign body. The veterinarian recommended hospitalization for supportive care and sending Koda's radiographs from SAH out for review. Ms. Phillips consented.

14. The radiographs taken at SAH were sent to Synergy Veterinary Imaging Partners for further review. The final radiology report confirmed a gastric pyloric foreign body. The AAVEC veterinarian recommended exploratory surgery, and Ms. Phillips consented.

15. The AAVEC veterinarian performed a gastrotomy on Koda and found a small intact potato in his stomach. Koda recovered uneventfully from his anesthesia and was discharged after two additional days of hospitalization.

16. Ms. Phillips subsequently filed a complaint with the Board arising from the veterinary care provided to Koda. Ms. Phillips alleged that Dr. Nolte misdiagnosed Koda's foreign body because he did not review Koda's abdominal radiographs.

17. The Board opened a case and conducted an investigation, which included obtaining and reviewing the medical records. After considering the evidence gathered, the Board concluded that Dr. Nolte provided substandard care to Koda.

18. COMAR 15.14.01.07A (Professional Judgment and Practice) provides that: "[a] veterinarian, when caring for and treating a patient, shall conform to those minimum standards of care and treatment which are customary among veterinarians in this State." Dr. Nolte did not satisfy the applicable standard in his care and treatment of Koda when he did not recommend further diagnostics, including radiographs, to determine the cause of Koda's symptoms.

19. The medical record prepared by Dr. Nolte was also deficient. COMAR 15.14.01.10A (Record Keeping) requires, for a companion animal, that a veterinarian prepare a legibly written record that accurately and thoroughly reflects the treatment provided, including the progress and disposition of the case. COMAR 15.14.01.10A(8) specifies that the record must include the amount in milligrams or the volume and concentration of any medication used.

20. Dr. Nolte did not satisfy the Board's record keeping standards because the record does not reflect that Dr. Nolte performed a complete physical examination of Koda, nor does it contain any assessment of findings or a plan of action for Koda's treatment. Dr. Nolte also did not document the full names and doses of the medications administered.

21. During the negotiations to resolve this case, Dr. Nolte advised the Board that, effective July 1, 2022, he is retiring from the practice of veterinary medicine. He does not plan to renew his annual license registration, which is required for lawful practice. All veterinary license registrations in Maryland expire on June 30 of each calendar year. After June 30, 2022, Dr. Nolte has no plans to resume practicing veterinary medicine in Maryland or any other jurisdiction.

Taking the facts and circumstances into consideration, including the nature of the violation(s); the veterinarian's disciplinary history; his plans to retire effective July 1, 2022; and his acceptance of responsibility and good faith cooperation in resolving this matter, the Board concluded that the most reasonable and appropriate resolution includes the sanctions set forth below.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 5th day of July, 2022, by the State Board of Veterinary Medical Examiners, ORDERED that:

(a) For not satisfying COMAR 15.14.01.07 (Professional Judgment) in the care and treatment provided to Koda, a 6-year-old neutered Shih Tzu owned by Janifer Phillips, by not offering, recommending, or performing further diagnostics to assess Koda's condition, Dr. Nolte is assessed a civil penalty of $5,000, with $2,500 stayed;

(b) For not satisfying COMAR 15.14.01.10A (Record Keeping) by failing to document that a complete physical examination was performed, failing to offer an assessment of findings or plan of action in the record, and failing to document full medication names and dosages, Dr. Nolte is assessed a civil penalty of $7,000, with $3,500 stayed;

(c) Dr. Nolte shall pay the non-stayed portion of the civil penalties ($6,000) within sixty (60) days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 21-15A" sent to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401;

(d) Dr. Nolte shall serve a period of probation of one year, stayed. While on probation, the veterinarian shall obey all laws and regulations governing the practice of veterinary medicine in this State and the conditions of this Consent Agreement. Violation of probation means that the veterinarian is charged, and the Board ultimately concludes that the veterinarian violated the Veterinary Practice Act, related regulations, or the terms of this Consent Agreement during the probation period. Violation of probation may result in additional penalties, including the lifting of any sanctions imposed but stayed under this Order, following notice and an opportunity to be heard;

(e) As an additional requirement of his probation, which is stayed, Dr. Nolte shall complete six (6) hours of continuing education ("CE"), consisting of the Medical Record Keeping for Veterinarians course found at drip.vet;

(f) The CE shall be completed and verification of completion provided to the Board within thirty (30) days from the date of this Order, with verification sent by email to Nathaniel Boan, Executive Director, at nathaniel.boan@maryland.gov. Proof from the CE

provider shall include the veterinarian's name, the number of hours of CE completed, the topics covered, and the date(s) the CE was given. This CE will not count toward the 18 credit hours required annually for re-registration of the veterinary license. To verify completion of the annual CE requirements and the CE required by this Consent Agreement, the Board may conduct an audit of the veterinarian's CE records for relevant years;

(g) All stayed penalties, including the CE requirement, shall remain stayed as long as Dr. Nolte does not renew or seek reinstatement of his registration in Maryland, apply for a license to practice veterinary medicine in any other state, or practice veterinary medicine in any other jurisdiction;

(h) If Dr. Nolte plans to resume his practice of veterinary medicine in Maryland or any other jurisdiction, he shall notify the Board in writing of his plans at least 30 days before resuming practice or 30 days before he applies for a license in any other jurisdiction, whichever is earlier. The stayed civil penalty and CE requirement shall be unstayed on the date Dr. Nolte provides this notice, and all due dates shall be calculated based on the date of the notice. The stayed probation shall be unstayed on the date Dr. Nolte renews or reinstates his license registration in Maryland. Failure to provide notice of his intention to resume practicing in Maryland or any other jurisdiction is a violation of this Consent Agreement, which will result in lifting all stayed penalties; and

(i) This Consent Agreement is a public document that will be available and linked to the veterinarian's name on the Board's website.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 15th day of July, 2022.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Karena Joung NEB

Karena Joung, VMD
Vice-President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, James D. Nolte, DVM, acknowledge that I have had an opportunity to consult with counsel before entering into this Consent Agreement. By this Consent, I hereby acknowledge the legal authority and jurisdiction of the Board over this matter to issue and enforce this Consent Agreement. To resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of 9 pages, including this Consent. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

Date: 7/2/22

James D. Nolte, DVM

James D. Nolte, DVM

Exhibit A

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	*	

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

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

Exhibit B

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

IN THE MATTER OF:	*	
JAMES P. NOLTE, D.V.M. LICENSE NO. 2076	*	DOCKET NO. 05-035
	*	

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

CONSENT AGREEMENT

This Consent Agreement, dated this 27th day of July, 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 his care of "Franklin," a one-year old mixed breed male feline owned by Ms. Heidi Glasgow.

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, among other things, that Dr. Nolte's treatment of Franklin did not conform to the minimal standards of care expected of a veterinarian in this State, a violation of COMAR 15.14.01.07.

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. He also was the owner of the Chesapeake Animal Clinic, located at 1727 Northwood Drive, Salisbury, MD 21801.

2. On or about the morning of August 11, 2005, Dr. Nolte undertook the care of Franklin, a one-year old mixed breed male feline owned by Ms. Heidi Glasgow (to wit: to administer shots to the cat and perform a neuter upon him). When she presented her cat to Dr. Nolte for this procedure, Ms. Glasgow was advised that Franklin would be ready for discharge as early as 4:00 p.m. that same day.

3. To perform the male neuter, Dr. Nolte anesthetized Franklin. In his initial response to the Board's request that he submit all records pertaining to this matter, Dr. Nolte did not submit any record showing: (a) the anesthetic agents used to anesthetize the cat, or (b) the findings of any examination he performed upon the cat (assuming he performed one). In a subsequent response to the Board, Dr. Nolte submitted an undated record stating that he had administered Ketamine (55 mg) and Xylazine (1 mg) IM to Franklin. In that undated record, Dr. Nolte also made the following general comments about the cat's health: "Cat good physical, alert, slightly undersized."

4. Ketamine is a controlled dangerous substance. It also is a rapid-acting agent. Its pharmacologic action is characterized by analgesia, immobilization, normal pharyngeal-laryngeal reflexes (which, because they remain active, may lead to and increase laryngospasm, bronchospasm, and coughing), mild cardiac stimulation, and respiratory depression. Ketamine also has the potential to increase respiratory secretions, which may cause the airway to become obstructed.

5. For these reasons, if a veterinarian chooses to use Ketamine (or, as in this case, a Ketamine/Xylazine combination) to anesthetize an animal, the veterinarian should: (a) examine the animal and evaluate its condition (that is, obtain the animal's history and physically examine it, *e.g.*, check the animal's temperature, pulse, respiration, weight,

etc.), and (b) monitor the animal while it is under the effects of this drug.

6. if Dr. Nolte did examine Franklin and evaluate his condition before anesthetizing him, he did not record his findings in the patient's records. The record does not contain the animal's weight, a short history of the animal's condition at the beginning of custody, or the animal's physical condition at the beginning of custody (*e.g.*, the animal's temperature, pulse, respiration, and other findings on physical examination).

7. Following surgery, while the cat remained under the effects of the anesthesia, Dr. Nolte left the facility, and thus, did not and could not properly monitor the animal until such time that the cat had sufficiently recovered from the anesthesia.

8. That same day, at approximately 5:15 p.m., after Ms. Glasgow arrived to take Franklin home, a clinic receptionist acted to discharge the cat to her. Dr. Nolte was not present and, for this reason, did not and could not examine Franklin to assess whether he had sufficiently recovered from the effects of the anesthetic agents and thus, ready to be discharged. Concerned for Franklin's health, having noted that her cat was laying flat on the bottom of the cat carrier when he was brought to her, Ms. Glasgow asked the receptionist if Franklin still was sedated. The receptionist responded that Franklin would be O.K. by the next day, providing no other instructions to Ms. Glasgow.

9. Later that same day, after observing that Franklin looked worse, Ms. Glasgow attempted to contact Dr. Nolte by telephone. Unable to reach him, she left a message for him. At approximately 9:00 p.m., Ms. Glasgow contacted Pet's ER, an emergency veterinary hospital located in Salisbury, Maryland, and was advised to bring Franklin to the facility immediately after noting that his gums were almost white and that it was difficult to see him breathing.

10. Ms. Glasgow presented Franklin to the Pet's ER at approximately 9:30 p.m., and was seen by Dr. Elizabeth Drewer. Among other notations, Dr. Drewer made the

following remarks in the patient's record concerning Franklin's condition when first presented: "General Appearance: quiet and lethargic, minimally responsive"; "Musculoskeletal: cannot walk - or even sit or lay sternally"; "Neurologic: very depressed and stuporous." Dr. Drewer also noted that Franklin's temperature at 9:30 p.m. was "too low to read on the thermometer." During the next several hours, Dr. Drewer used a bair hugger to "warm cat aggressively," and rechecked his temperature throughout the night. She noted that Franklin's temperature was 91.5° F. at 11:09 p.m.; 95.0° F. at 1:00 a.m.; 99.6° F. at 4:00 a.m.; and 100.4° F. at 5:00 a.m. For 6:39 a.m., Dr. Drewer noted that Franklin's temperature was 100.4° was 101.7° F. and that he "can be roused (with a lot of effort) to sit up and look around."

11. On or about the morning of August 12, 2005, Ms. Glasgow presented Franklin to the Salisbury Animal Hospital, where he was seen by Dr. Susan Hudson. On examination at presentation, Dr. Hudson noted that Franklin was "laterally recumbent and depressed." She also noted that by 11:00 a.m., Franklin was able to maintain sternal position, but had developed bradycardia (HR - 86), and that he experienced this condition throughout the day; and that by 4:30 p.m., Franklin was able to stand up on his own, but because he still was not normal, that he should be transferred to the Pet's ER for overnight care.

12. On or about the evening of August 12, 2005, Ms. Glasgow presented Franklin to the Pet's ER, and once more was seen by Dr. Elizabeth Drewer. Among other notations, Dr. Drewer noted that Franklin was "very sedate and lethargic - though improved from yesterday."

13. On or about the morning of August 13, 2005, Franklin was much improved, and Dr. Drewer determined that he could go home.

CONCLUSIONS OF LAW

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

of Law:

1. If Dr. Nolte evaluated Franklin before injecting the cat with the Ketamine/Xylazine drug combination, he did not record his findings in the patient's record (to wit: the record does not contain Franklin's weight, nor does it contain Franklin's history when he undertook the cat's care; nor does it state the animal's condition at the beginning of custody (*e.g.*, it does not state the cat's temperature, pulse, respiration, and other findings on physical examination), a violation of COMAR 15.14.01.10.

2. In failing to monitor Franklin post-surgically until such time that the cat had sufficiently recovered from the Ketamine/Xylazine drug combination that he had administered to this animal, Dr. Nolte's treatment did not conform to the minimal standards of care expected of a veterinarian in this State, a violation of COMAR 15.14.01.07.

3. In failing to assess (or having someone competently to assess) whether Franklin had sufficiently recovered from the Ketamine/Xylazine drug combination that he had administered to the animal and, thus, ready to be discharged to the owner, before he discharged the cat (or allowed the cat to be discharged), Dr. Nolte's treatment of this animal did not conform to the minimal standards of care expected of a 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 27th day of July, 2006, by the State Board of Veterinary Medical Examiners, **ORDERED**:

1.) That Dr. Nolte is assessed a Civil Penalty in the amount of Nine Hundred Dollars ($900.00);

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. Deal is placed on probation for a period of 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;

b.) That he pay the aforementioned civil penalty within sixty (60) days from the date of this Consent Agreement; and

c.) That he read all laws and regulations governing the practice of veterinary medicine in this State.

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 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.

7/19/06
Date

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

NOTARY

STATE OF Maryland

CITY/COUNTY OF Wicomico

I HEREBY CERTIFY that on this 19th day of July, 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.

Betty M Anderson
Notary Public

My Commission Expires: 6/1/10

Exhibit C

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

IN THE MATTER OF THE COMPLAINT OF *

THE STATE BOARD OF VETERINARY *

MEDICAL EXAMINERS AGAINST *

IN THE MATTER *

JAMES D. NOLTE, D.V.M. * DOCKET NO. 07-021

LICENSE NO. 2076 *

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

DECISION AND ORDER

The State Board of Veterinary Medical Examiners ("Board") is the State licensing authority that oversees the practice of veterinary medicine in Maryland. Under the Veterinary Practice Act, Md. Code Ann., Agric. Art. §§ 2-301 *et seq.*, the Board may prescribe reasonable standards for the practice of veterinary medicine, including conduct and ethics. The Board also may discipline a veterinarian who violates a law or regulation governing the practice of veterinary medicine in this State. More specifically, the Board may "suspend, or revoke [the veterinarian's] license, and censure or place [the veterinarian] on probation." Md. Code Ann., Agric. Art. § 2-310. In addition, the Board may impose civil penalties of not more than $5,000. Md. Code Ann., Agric. Art., § 2-310.1.

In a Notice of Agency Action, dated October 29, 2007, the Board advised James D. Nolte, D.V.M. ("Dr. Nolte") that it was taking disciplinary action against him for not complying with the record-keeping requirements for companion animals specified in COMAR 15.14.01.10. The Notice also informed Dr. Nolte that the proposed sanction for such violations was One Thousand Two Hundred and Fifty Dollars ($1,250.00).

Enclosed with the notice of agency action was the charging document enumerating the facts giving rise to the alleged violations. Both were sent by certified mail return receipt requested. Because Dr. Nolte did not contest the charges within ten days after the charges were mailed, the statutory time period, the Board issued an Order of Default on January 22, 2008. The fifteen day statutory time period for moving to vacate this Order of Default now has passed, and Dr. Nolte has not filed a motion to vacate.

FINDINGS OF FACT

1.) Dr. Nolte is a licensed veterinarian in Maryland and has been at all times relevant to these charges.

2.) On or about March 11, 2006, June Worden ("Ms. Worden") took her parakeet, named Oscar, to Dr. Nolte for care because he was not feeling well. The parakeet was eleven years old.

3.) Over the next month and a half, Ms. Worden took the parakeet to be examined by Dr. Nolte approximately seven times. During this time, Dr. Nolte treated the bird for an infected foot by administering Baytril, an antibiotic, on March 14, March 24, and April 29th. The amount of Baytril administered on each of these occasions was not recorded in the patient's records.

4.) In addition, Dr. Nolte gave Ms. Worden Baytril to administer to the parakeet at home in bottles that were not marked with any labeling indicating the type of drug given and the expiration date of the drug.

5.) On or about September 21, 2006, Ms. Worden filed a complaint with the Board concerning Dr. Nolte's care of her bird. She enclosed copies of medical records she received from Dr. Nolte's office for the 2006 dates that Dr. Nolte treated her parakeet. The 2006 dates are March 11, March 14, March 24, April 1, April 4, April 19, and April 29.

6.) On or about October 26, 2006, the Board received from Dr. Nolte's office his

response to her complaint and copies of the medical records concerning Ms. Worden's bird. These records differ markedly from the records submitted by Ms. Worden.

7.) A necropsy performed on or about April 26, 2006, by Dr. Maurice Clarke of Salisbury Animal Health Laboratory reported his findings as "[b]ird was thin, there was Pericarditis, Airsacculitis, Pneumonia, and an infected right foot." He diagnosed the cause of death as "stress," and commented that the "bird was 11 years old and close to it's [sic] expected life span. The stress of old age and infected foot and possibly rough handling contributed to its demise."

CONCLUSIONS OF LAW

Based on the foregoing findings of undisputed fact, the Board concludes, as a matter of law, that:

1.) Dr. Nolte's documentation of the care he provided to Ms. Worden's bird failed to comply with the record-keeping requirements for companion animals specified in COMAR 15.14.01.10. Specifically, Dr. Nolte failed to:

a.) Record the amount of Baytril administered on March 14, 2006, in violation of COMAR 15.14.01.10A(8).

b.) Record the amount of Baytril administered on March 24, 2006, in violation of COMAR 15.14.01.10A(8).

c.) Record the amount of Baytril administered on April 29, 2006, in violation of COMAR 15.14.01.10A(8).

d.) Indicate that he amended the records for March 11 and 24 and April 1, 4, 13, 19, 29, and 30, 2006, and initial and date such amendments in violation of COMAR 15.14.01.10C.

2.) By dispensing the drug Baytril without proper labeling, including the failure to note the name of the drug dispensed and the expiration date, Dr. Nolte violated COMAR 15.14.01.12-2.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of February, 2008, by the State Board of Veterinary Medical Examiners, **ORDERED** that Dr. Nolte will pay a civil penalty in the amount of $1,250.00 to the Board within thirty days from the date this decision takes effect.

STATE BOARD OF VETERINARY MEDICAL EXAMINERS

2/21/08
Date

Chris H. Runde, DVM
Chris H. Runde, D.V.M.
President, State Board of Veterinary Medical Examiners
50 Harry S Truman Parkway, Room 203
Annapolis, MD 21401

Attach: Notice of Right to Appeal

Exhibit D

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. 08-70
CHESAPEAKE ANIMAL CLINIC 1727 Northwood Drive Salisbury, MD 21801 Hospital License No. 22-005	*	

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

CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order"), dated this 19th day of June, 2008, 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 May 2008 alleging that Dr. Nolte violated the Veterinary Practice Act and its regulations. Specifically, the charging document alleges that on or about March 27, 2008, Peggy Morgan, an inspector with the Board, inspected Chesapeake Animal Clinic. During her inspection, Ms. Morgan discovered that the hospital's narcotics were stored in an autoclave when she opened it, a violation of COMAR 15.14.01.12C-D.

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 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 on or about March 27, 2008, Peggy Morgan, an inspector with the Board, inspected Chesapeake Animal Clinic and discovered that the hospital's narcotics were stored in an autoclave when she opened it and (b) based on these findings of fact, conclude as a matter of law that Dr. Nolte violated COMAR 15.14.01.12C-D.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law finding that Dr. Nolte violated the Veterinary Practice Act, it is this 19th day of JUNE, 2008, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that Dr. Nolte is assessed a civil penalty in the amount of Two Hundred Fifty Dollars ($250.00).

Chris H. Runde, DVM

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

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.

6/12/08
Date

James D. Nolte, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Salisbury/Wicomico

I HEREBY CERTIFY that on this 12 day of June, 2008, 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

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. 08-70
CHESAPEAKE ANIMAL CLINIC 1727 Northwood Drive Salisbury, MD 21801 Hospital License No. 22-005	*	
	*	

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

CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order"), dated this 6th day of June, 2008, 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 May 2008 alleging that Dr. Nolte violated the Veterinary Practice Act and its regulations. Specifically, the charging document alleges that on or about March 27, 2008, Peggy Morgan, an inspector with the Board, inspected Chesapeake Animal Clinic. During her inspection, Ms. Morgan discovered that the hospital's narcotics were stored in an autoclave when she opened it, a violation of COMAR 15.14.01.12C-D.

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 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 on or about March 27, 2008, Peggy Morgan, an inspector with the Board, inspected Chesapeake Animal Clinic and discovered that the hospital's narcotics were stored in an autoclave when she opened it and (b) based on these findings of fact, conclude as a matter of law that Dr. Nolte violated COMAR 15.14.01.12C-D.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law finding that Dr. Nolte violated the Veterinary Practice Act, it is this 19th day of June, 2008, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that Dr. Nolte is assessed a civil penalty in the amount of Two Hundred Fifty Dollars ($250.00).

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.

6/12/08
Date

James D. Nolte, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Salisbury/Wicomico

I HEREBY CERTIFY that on this 12 day of June, 2008, 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

Exhibit E

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
	*	

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

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

Exhibit F

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

Exhibit G

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 NOS. 10-45. 10-58, & 11-56
LICENSE NO. 2076	*	

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

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 3rd day of August, 2011, is between the Maryland State Board of Veterinary Medical Examiners (Board) and James D. Nolte, D.V.M. (Dr. Nolte), License No. 2076. This Consent Agreement resolves two charging documents filed by the Board on March 25, 2011, and a third charging document filed by the Board on May 19, 2011. The charging document in Docket No. 10-45 alleged that Dr. Nolte violated the Maryland Veterinary Practice Act and related Code of Maryland Regulations (COMAR) with respect to veterinary medical care and treatment provided to Donna Evans' 20-month-old female Pug, "Sasha," on January 6, 2010. The charging document in Docket No. 10-58 alleged that Dr. Nolte violated the Maryland Veterinary Practice Act and related COMAR regulations with respect to veterinary medical care and treatment provided to David Green's 15-year-old West Highland Terrier, "Wesley," on August 22, 2009. The charging document in Docket No. 11-56 alleged that Dr. Nolte violated the Maryland Veterinary Practice Act and related COMAR regulations with respect to the failure to secure certain controlled dangerous substances under lock at Chesapeake Animal Hospital, Hospital License No. 22-005, on February 23, 2011. On April 8, 2011, Dr. Nolte requested a hearing before the Board to dispute the first two charging documents, but the request was untimely. On May 25, 2011, Dr. Nolte requested a hearing regarding Docket No. 11-56. Thereafter, the parties entered into discussions and were able to reach a resolution. By entering into this Consent Agreement, Dr. Nolte waives the right to a hearing and appeal on the charging documents in Docket Nos. 10-45, 10-58, and 11-56.

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 Maryland Veterinary Practice Act, Agriculture Article §§ 2-301 et seq., Annotated

Code of Maryland and related regulations. 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 impose a civil penalty of not more than $5,000 for a first offense or $10,000 for a second or subsequent offense 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 Consent Agreement, while generally and specifically denying liability in this case, agrees to this Consent Agreement, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law, that:

1. In Docket No. 10-45, Dr. Nolte:

a. Violated COMAR 15.14.01.07 pertaining to professional judgment and practice, when he failed to provide adequate pain management to his patient, "Sasha," during and after spaying surgery on or about January 6, 2010; extubated the patient too quickly and failed to continuously monitor the physiologic parameters during and after the anesthetic procedure; the patient was a Pug, which is a brachycephalic dog usually at higher risk during the perianesthetic period; and failed to make appropriate attempts to resuscitate the patient by using doxapram, a drug that is contraindicated because it decreases cerebral blood flow and cerebral oxygen consumption and requirement, instead of using epinephrine, atropine, and vasopressin; and

b. Violated COMAR 15.14.01.04 pertaining to professional conduct, when he failed to contact Ms. Evans, the owner, as soon as "Sasha" was noticed to be unresponsive during recovery from surgery, and could not be revived on January 6, 2010; and

2. In Docket No. 10-58, Dr. Nolte violated COMAR 15.14.01.10 pertaining to record keeping sometime between September 14, 2009 and March 12, 2010, by either falsifying the medical record for

"Wesley" to indicate that a fluoroscein stain was negative during a physical examination of the dog's eyes on August 22, 2009, when no stain was actually done, or amending the record without dating or initialing the amendment, indicating that on August 22, 2009, when he examined the dog's eyes, the stain was negative; and

3. In Docket No. 11-56, Dr. Nolte violated COMAR 15.14.01.12C(3) and D pertaining to controlled dangerous substances, when he failed to secure certain controlled dangerous substances; specifically, one 100 ml bottle of Beuthanasia-D Special, a Schedule II drug, and two boxes containing injectable Ketamine HCl, a Schedule III drug, under lock when not in use in Chesapeake Animal Clinic, Hospital License Number 22-005, an animal hospital, which he owned and operated, on or about February 23, 2011.

Taking into account all of the facts and circumstances, the Board concluded that the following sanctions were reasonable and appropriate.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 3rd day of August, 2011, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that:

1. Dr. Nolte is assessed a total civil penalty in the amount of Five Thousand Dollars ($5.000.00), payment to be made to the Maryland State Board of Veterinary Medical Examiners ("SBVME") within 30 days of the date of this Order. The total civil penalty of $5,000.00 shall be divided as follows:

a. For Docket No. 10-45, three charges under COMAR 15.14.01.07 of $500.00 each and one charge under COMAR 15.14.01.04 of $500.00;

b. For Docket No. 10-58, one charge under COMAR 15.14.01.07 of $1,000.00 and one charge under COMAR 15.14.01.10 of $1,000.00; and

c. For Docket No. 11-56, one charge under COMAR 15.14.01.12 of $1,000.00.

2. Dr. Nolte's veterinary license, no. 2076, is suspended for a period of three months (twelve weeks); however, six weeks of this suspension are stayed. Dr. Nolte may serve the remaining 6 weeks of

suspension in separate weeks, providing that he shall give the Board one week of prior written notice before serving each week of suspension.

3. Dr. Nolte shall serve a period of probation of four years from the date of this Order. While on probation, the veterinarian shall obey all laws and regulations governing the practice of veterinary medicine in this State and the conditions of this Consent Agreement. Violation of probation means that the veterinarian is charged and the Board ultimately concludes that the veterinarian violated the Veterinary Practice Act, related regulations, or the terms of this Consent Agreement during the period of probation. Violation of probation may result in further disciplinary action and sanctions.

4. As a condition of probation, Dr. Nolte shall complete a total of 24 credit hours of continuing education (CE) to include 6 credit hours of CE in ophthalmology, 6 credit hours of CE in anesthesia, and 12 credit hours of CE in professional ethics, as preapproved by the Board, within twelve months of the date of this Order. To fulfill this requirement, the veterinarian shall obtain approval for the selected CE from the Board before registering and participating in the CE courses. After completion of the 24 credit hours, the veterinarian shall forward to the Board proof of completion of the CE credits required under this Order. Proof will include Dr. Nolte's name, the number of hours of CE completed, the topics covered, and the dates the CE courses were given. Completion of this CE will not be counted towards the 18 hours of CE required annually for re-registration of the veterinary license.

Chris H. Runde, DVM

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

CONSENT

I, James D Nolte 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. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of five pages, including this page. 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.

7/26/11
Date

James D Nolte, D.V.M.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Wicomico

I HEREBY CERTIFY that on this 26 day of July, 2011, before me, a Notary Public of the State and City/County aforesaid, personally appeared James Nolte, D.V.M., and made oath in due form of law that the foregoing Consent Agreement and Order was her voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission expires:

7/23/14