

IN THE MATTER OF THE LICENSE OF § TEXAS STATE BOARD OF
TIMOTHY W. HAWKS, D.V.M. §
§ VETERINARY MEDICAL EXAMINERS

AGREED ORDER

On this the 1st day of October, 1998, came on to be considered by the Texas State Board of Veterinary Medical Examiners ("Board"), the matter of the license of Timothy W. Hawks, D.V.M., ("Respondent" or "Dr. Hawks"), pursuant to the Veterinary Licensing Act ("Act") § 18F and Board Rule 575.27. On August 25, 1998, Respondent appeared in person at an Informal Conference in response to a letter of invitation from the Board. The Board was represented at the Informal Conference by the Enforcement Committee.

Respondent, without admitting the truth of the findings and conclusions set out in this Agreed Order, wishes to waive a formal adjudicative hearing and thereby informally dispose of the issues without a formal adjudication. Respondent agrees to comply with the terms and conditions set forth in this Agreed Order. In waiving an adjudicative hearing, Respondent acknowledges understanding of the alleged violations and the adequacy and sufficiency of the notice provided to him.

Upon recommendation of the Enforcement Committee, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order as set forth below:

Findings of Fact

1. Timothy W. Hawks, D.V.M., is a veterinarian licensed by the Board to practice veterinary medicine in the state of Texas under license number 5311, 1998 renewal certificate number 1622. Respondent was subject to prior disciplinary action by the Board.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent has received all notice which may be required by law and by the Board Rules. All jurisdictional requirements have been satisfied.
3. On or about October 25, 1997, at approximately 9:00 a.m., Ms. Kathryn Patton, of Denton, Texas, presented "Bonnie," a 5 year old female Sheltie, to Timothy Hawks, D.V.M., at a mobile veterinary clinic at the K-Mart parking lot in Denton, Texas. Ms. Patton presented "Bonnie" to be spayed and vaccinated. Ms. Patton was advised by clinic staff that she could pick up her dog at

11:30 a.m., that morning .

4. On or about that same day, "Bonnie" was anesthetized and spay surgery was performed by Dr. Hawks.

5. On or about that same day, Ms. Patton returned to the mobile clinic at approximately 11:30 a.m. "Bonnie" was not ready, and Ms. Patton was advised by clinic staff to return at noon and she did so. According to the patient records, the dog was checked and found to be ambulatory and authorized for release. At approximately 12:15 p.m., the dog was released by the clinic, and an employee of the mobile clinic carried "Bonnie" to Ms. Patton's vehicle.

6. On or about that same day, Ms. Patton drove "Bonnie" home and carried her inside. The dog was able to move to a small degree approximately one hour later. The dog died within the next hour.

7. On or about that same day, at approximately 5:00 p.m., Ms. Patton presented "Bonnie" to an emergency pet clinic in Carrollton, Texas, for a necropsy and subsequent cremation. The necropsy was performed at approximately 9:30 p.m. The necropsy disclosed that the abdominal cavity was totally filled with free-floating blood in various stages of clotting. A ligature was not found on the left ovarian stump. The cervical stump was transfixed and sutured. The autopsy results were that death was due to exsanguination into the abdominal cavity, secondary from the ovarian stump ligature hemorrhage.

Conclusions of Law

1. Respondent is required to comply with the provision of the Act and Board Rules.
2. Section 14 (a) of the Act authorizes the Board to revoke or suspend a license, impose a civil penalty, place a licensee on probation, or reprimand a licensee based upon findings of non-compliance with the Act or Board Rules.
3. Based on Findings of Fact 3 through 7, Dr. Hawks has violated Rule 573.22 - Professional Standard of Humane Treatment of the Rules of Professional Conduct.
4. Based on Findings of Fact 3 through 7 and Conclusions of Law 3, Respondent has violated the Act § 14(a)(5) for engaging in practices or conduct in connection with the practice of veterinary medicine which were violative of the standard of professional conduct promulgated by the Board.
5. Based on Conclusions of Law 3 and 4, Respondent is subject to disciplinary action by the Board under the Act §14(a).

NOW THEREFORE, THE BOARD AND RESPONDENT AGREE AS FOLLOWS:

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that Dr. Hawks receive an OFFICIAL REPRIMAND under the following terms and conditions:

1. Respondent shall pay an administrative penalty in the amount of \$500.00, payable within forty-five (45) days of the Board's approval of the Agreed Order.
2. Respondent shall abide by the Rules of Professional Conduct, the Texas Veterinary Licensing Act and the laws of the State of Texas and the United States.
3. Respondent shall cooperate with the Board's attorneys, investigators, compliance officers and other employees and agents investigating Respondent's compliance with this order.
4. Failure by Respondent to comply with the terms of this Agreed Order or with any other provisions of the Act or the Board Rules, may result in further disciplinary action.

Respondent, Timothy W. Hawks, D.V.M., by signing this Agreed Order, agrees to its terms, acknowledges his understanding of the Agreed Order, the notice, Findings of Fact and Conclusions of Law herein set forth, and agrees that he will satisfactorily comply with the mandates of the Agreed Order in a timely manner or be subject to appropriate disciplinary action of the Board.

Respondent, Timothy W. Hawks, D.V.M., by signing this Agreed Order, waives his right to a formal hearing and any right to seek judicial review of this Agreed Order. Respondent acknowledges that he is entitled to be represented by an attorney of his choice at his expense. Respondent has voluntarily appeared without an attorney.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE, OR UNDER THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

The date of this Agreed Order shall be the date it is adopted by the Texas State Board of Veterinary Medical Examiners.

I, TIMOTHY W. HAWKS, D.V.M., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING IT, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

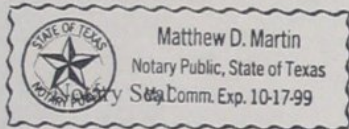
Timothy W. Hawks
Timothy W. Hawks, D.V.M.
Respondent

Sep. 25, 1998
DATE

STATE OF TEXAS §
COUNTY OF Benton §

BEFORE ME, on this day, personally appeared Timothy W. Hawks, D.V.M., known to me to be the person whose name is subscribed to the foregoing Agreed Order, and acknowledged to me that he executed the same for the purposes stated therein.

Given under the hand and seal of office this 25th day of Sept., 1998.



[Signature]
Notary Public

This agreed order has been entered between Dr. Timothy W. Hawks and Ron Allen, the Executive Director of the Texas State Board of Veterinary Medical Examiners, in concurrence with the Board Secretary. It is presented to the Board as a recommendation only.

[Signature]
RON ALLEN
Executive Director, TSBVME

September 29, 1998
DATE

SIGNED AND ENTERED by the TEXAS STATE BOARD OF VETERINARY MEDICAL EXAMINERS on this the 1st day of October, 1998.

[Signature]
MICHAEL J. MCCULLOCH, D.V.M.
President

DOCKETED COMPLAINT NO. 1998-17

TEXAS STATE BOARD OF VETERINARY	§	TEXAS VETERINARY MEDICAL
MEDICAL EXAMINERS	§	LICENSE NO. 5311
vs.	§	1998 RENEWAL CERTIFICATE
TIMOTHY W. HAWKS, DVM	§	NUMBER 1622

COMPLAINT AFFIDAVIT

Before me, the undersigned authority, a Notary Public in and for Texas, on this day personally appeared Charles Adkins, who after being duly sworn, did depose and say:

On or about November 3, 1997, Charles Adkins, being an employee of the Texas State Board of Veterinary Medical Examiners, did in the course of such employment, make certain investigations into the professional conduct of one Timothy W. Hawks, D.V.M., Mobile Veterinary Services, 6007 Pepperport Lane, Flower Mound, Texas, 75028, Veterinary License Number 5311, 1998 Renewal Certificate Number 1622, a practitioner of veterinary medicine in the State of Texas. As an employee of the Texas State Board of Veterinary Medical Examiners, I, Charles Adkins, do hereby present the following complaint against Timothy W. Hawks, DVM.

I.

On or about October 25, 1997, at approximately 9:00 a.m., Ms. Kathryn Patton, of Denton, Texas, presented "Bonnie," a 5 year old female Sheltie, to Timothy Hawks, D.V.M., at a mobile veterinary clinic at the K-Mart parking lot in Denton, Texas. Ms. Patton presented "Bonnie" to be spayed and vaccinated. Ms. Patton was advised by clinic staff that she would pick up her dog a 11:30 a.m., that morning.

II.

On or about the same day, "Bonnie" was anesthetized and spay surgery was performed.

III.

On or about the same day, Ms. Patton returned to the mobile clinic at approximately 11:30 a.m. "Bonnie" was not ready, and Ms. Patton was advised by clinic staff to return at noon and she did so. According to the patient records, the dog was checked and found to be ambulatory and authorized for release. At approximately 12:15 p.m., the dog was released by the clinic, and an employee of the mobile clinic carried "Bonnie" to Ms. Patton's vehicle.

IV.

On or about the same day, Ms. Patton drove "Bonnie" home and carried her inside. The dog was able to move to a small degree approximately one hour later. The dog died within the next hour.

V.

On or about the same day, at approximately 5:00 p.m., Ms. Patton presented "Bonnie" to an emergency pet clinic in Carrollton, Texas, for a necropsy and subsequent cremation. The necropsy was performed at approximately 9:30 p.m. The necropsy disclosed that the abdominal cavity was totally filled with free-floating blood in various stages of clotting. A ligature was not found on the left ovarian stump. The cervical stump was transfixed and sutured. The autopsy results were that death was due to exsanguination into the abdominal cavity, secondary from the ovarian stump ligature hemorrhage.

VI

The acts and/or failures to act alleged in paragraphs I through V and more specifically, but not limited to, the failure to adequately tighten and/or secure a proper suture on the left ovarian stump, does not constitute the exercise of the same degree of humane care, skill and diligence, in treating patients as is ordinarily used in the same or similar circumstances by average members of the veterinary medical profession in good standing in Denton, Texas or similar community.

VII.

Based on paragraphs I through VI, Dr. Hawks has violated Rule 573.22 - Professional Standard of Humane Treatment, of the Rules of Professional.

VIII.

Based on paragraphs I through VII, Dr. Hawks has violated Section 14 (a) (5) of the Veterinary Licensing Act, Article 8890 of the Texas Revised Civil Statutes:

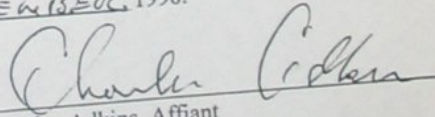
ARTICLE 8890, SECTION 14

(a) . . . the Board may revoke or suspend a license, impose a civil penalty, place a person whose license has been suspended on probation, or reprimand a licensee . . . if it finds that a licensee:

(5) has engaged in practices or conduct in connection with the practice of veterinary medicine which are violative of the standards of professional conduct as duly promulgated by the Board in accordance with the law;

The foregoing complaint is submitted to the Secretary of the Texas Board of Veterinary Medical Examiners on this the 30th day of SEPTEMBER, 1998.

Further, Affiant sayeth not.


Charles Adkins, Affiant

Timothy W. Hawks, DVM
Docketed Case No.: 1998-17
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SUBSCRIBED and SWORN TO before me by the said Charles Adkins this the 30TH day of SEPTEMBER, 1998



Mike Carroll
Mike Carroll, Notary Public in and for Texas

The foregoing Complaint is hereby filed and docketed with the Texas State Board of Veterinary Medical Examiners and styled Texas State Board of Veterinary Medical Examiners vs. Timothy W. Hawks, D.V.M. under Docketed Number 1998-17, this the 30TH day of SEP, 1998.

Howard M. Head DVM
Howard M. Head, DVM, Board Secretary
Texas State Board of Veterinary Medical
Examiners