

BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE

**WEST VIRGINIA BOARD OF
VETERINARY MEDICINE,**

COMPLAINANT,

v.

CASE NOS. 1021A AND 1021B

**TIMOTHY KNOTTS, DVM,
VETERINARIAN LICENSE NO. 50-2010,**

RESPONDENT.

CONSENT AGREEMENT AND ORDER

NOW COME the West Virginia Board of Veterinary Medicine (“Board”) and Timothy Knotts, DVM (“Respondent”) for the purpose of agreeing to disciplinary action which shall be taken against Respondent in the above-referenced matters. As a means of compromise, the Board and Respondent hereby agree to resolve these matters by and through a voluntary agreement and consent to disciplinary action, with consideration given to appropriate safeguards for protection of the public.

WHEREAS, Respondent acknowledges that the Board may file a Statement of Charges alleging that he has violated certain provisions of W. Va. Code §§ 30-10-1 *et seq.* and W. Va. Code R. §§ 26-1-1 *et seq.*, and proceed to a hearing and seek disciplinary action in these matters.

WHEREAS, Respondent hereby waives the filing of a formal Statement of Charges and the parties mutually desire to settle these matters without further prosecution and a formal hearing.

WHEREAS, the Board agrees and acknowledges that this agreement is a compromise of claims disputed by Respondent.

THEREFORE, it is hereby STIPULATED and AGREED between the undersigned parties that this matter be settled and resolved, the parties having reached an understanding concerning the proper disposition of the matter in controversy, and the Board, approving such an agreement, does hereby FIND and ORDER as follows:

FINDINGS OF FACT

1. Respondent is a licensee of the Board, holding License No. 50-2010, and at all times relevant, practiced veterinary medicine at the Audubon Animal Clinic (“Audubon”) in Bridgeport, West Virginia.

2. On or about October 7, 2021, the Board received a written complaint and supporting documentation from Robert Winger (“Mr. Winger”) regarding the veterinary care that his dog “Annie” received from Respondent at Audubon.¹

3. Mr. Winger’s complaint states that on or about January 7, 2019, he took Annie to Audubon to have a C-section performed. Mr. Winger maintains that Respondent performed the surgery, after which Annie was released to go home. Mr. Winger states that Annie was not able to move, but rather, simply laid down with her puppies. Mr. Winger asserts that he assisted her babies latch on for their first feeding, and when he returned to check on Annie a short time later, Annie had passed away.

4. Mr. Winger continues in his complaint that he was advised that Annie’s cause of death was kidney failure, yet the paperwork he received did not indicate that any lab work was performed to justify the need for a calcium injection for Annie. Mr. Winger asserts that it was not clear if Annie had elevated calcium levels in her system due to her kidney issues, or if the injection was what “put her over the edge.” Mr. Winger adds that he was not given any after-care

¹ This complaint was designated by the Board as Case No. 1021A.

instructions for Annie when she was released following her surgery, and if lab work had been performed, perhaps there was a different course of action that could have been followed.

5. By letter to Respondent dated October 7, 2021, the Board transmitted a copy of Mr. Winger's complaint and requested that Respondent file a written response thereto within 30 days.

6. The Board received Respondent's written response, submitted by his counsel, on or about November 8, 2021, which included Annie's medical records. Respondent maintains that when Annie was examined at Audubon on or about January 6, 2019, it was determined that she was in a stage of non-progressive labor and that she exhibited a green, vaginal discharge. Respondent states that Mr. Winger allowed Annie to labor too long before he sought care for her, which resulted in an emergency C-section for Annie. Respondent asserts that Mr. Winger refused any pre-surgery lab work for Annie and that she ultimately passed away from kidney failure shortly after the surgery was completed. The necropsy performed the day after the surgery revealed that Annie died from prolonged dystocia with chronic kidney disease.

7. On or about October 7, 2021, the Board received a second written complaint and supporting documentation from Mr. Winger regarding the veterinary care that his dog "Luna" received from Respondent at Audubon.²

8. Mr. Winger's complaint states that on October 4, 2021, he brought Luna to Audubon to have a C-section performed. Mr. Winger maintains that approximately three hours later, Audubon brought Luna and her puppy outside for discharge in the pouring rain without blankets, where Luna appeared to be very unbalanced to stand or walk. Mr. Winger asserts that the puppy was having a difficult time latching to Luna to nurse, and that they checked on Luna approximately every thirty minutes to one hour, but that Luna ultimately passed away that evening.

²This complaint was designated by the Board as Case No. 1021B.

9. By letter to Respondent dated October 7, 2021, the Board transmitted a copy of Mr. Winger's complaint and requested that Respondent file a written response thereto within 30 days.

10. The Board received Respondent's written response, submitted by his counsel, on or about November 8, 2021, which included Luna's medical records. Respondent maintains that when Luna was brought in to Audubon in the early morning hours of October 4, 2021 for an emergency C-section, it was determined that she had been in labor somewhere between six and twelve hours. Respondent states that Mr. Winger had called Audubon that morning around 4:00 a.m., and was advised to bring Luna to the emergency clinic due to concerns that she had been in labor for quite some time, but that Mr. Winger refused the recommendation.

11. Respondent asserts that an x-ray performed showed that two fetuses were present, and that one was stuck in the birth canal. Respondent states that the physical examination performed revealed that Luna had green vaginal discharge present, which Mr. Winger asserts was not present the day prior. Respondent adds that he recommended pre-surgery blood work, but that Mr. Winger refused. Respondent asserts that during the C-section, it was discovered that the puppy lodged in the birth canal was dead, but that the other puppy was delivered and ultimately able to nurse.

12. Respondent maintains that Luna recovered from the surgery, that her vitals were within normal limits, that she was able to stand prior to discharge, and that Mr. Winger did not follow the advice to retrieve Luna after surgery with a warm box. Respondent asserts that although he could not comment on Luna's specific cause of death, she was in stable condition at the time she was released from Audubon. Respondent opines that Luna was very likely in labor far too long by the time she presented to Audubon for her C-section, and that the decision to permit Luna

to remain in labor for so long meant that Luna was at a high risk for complications from the procedure.

13. The Board's Complaint Committee reviewed Mr. Winger's complaints, Respondent's response thereto, and the medical records submitted therewith and found probable cause to believe that Respondent failed to maintain complete patient medical records, as the records did not contain vital signs, anesthesia monitoring, any post-operative exam notes, and any post-care instructions, in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. §§ 26-1-8.1.5 and 26-4-5.2.a.

14. Upon recommendation of the Complaint Committee, and after reviewing the aforementioned complaints, responses, and accompanying documents, the Board, by majority vote at its meeting on January 6, 2022, determined there was sufficient evidence to warrant further proceedings and that further action should be taken against Respondent.

CONCLUSIONS OF LAW

1. Respondent is a licensee of the Board, holding License No. 50-2010, and is therefore subject to the license requirements and disciplinary rules of the Board.

2. The Board is a state entity created and governed by W. Va. Code §§ 30-10-1 *et seq.*, and is empowered to regulate the practice of veterinary medicine in the State of West Virginia.

3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline an individual's license to practice veterinary medicine under the authority granted to it by W. Va. Code §§ 30-10-5 and 30-10-19 and W. Va. Code R. §§ 26-1-8 and 26-2-1 to 26-2-6.

4. Respondent does not contest that the Board has probable cause to charge him with one or more violations of the Board's governing statutes and rules based upon its investigation and findings in this matter.

5. The conduct described in the above *Findings of Fact* would, if proven, constitute violations of W. Va. Code § 30-10-19 and W. Va. Code R. §§ 26-1-8 and 26-4-5.2.a. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Timothy Knotts, by signing this Consent Agreement and Order, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this Consent Agreement and Order voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to encourage me to make this settlement other than as set forth in this document.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. I am aware of my legal rights regarding this matter, but I have chosen to waive those rights intelligently, knowingly, and voluntarily.

4. I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, Timothy Knotts, by affixing his signature hereto, agrees to the following Order.

ORDER

Based on the foregoing, the Board does hereby ORDER and DECREE as follows:

1. Respondent is hereby REPRIMANDED for his actions in this matter.
2. Respondent shall attend the Board's continuing education seminar on the topic of medical record keeping to be held on September 23, 2022. The continuing education hours earned during the seminar do not count toward the required eighteen (18) hours of continuing education.
3. Within three (3) months after taking the above-mentioned medical record keeping continuing education, Respondent shall submit to the Board for its review five (5) patient medical records completed and maintained by him.
4. Within three (3) months from the date of the entry of this Order, Respondent shall reimburse the Board the costs of this proceeding, including but not limited to, the administrative and legal expenses incurred by the Board in the investigation and disposition of this case.
5. Any failure to comply with all provisions in the Consent Agreement and Order may result in additional disciplinary action, up to and including the suspension or revocation of Respondent's license to practice veterinary medicine in the State of West Virginia.
6. This document is a public record as defined in W. Va. Code § 29B-1-2. The Board is bound by law and by this Agreement to report the results of all disciplinary actions, including this matter, for posting in the AAVSB Veterinary Practitioners Disciplinary Database and for posting on the Board's website.
7. This Consent Agreement and Order constitutes the entire agreement between the parties.

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In recognition of this Consent Agreement and Order, we hereby affix our signatures.

WEST VIRGINIA BOARD OF VETERINARY MEDICINE

By: John R. Wilson DVM
Dr. John R. Wilson, Board Chairman

Entered: 3-22-2022
Date

REVIEWED AND AGREED TO BY:

Tim Knotts DVM
Timothy Knotts, DVM
Respondent

3/16/22
Date

This day personally appeared before me, Timothy Knotts, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of his knowledge, information, and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 16th day of March, 2022.

My Commission expires: July 15, 2023

Shelli Gray
Notary Public

