

**BEFORE THE WEST VIRGINIA BOARD OF VETERINARY MEDICINE**

**WEST VIRGINIA BOARD OF  
VETERINARY MEDICINE,**

**COMPLAINANT,**

**V.**

**CASE NO. 0321A**

**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 matter. As a means of compromise, the Board and Respondent hereby agree to resolve this matter 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 this matter.

WHEREAS, Respondent hereby waives the filing of a formal Statement of Charges and the parties mutually desire to settle this matter 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, held an active license with the Board and practiced veterinary medicine in the State of West Virginia.

2. On or about March 9, 2021, the Board received a written complaint and supporting documentation from Daniel Smith (“Mr. Smith”) regarding the veterinary care that his cat “Peep Peep” received from Respondent.

3. Mr. Smith reports in his complaint that on February 16, 2021, he brought Peep Peep to Audubon Animal Clinic to be spayed. In the complaint, Mr. Smith provided background information about Peep Peep’s frail physical condition in order to demonstrate both his care for Peep Peep, as well as Audubon Animal Clinic’s knowledge of the cat’s frail condition.

4. Mr. Smith alleges that he made the appointment for Peep Peep to be spayed three months in advance, and when it came time for the appointment, Mr. Smith called Audubon Animal Clinic to inform them that he thought that Peep Peep may have been in heat and that he questioned whether he should reschedule the appointment to have the cat spayed. Mr. Smith further alleges that he brought in Peep Peep for the procedure, based on Audubon Animal Clinic’s assurance that it would be okay to do so. Mr. Smith alleges that Audubon Animal Clinic “[b]otched” his cat’s routine surgery, which resulted in Peep Peep’s death.

5. On or about April 9, 2021, Respondent, through counsel, provided a response to the complaint. In his response, Respondent stated that the pre-operative examination performed on Peep Peep was normal and determined that the cat was at minimal risk. Respondent maintained that Mr. Smith did not provide any information about his cat that would indicate that Peep Peep was in heat. Respondent stated that as a result, the requested and consented to procedure was performed. Respondent added that during the procedure, it was determined that the cat was in heat, which was documented in the medical chart under the title “urinary/Reproduction.”

6. Respondent explained that the spay technique conducted was consistent with that used on any other cat in estrus. Respondent noted that the ovarian pedicles were tied overhand on themselves, and the transfixing ligature on the uterine stump was tied tightly enough to blanch the tissue. Respondent maintained that there was no active bleeding at the time the site was closed, and that there were no complications from anesthesia. Respondent stated that Peep Peep recovered normally from the procedure and that her systems were evaluated as being within the normal limits. Respondent asserted that he rechecked the cat post-surgery before she was released from care.

7. Respondent stated that Mr. Smith called Audubon Animal Clinic the morning of February 17, 2021 and communicated to the staff that the cat seemed to be sedate or acting strangely. Respondent maintained that the staff advised him to bring in the cat for an examination, but the request was refused. Respondent asserted that Mr. Smith called a second time that morning and stated that the cat was vocalizing. Respondent maintained that once again, the staff advised him to bring in the cat for an examination, which request was refused a second time. Finally, Respondent stated that Mr. Smith called a third time on February 17, 2021, during which time Mr. Smith stated that Peep Peep had died. Audubon Animal Clinic performed a necropsy on the cat that same day, which noted that the cause of death was determined to be exsanguination into the

abdominal cavity. Respondent noted that Audubon Animal Clinic refunded the full amount Mr. Smith paid for the spay procedure as a gesture of good faith, but denied Mr. Smith's request to reimburse him for the cost of the cat's cremation.

8. Respondent stated that the necropsy demonstrated that the procedure was properly performed. Respondent added that the cat was not determined to have been in heat until the procedure was being performed. Finally, Respondent asserted that it is not a deviation from the standard of care to perform a spay procedure when a cat is in heat. Respondent maintained that had Mr. Smith brought his cat to Audubon Animal Clinic, as advised, during the morning of February 17, 2021, the cat could have been timely examined and potentially saved.

9. The Board's Complaint Committee reviewed Mr. Smith's complaint, Respondent's response thereto, and the medical records and other documents submitted therewith and found probable cause to believe that Respondent failed to meet the applicable standard of care by failing to discuss the risk factors of the spay surgery on an in-heat cat with Mr. Smith, by failing to maintain accurate patient medical records, and by making the clinical decision to perform the spay surgery on an in-heat cat with the use of Adequan and <sup>Sponsor</sup> Ansior in violation of W. Va. Code § 30-10-19(g)(3) and W. Va. Code R. §§ 26-1-8.1.5, 26-4-5.1.c.2, 26-4-5.2.a, and 26-4-5.3.b.

10. Upon recommendation of the Complaint Committee, and after reviewing the aforementioned complaint, response, and accompanying documents, the Board, by majority vote at its meeting on July 30, 2021, 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. 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. Within six (6) months from the date of entry of this Order, Respondent shall complete three (3) hours of Board-approved continuing education on the subject of clinical decision making or pharmacology.
3. Within six (6) months from the date of entry of this Order, Respondent shall complete three (3) hours of Board-approved continuing education on the subject of medical record keeping.
4. 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.
5. Within six (6) 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.

6. 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.

7. 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.

8. 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: 9 - 15 2021  
Date

REVIEWED AND AGREED TO BY:

Tim Knotts DVM  
Timothy Knotts, DVM  
Respondent

9/9/21  
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 9th day of September, 2021.

My Commission expires: July 15, 2023

Shelli Gray  
Notary Public

