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

IN THE MATTER OF:	*	
RONALD O. SCHUELER, D.V.M.	*	DOCKET NO.: 02-023
LICENSE NO. 4002	*	

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CONSENT AGREEMENT

This Agreement, dated this 3rd day of November 2003, is between the State Board of Veterinary Medical Examiners ("Board") and Ronald O. Schueler, D.V.M., License No. 4002. The Agreement concerns the charges that the Board filed against Dr. Schueler, alleging that he violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to his treatment of Big Boy, an eight year-old, male Labrador Retriever, owned by Peter and Gretchen Leimbach.

Under the Veterinary Practice Act, the Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with Board ... regulations after receiving a license" (Md. Code Ann., Agric. Art., §2-310(8)); and in lieu of, or in addition to, suspending a veterinarian's license, the Board may impose a civil penalty of not more than $5,000 (Md. Code Ann., Agric. Art., §2-310.1).

More specifically, in this matter, the Board charged Dr. Schueler, a specialist in veterinary neurology, as follows:

(1) That he failed to diagnose that Big Boy was suffering from diskospondylitis at the T13-L1 intervertebral disk space, when the radiographic evidence before him was consistent with this disease (to wit: obvious bone lysis at the vertebral endplates with an irregular pattern), and for this reason, failed to conform to the minimal standards of care and treatment which are customary among these specialists, a violation of COMAR 15.14.01.07B; and

(2) That he failed to make a proper record of the dorsal laminectomy that he performed on Big Boy on or about October 25, 2001 (albeit, an aborted

procedure), and for this reason, failed to comply with the recordkeeping requirements of COMAR 15.14.01.10.

In exchange for Dr. Schueler's agreement not to contest these charges, and in light of his unblemished record with the Board, the Board agrees that the sanction to be imposed against Dr. Schueler in this matter be limited to a Censure.

FINDINGS OF FACT

Dr. Schueler, by entering into and signing this document, acknowledges that the Board could produce evidence supporting the following Findings of Fact:

1. At all times relevant to the charges, Dr. Schueler was, and is, a veterinarian licensed to practice veterinary medicine in the State of Maryland.

2. Dr. Schueler is a specialist in veterinary neurology, and has a referral practice. In addition to receiving a Doctor of Veterinary Medicine, Dr. Schueler is a Diplomate of the American College of Veterinary Internal Medicine, Neurology.

3. On or about June 27, 2001, Dr. Schueler undertook the care of Big Boy, an eight year-old, male Labrador Retriever, owned by Peter and Gretchen Leimbach. Karen Hamilton, D.V.M., had referred Big Boy to Dr. Schueler for evaluation of the dog's posterior paresis.

4. After his initial physical and neurologic examination of Big Boy, Dr. Schueler opined that the dog was suffering from spinal cord disease, with the most likely localization being between the T13-L3 spinal cord segments. After further work-up, which included thoracic radiographs and a lumbar myelogram (which Dr. Schueler opined revealed ventral extradural spinal cord compression at the T13-L1 and L3-L4 disk sites), Dr. Schueler recommended decompressive surgery over the affected disk spaces.

5. On or about June 28, 2001, Dr. Schueler performed a laminectomy at the T13-L1 and L3-L4 disk sites. On the following day, Dr. Schueler discharged Big Boy to the

Leimbachs. Following discharge, Dr. Schueler continued to provide post-operative care to Big Boy.

6. On or about October 4, 2001, due to the severe deterioration of Big Boy's neurologic status, Dr. Schueler advised that the dog be presented for another physical/neurological examination. After examining Big Boy, Dr. Schueler prescribed Prednisone (20 mg, one orally every twelve hours) to reduce suspected spinal cord inflammation.

7. On or about October 23, 2001, after being informed the previous day that Big Boy had shown no improvement, Dr. Schueler examined the dog. On presentation, Big Boy was non-ambulatory with paraparesis, and would only walk with assistance. Dr. Schueler advised that a second lumbar myelogram be performed.

8. On or about October 24, 2001, Dr. Schueler performed the recommended myelogram. Based upon the radiographs he took on this date, Dr. Schueler should have, but failed to, diagnose that Big Boy was suffering from diskospondylitis at the T13-L1 intervertebral disk space. The characteristic radiographic findings of diskospondylitis (to wit: obvious bone lysis at the vertebral endplates with an irregular pattern) were evident on these radiographs. In fact, the radiographic evidence that Dr. Schueler had before him was consistent with this disease (many cases of diskospondylitis are diagnosed based upon characteristic radiographic abnormalities, and treatment oftentimes is initiated based upon radiographic diagnosis, although culturing the offending organism is often recommended). Because of his mistake, Dr. Schueler failed to take appropriate diagnostic and therapeutic measures (*e.g.*, culturing material from the suspected site of infection, and administering antibiotics).

9. On or about October 25, 2001, Dr. Schueler started a dorsal laminectomy, but stopped halfway through the procedure after noting severe spinal canal scarring and derangement of normal anatomy. Dr. Schueler failed to make a proper record of this surgical procedure. On or about October 26, 2001, after speaking to the Leimbachs, Dr. Schueler performed another dorsal laminectomy over the surgical site.

10. On or about October 27, 2001, Dr. Schueler, while observing that Big Boy had sensation, noted that the dog had no improvement in his neurologic status. On or about October 30, 2001, Dr. Schueler discharged Big Boy to the Leimbachs.

11. On or about November 2, 2001, the Leimbachs presented Big Boy to Daren M. Roa, D.V.M., Diplomate, ACVS, Chesapeake Veterinary Referral Center, for a second opinion. After reviewing Dr. Schueler's October 24, 2001, radiographs of Big Boy, Dr. Roa opined that Big Boy was suffering from diskospondylitis at the T13-L1 intervertebral disk space, with collapse and subluxation of the vertebrae. To treat the infection, Dr. Roa began Big Boy on Cephalexin therapy.

12. On or about December 20, 2001, the Leimbachs presented Big Boy to the Veterinary Hospital of the University of Pennsylvania. After examining and taking radiographs of Big Boy, Amy Allwood, D.V.M., an emergency veterinarian at that facility, made the following diagnosis: "Pathologic fracture T-13 probably due to osteomyelitis (vs. neoplasia)." On or about December 21, 2001, the Leimbachs elected to have Big Boy euthanzied.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

1. In failing to diagnose that Big Boy was suffering from diskospondylitis at the T13-L1 intervertebral disk space, when the radiographic evidence before him was consistent with this disease (to wit: obvious bone lysis at the vertebral endplates with an irregular pattern), Dr. Schueler, a specialist in veterinary neurology, failed to conform to the minimal standards of care and treatment which are customary among these specialists, a violation of COMAR 15.14.01.07B; and

2. In failing to make a proper record of the dorsal laminectomy that he performed on Big Boy on or about October 25, 2001 (albeit, an aborted procedure), Dr. Schueler

failed to comply with the recordkeeping requirements of COMAR 15.14.01.10.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Schueler violated COMAR 15.14.01.07 and 15.14.01.10, it is this 3rd day of November, 2003, by the State Board of Veterinary Medical Examiners, **ORDERED** that Dr. Schueler is **CENSURED**.

Nov 3, 2003
Date

John Paul O'Mara, D.V.M.
President
State Board of Veterinary
Medical Examiners

CONSENT

I, Ronald O. Schueler, 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 could produce evidence supporting 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 Order.

I sign this Consent Order 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.

10/29/03
Date

Ronald O. Schueler, D.V.M.
Respondent

NOTARY

STATE OF Maryland
~~**CITY**~~**/COUNTY OF** Baltimore

I HEREBY CERTIFY that on this 29th day of October, 2003, before me, a Notary Public of the State and City/County aforesaid, personally appeared Ronald O. Schueler, D.V.M., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

J. Michael Recher
Notary Public

J. MICHAEL RECHER NOTARY PUBLIC BALTIMORE COUNTY, MD.

My Commission expires: 6/1/06