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

IN THE MATTER OF:	*	
ANNA DECHTIARUK, D.V.M.	*	**DOCKET NO. 17-46A, B & C**
LICENSE NO. 6157	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 15th day of May 2019, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Anna W. Dechtiaruk, D.V.M. ("Dr. Dechtiaruk"), License No. 6157. This Consent Agreement resolves the charges filed by the SBVME on or about June 8, 2018 in Docket No. 17-46A, B & C, alleging that Dr. Dechtiaruk violated the Veterinary Practice Act , Agriculture Article, §§ 2-301 – 2-316, Annotated Code of Maryland, and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17 set forth herein.

By letter dated June 15, 2018, Dr. Dechtiaruk, through counsel, requested a hearing. Thereafter, the parties engaged in discussions in an effort to resolve this matter, which included Dr. Dechtiaruk's appearance with her counsel at a Resolution Conference on December 6, 2018. Thereafter, Dr. Dechtiaruk agreed to waive her right to a hearing in Docket 17-26 and to entry of this Consent Order under the terms and conditions set forth herein.

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. Art., §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. Md. Code Ann., Agric. Art., § 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 regulatory civil penalty standards. Md. Code Ann., State Gov't Art. § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Anna Dechtiaruk, D.V.M., License Number 6157, by entering into and signing this Consent Agreement, while generally and specifically denying liability, 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. Dechtiaruk committed seven violations COMAR 15.14.01.07 (Professional Judgment and Practice) and six violation of COMAR 14.15.01.10A (Record Keeping) as follows:

1. At all times relevant to these charges, Dr. Dechtiaruk was a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 2007. Dr. Dechtiaruk has no disciplinary history with the Board. At the time of the incidents described in these charges, Dr. Dechtiaruk was employed by Main Street Veterinary Hospital ("Hospital") (License No. 03-040), located at 11617 Reisterstown Road, Reisterstown, Maryland 21136.

2. On or about January 2, 2017, three kittens presented at the Hospital for declaw surgery (onychectomies). One of the kittens, a 5 ½ month-old-female named "Isabelle," was owned by Michael Eye II ("Mr. Eye"). The other two kittens, "Stinker," and "Tater Tot," both seven months-old, were owned by Judy Hemler ("Ms. Hemler").

3. Dr. Dechtiaruk was the attending veterinarian for all three kittens and was responsible for performing the declaw surgery at the Hospital.

4. On January 2, 2017, Dr. Dechtiaruk performed declaw surgery on all three kittens. With regard to the records of each of the three surgeries, Dr. Dechtiaruk did not detail the method by which the surgery

was performed. In addition, Dr. Dechtiaruk did not prepare any anesthesia log, as required by COMAR 15.14.01.10A(10).

5. For all three kittens, Dr. Dechtiaruk's medical records for the surgery did not specify the dosages or concentrations of the drugs used, specifically Xylazine, Buprenex and Lidocaine, as required by COMAR 15.14.01.10A(8).

6. During the surgery, Dr. Dechtiaruk used improper surgical technique on Tater Tot, in violation of the applicable standard of care. Evidence of this improper technique can be seen on subsequent x-rays, which show that the distal portion of P2 is missing on all ten of Tater Tot's digits.

7. Dr. Dechtiaruk also prescribed and recommended administration of prednisolone for all three kittens in the four days post-surgery. Dr. Dechtiaruk would have chosen to prescribe and administer Onsior, but the medication was not available. Prednisolone is known to inhibit wound healing and should only be administered in exceptional circumstances. The dosage and frequency of administration of prednisolone for all three cats was inappropriate and outside of the applicable standard of care.

8. In the days immediately after the surgeries, Dr. Dechtiaruk was responsible for applying bandages to the paws of all three kittens. According to staff at the Hospital, the day after the surgery, Dr. Dechtiaruk bandaged and/or ordered staff to bandage the paws of all three kittens very tightly. By bandaging too tightly, Dr. Dechtiaruk restricted circulation to the kittens' paws and increased the risk of post-surgical complications. Dr. Dechtiaruk also left some of the bandages on longer than was standard practice.

9. Following the surgery, all three kittens suffered severe complications. Isabelle had a tendency to be fractious. Dr. Dechtiaruk planned to remove her bandages on the morning of January 3, 2017, the day following surgery. However, due to Isabelle's behavior, the bandages were left on for another day, until January 4, 2017. Isabelle's paws remained bandaged for too long, in violation of the standard of care. Both of Isabelle's paws became very swollen. Ultimately, her paws became severely necrotic, with bone protruding. Faced with Isabelle's suffering resulting from the complications, her owner, Mr. Eye, chose to have her euthanized.

10. Post-surgery complications for Stinker included skin sloughing and permanent scarring on both paws, as well as damage to the right paw which may require future medical attention. Stinker was hospitalized for nearly three months as a result of complications from the declaw surgery.

11. Following the declaw surgery, Tater Tot had moderate skin sloughing on her right paw. Her left paw became totally necrotic. On April 6, 2017, a skin graft was performed in an effort to save the paw. However, it failed. Ms. Hemler sought other medical care for Tater Tot, which included conservative efforts to save Tater Tot's left leg. Ultimately, on January 18, 2018, Tater Tot's left leg was amputated. Tater Tot was hospitalized for almost a year before the amputation and had to be re-hospitalized after the amputation. Tater Tot will continue to require specialized care and supportive aids.

Based on the foregoing findings of fact, the SBVME, concludes Dr. Dechtiaruk committed two violations of COMAR 15.14.01.07 (Professional Judgment and Practice), in her care and treatment of "Isabelle," a kitten owned by Michele Eye, II, by bandaging Isabelle's paws too tightly post-surgery, and/or leaving the bandages on too long, resulting in ischemic damage to the vessels supplying the lower part of the leg and/or other complications and by prescribing an inappropriate drug, namely Prednisolone, a drug known to inhibit wound healing and which should only be administered in exceptional circumstances, for four days following the surgery. With regard to Stinker and Tater Tot, two kittens owned by Judy Hemler, Dr. Dechtiaruk committed two violations of COMAR 15.14.01.07 (Professional Judgment and Practice) for each kitten through the same conduct. In connection with Tater Tot, Dr. Dechtiaruk committed an additional violation of COMAR 15.14.01.07 by removing the distal portion of P2 on all ten of Tater Tot's digits. Dr. Dechtiaruk also committed six violations of COMAR 15.14.01.10 (Record Keeping) in connection with her care of the three kittens, as set forth herein.

Taking the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of prior disciplinary history at the time of the complaint, her acceptance of responsibility and remorse for the outcome, and her good faith efforts to resolve 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 15th day of Mayl, 2019, by the State Board of Veterinary Medical Examiners, ORDERED that

(a) For each of the seven violations of COMAR 15.14.01.07 (Professional Judgment and Practice), Dr. Dechtiaruk shall pay a civil penalty of $500.00, for a total civil penalty of $3,500 for professional judgment violations;

(b) For each of the six violations of COMAR 15.14.01.10 (Record Keeping), Dr. Dechtiaruk shall pay a civil penalty of $500.00, for a total civil penalty of $3,000 for record keeping violations;

(c) That the total civil penalty ($6,500) shall be paid by Dr. Dechtiaruk within thirty-six (36) months of the date of this order, and may be paid in installments in accordance with a schedule proposed by Dr. Dechtiaruk and approved by the Board, so long as the full amount of the civil penalty is paid within thirty-six months of the date of this Consent Order. As an alternative to making payment(s) to the Board, Dr. Dechtiaruk may pay the full amount of the civil penalty in a single payment as a charitable contribution to a feline-related charity that has been preapproved by the Board. If Dr. Dechtiaruk chooses to make a charitable contribution, she shall use a form supplied by the Board which has been completed by the pre-approved charitable organization which reflects that the contribution was made to satisfy this Consent Order and may not be used as a tax deduction or other business expense. If Dr. Dechtiaruk opts to make a lump sum charitable contribution, the contribution must be made and acceptable documentation must be supplied to the Board within thirty-six (36) months from the date of this order;

(d) Dr. Dechtiaruk's license shall be suspended for six (6) weeks, with three weeks stayed. The agreed upon period of suspension, from December 6, 2018 through January 19, 2019, has been served prior to the date of this Order;

(e) Dr. Dechtiaruk shall serve a period of probation of thirty-six (36) months from the date of this Consent Agreement and 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. The veterinarian shall promptly respond to document requests from the Board for copies of medical records for Board review to ensure compliance with Board regulations. 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 will result in any stay of sanctions being lifted, and the Board ordering the veterinarian to comply with the sanctions; in this case, suspension of the license for additional week(s); and

(f) As an additional condition of probation, Dr. Dechtiaruk shall complete continuing education ("CE"), pre-approved by the Board, as follows:

(i) 12 hours of CE in surgery, bandaging, and wound care;

(ii) Completion of the entire Veterinary Medical Records course offered online at www.drip.vet; and

(iii) Completion of Section 1 (Moral, Ethical, and Legal Decision Making), Section 6 (Professional Negligence/Paw and Order) and any third section of her choice from the online Veterinary Law and Ethics course referenced above.

The CE shall be completed and verification of completion provided to the Board within thirty-six (36) months from the date of this Order. To verify completion of all required CE, Dr. Dechtiaruk's CE records may be subject to audit by the Board at any time. Proof from the CE provider shall include Dr. Dechtiaruk's name, the number of hours of CE completed, the topics covered, and the dates the CE were given. This CE will **not** be counted towards the 18 credit hours of CE required annually for re-registration of the veterinary license and the Board may audit CE records for relevant years to verify full

completion of the CE required annually for all veterinary practitioners as well as the CE provided for in this Consent Order.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 15th day of May, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Heather Hendler, V.M.D.
Vice-President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Anna Dechtiaruk, D.V.M., 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. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of ___ pages. 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.

5-1-19
Date

Anna Dechtiaruk DVM
Anna Dechtiaruk, D.V.M.

NOTARY

STATE OF MD
CITY/COUTY OF Carroll

I HEREBY CERTIFY that on this 1 of May, 2019 before me, a Notary Public of the City/County aforesaid, personally appeared Anna Dechtiaruk, 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.

Eileen M Rambo
Notary Public
My commission expires: 8/6/2021

EILEEN M RAMBO
Notary Public
Carroll County
Maryland
My Commission Expires Aug. 06, 2021