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. 17-51**
LICENSE NO. 4002	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 30 day of September 2019, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Ronald O. Schueler, D.V.M. ("Dr. Schueler"), License No. 4002. This Consent Agreement resolves the charges filed by the SBVME on or about January 29, 2019 in Docket No. 17-51, alleging that Dr. Schueler 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 February 5, 2019, Dr. Schueler, through counsel, requested a hearing. Thereafter, the parties engaged in discussions in an effort to resolve this matter. Ultimately, Dr. Schueler agreed to waive his right to a hearing and any appeal in Docket 17-51 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

Ronald O. Schueler, D.V.M., License Number 4002, 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. Schueler violated COMAR 15.14.01.07 (Professional Judgment and Practice) as follows:

1. At all times relevant to this charge, Dr. Schueler was a veterinarian licensed to practice in the State of Maryland, where he has been licensed since 1991. Dr. Schueler has a prior disciplinary history with the Board that includes a Consent Agreement and Order entered into in Docket No. 02-23, wherein the Board found that Dr. Schueler provided substandard care to a dog in violation of COMAR 15.14.01.07 (Professional Judgment) and failed to keep appropriate medical records in violation of COMAR 15.14.01.10 (Record Keeping).

2. At all times relevant to this charge, Dr. Schueler was the owner and responsible veterinarian at a veterinary hospital, Ronald O. Schueler, DVM, LLC, also known as Veterinary Neurology & Rehabilitation Center ("Hospital"), located at 3132 Halter Road, Westminster, Maryland 21158. The Hospital is licensed by the Board as License No. 06-032.

3. On or about February 7, 2017, Richard Fahnestock ("Mr. Fahnestock") and Stephanie Fahnestock ("Ms. Fahnestock") (collectively "Owners") took their 13-year old male Lhasa Apso named "Lelo" to the Hospital where Dr. Schueler became Lelo's treating veterinarian. Lelo had been experiencing pain and mobility issues in his back and rear legs since December 2016 and had been treated by his regular

veterinarian without success. The Owners were seeking a neurology consultation with Dr. Schueler regarding these issues.

4. Dr. Schueler performed a physical and neurological exam on Lelo and noted a grade IV/VI systolic heart murmur along with paraparesis (grade III/VI lameness) with severe ataxia. Dr. Schueler noted neurolocalization at T3-L3. Dr. Schueler performed blood work, blood gases, a urinanalysis, a urine culture, and a cerebrospinal fluid analysis. Additionally, Dr. Schueler performed an ultrasound and abdominal and thoracic radiographs, which revealed cardiomegaly. Further, while Lelo was under general anesthesia, Dr. Schueler performed a rectal exam, myelogram, and Magnetic Resonance Imaging ("MRI").

5. Following the examination and testing, Dr. Schueler told Mr. Fahnestock that Lelo had two ruptured discs which were affecting the nerves in Lelo's back and making him unable to walk. Dr. Schueler recommended surgery. The Owners stated they had recently lost another dog to cancer and specifically told Dr. Schueler that if Lelo had cancer they would not consent to surgery or any further procedures and would elect to euthanize Lelo. Dr. Schueler did not advise the Owners of any diagnostic findings suggesting cancer or the possibility of cancer.

6. The same day, on February 7, 2017, Dr. Schueler performed a dorsal thoracolumbar laminectomy on Lelo at L2-L3 and L3-L4. Lelo was discharged on February 10, 2017. Dr. Schuler recommended a follow up appointment in 2 weeks and strict kennel confinement for 8 weeks. According to the Owners, over the next two weeks, Lelo's condition worsened. On February 24, 2017, Lelo went to a follow-up appointment and a physical therapy session. Lelo did not improve.

7. On March 1, 2017, Lelo was inappetent, not drinking, and having difficulty defecating so the Owners took Lelo to their regular veterinarian in Pennsylvania. That veterinarian palpated a thickening in the caudal abdomen, performed a rectal exam, and found a palpable mass along the ischial rim on the left side of the pelvic inlet. The veterinarian set up a follow-up appointment with Dr. Schueler later that day. Dr. Schueler performed a physical examination and noted a 1/3 cm mass on the left hemi pelvis. Dr. Schueler recommended pelvic radiographs and an ultrasound, to which the Owners consented. He

also recommended a biopsy with histopathology, which the Owners scheduled for the next day but later cancelled.

8. Instead, on March 2, 2017, the Owners took Lelo to Pet Emergency Treatment and Specialties, Inc. ("PETS") in Lancaster, Pennsylvania for a second opinion. Dr. Sarah Dowling ("Dr. Dowling"), who was Lelo's attending veterinarian, performed an examination and an ultrasound. Dr. Dowling palpated a sublumbar mass on rectal exam which was causing obstruction of the descending colon. Dr. Dowling also noted a right-sided, pea-sized anal gland mass, a left-sided anal gland mass larger than 1 cm, and markedly enlarged sublumbar lymph nodes. Dr. Dowling suspected that Lelo had a metastatic anal sac adenocarcinoma, although a final diagnosis was not made. Because Lelo was in pain, and due to the poor prognosis, the Owners elected to have Lelo euthanized at PETS that day.

9. After Lelo died, the Owners filed a complaint with the Board, which the Board investigated. The Owners alleged, among other things, that Dr. Schueler missed the cancerous mass on imaging done before Lelo's surgery.

10. The Board found that the neurological examinations of this patient performed by Dr. Schueler supported a finding of spinal cord disease in the middle of the back, between the high thoracic vertebrae (T3-4) and the cranial lumbar vertebrae (L3-4). Therefore, surgical treatment was appropriate to consider.

11. However, the Board concluded that the suspect sublumbar mass was present at the time of Dr. Schueler's initial evaluation of Lelo and was missed by Dr. Schueler, in violation of the applicable standard of care, particularly the standard of care applicable to a specialist. On the abdominal radiographs performed on February 7, 2017 by Dr. Schueler, there is a suspect soft tissue mass-effect ventral to the mid-L5 vertebral body extending caudally to the level of the pelvic canal and dorsal to the colon. There is ventral deviation of the colon. This same suspect abnormality is identified in the myelogram series from the same date, February 7, 2017. Using L2 vertebral body length as a reference, as the images are not calibrated, the mass is approximately 7x2.5 cm in all views in these imaging series. This suspect mass was not observed on the abdominal ultrasound performed that day, which was

confirmed by a board certified radiologist. This same abnormality is present on the pelvic radiographs performed by Dr. Schueler on March 1, 2017. Dr. Schueler, acting in accordance with the standard of care applicable to specialists, should have identified this abnormality and advised the Owners about it.

12. While the suspect mass present on the abdominal radiographs and myelogram images from February 7, 2017 is difficult to identify on the MRI, there is some evidence that might have suggested the mass, which was diagnosed by another neurologist not a radiologist. This was not noted on the abdominal ultrasound.

13. By failing to identify the suspect sublumbar mass on the abdominal radiographs and thoracolumbar myelogram performed on February 7, 2017, Dr. Schueler was not able to inform the Owners regarding the presence of the suspect mass before discussing treatment options for Lelo. Without that information, the Owners were unable to make an informed decision as to the overall health of Lelo when deciding the treatment course for chronic disc disease.

Taking the facts and circumstances into consideration, including the nature of the violation, the veterinarian's disciplinary history at the time of the events giving rise to the complaint, and as well as his 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 20 day of September 2019, by the State Board of Veterinary Medical Examiners, ORDERED that for violation of COMAR 15.14.01.07 (Professional Judgment and Practice):

(a) Dr. Schueler shall pay a civil penalty of $1,500.00, which shall be paid within thirty (30) days of the date of this Consent Agreement by check payable to the Maryland Department of Agriculture with the notation "SBVME – 17-51";

(b) Dr. Schueler shall serve a period of probation of six (6) months from the date of this Consent Agreement. 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. 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 may result in the imposition of additional sanctions, following notice and an opportunity to be heard, including a two week suspension of Dr. Schueler's license; and

(c) As an additional condition of probation, Dr. Schueler shall complete six hours of continuing education ("CE"), pre-approved by the Board, in small animal radiology. The CE shall be completed and verification of completion provided to the Board within six (6) months from the date of this Consent Agreement. To verify completion of all required CE, Dr. Schueler's CE records may be subject to audit by the Board at any time. Proof from the CE provider shall include Dr. Schueler'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 11th day of October, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Elizabeth Callahan, D.V.M.
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Ronald O. Schueler, 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 8 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.

09/30/2019
Date

Ronald O. Schueler, D.V.M.

NOTARY

STATE OF MARYLAND
CITY/COUTY OF CARROLL

I HEREBY CERTIFY that on this 30th of September, 2019 before me, a Notary Public of the City/County aforesaid, personally appeared Ronald O. Schueler, D.V.M, and made oath in due form of law that the foregoing Consent Agreement was his/her voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public
My commission expires:

JOSEPH R. WAWRZYNSKI
NOTARY PUBLIC
CARROLL COUNTY
MARYLAND
My Commission Expires 06-15-2020