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

IN THE MATTER OF:	*	
JUDITH SIMPSON, D.V.M. (LICENSE NO.4855)	*	DOCKET NO. 17-56
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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 16th day of April, 2019, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Judith Simpson, D.V.M. ("Dr. Simpson"), License No. 4855. This Consent Agreement resolves the charges filed by the SBVME on or about November 5, 2018 in Docket No. 19-50 alleging that Dr. Simpson violated the Veterinary Practice Act and related Code of Maryland Regulations ("COMAR") as set forth herein.

By letter dated November 20, 2018, Dr. Simpson, through counsel, requested a hearing before the Board. Thereafter, the parties entered into discussions regarding resolution of the case and ultimately were able to reach an agreement to resolve the case. By entering into this Consent Agreement, Dr. Simpson waives the right to a hearing on the charging document in Docket Number 17-56 and agrees to the resolution 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

Judith Simpson, D.V.M., by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, 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. Simpson violated COMAR 15.14.01.10A (Record Keeping), as follows:

1. At all times relevant to these charges, Dr. Simpson was a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 1998. Dr. Simpson has no prior disciplinary history with the Board.

2. On or about February 25, 2017, an 11-year-old neutered male cat named "Jasper" was brought to Advanced Veterinary Complex ("Hospital") (License No. 03-062), located at 501 Main Street, Reisterstown, MD 21136, by his owners, David and Arlene Leiberman (hereinafter, "Mr. Leiberman," "Ms. Lieberman," or collectively "Owners"), because he was rapidly losing weight. Dr. Simpson was Jasper's treating veterinarian at Hospital.

3. At this visit, Dr. Simpson palpated a palm-sized mass, mid-abdomen. A radiograph and other diagnostics showed a caudal abdominal mass, but blood work was normal. Dr. Simpson recommended a change in Jasper's diet and an ultrasound, but, according to the Owners, otherwise advised that everything seemed normal.

4. On March 2, 2017, the Owners returned to Hospital. An ultrasound was performed on Jasper by Dr. Desi Kelleher ("Dr. Kelleher") (License No. 6444), an associate veterinarian at Hospital, as Dr. Simpson is not trained to read ultrasound reports. According to the ultrasound report, no abdominal masses and no overt evidence of inflammatory or neoplastic disease were found. Dr. Simpson spoke

with the Owners about the ultrasound results, and her communications lead the Owners to believe that Jasper was cancer free. Dr. Simpson again changed Jasper's diet and prescribed a dewormer.

5. On May 11, 2017, the Owners brought Jasper back to Hospital because he was continuing to lose weight and had less frequent bowel movements. Dr. Simpson palpated a doughy mass in Jasper's abdomen. Radiographs were taken and blood work was performed, which Dr. Simpson reported to be normal. Because Dr. Simpson could not diagnose the cause of Jasper's symptoms, she recommended that Jasper be seen at a referral practice. The Owners complied with this recommendation and scheduled the first available appointment at a referral practice, which was not until May 25, 2017.

6. On May 18, 2017, before Jasper could be seen at the referral practice, Mr. Leiberman brought Jasper back to Hospital because Jasper had vomited. Jasper was treated by Dr. Simpson, who gave Jasper subcutaneous fluids, and injections of Dexamethasone SP, Cerenia, and Famotidine.

7. On May 22, 2017, the Owners brought Jasper to an emergency facility, Pet +ER (License No. 03-33), because he had eaten little, had not defecated for a few days, and had vomited. At Pet + ER, Jasper was diagnosed with a large mass in his stomach, and exploratory surgery was recommended. The treating veterinarian expressed concern that Jasper's mass was cancerous.

8. On May 24, 2017, the Owners returned to Hospital to have another veterinarian perform exploratory surgery on Jasper. During surgery, that veterinarian found a nonresectable cancerous mass in Jasper's colon area which had also infected his lymph nodes. With this news, the Owners opted to have Jasper euthanized while under anesthesia.

9. The Owners subsequently filed a complaint with the Board alleging, among other things, that Dr. Simpson should have detected Jasper's cancerous mass earlier through the physical exams, blood work, radiographs, and ultrasound performed between February and May of 2017.

10. As part of its investigation, the Board obtained and reviewed Jasper's medical records. While there is a dispute between the Owners and Dr. Simpson as to whether the Owners were told that Jasper was fine after the February 25, 2017 examination, radiographs and blood work, Dr. Simpson did not document any client communication in the medical records.

11. Similarly, following an ultrasound which took place on March 7, 2017, which was conducted by another veterinarian at the practice, Dr. Simpson continued to manage Jasper's case. Based on conversations with Dr. Simpson after the ultrasound was performed, the Owners believed that Dr. Simpson told them that Jasper was cancer free. While Dr. Simpson denies making such a statement, she did not document in Jasper's medical records any details of her communications with the Owners about Jasper's condition or prognosis after the ultrasound report was received..

12. On May 11, 2017, after additional diagnostics were performed, Dr. Simpson did not document any client communications reflecting the results of the diagnostics or the referral to a referral facility.

Based on the foregoing findings of fact, the Board concludes that by failing to include in the medical record information about her communications with Jasper's owner regarding Jasper's condition and prognosis following her examination on February 25, 2017 and May 11, 2017, Dr. Simpson violated COMAR 15.14.01.10A (Record Keeping).

Taking the facts and circumstances into consideration, including the nature of the violation, Dr. Simpson's lack of formal disciplinary history, and her good faith efforts to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution includes the measures set forth below.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 16th day of April, 2019, by the State Board of Veterinary Medical Examiners, ORDERED that for the violation of COMAR 15.14.01.10A (Record Keeping), Dr. Simpson is assessed a civil penalty of $300.00, payable within thirty (30) days from the date of this Consent Agreement to the "Maryland Department of Agriculture" with the notation "SBVME – 17-56."

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 16th day of April, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



David Handel, DVM
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture
50 Harry S. Truman Parkway, Room 102
Annapolis, Maryland 21401
Telephone: 410.841.5862

CONSENT

I, Judith Simpson, 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 and 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 5 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.

04/02/19
Date

Judith D Simpson
Judith Simpson, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUTY OF Baltimore

I HEREBY CERTIFY that on this 2nd of April, 2019 before me, a Notary Public of the City/County aforesaid, personally appeared Judith Simpson, 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.

Lisa A Williams
Notary Public
My commission expires:

LISA ANN WILLIAMS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires June 14, 2022