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

IN THE MATTER OF:	*	
KAREN L. HAMILTON, D.V.M.	*	DOCKET NO. 18-30A
LICENSE NO. 3880	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 3rd day of July, 2019, is issued by State Board of Veterinary Medical Examiners ("SBVME" or "Board") to reflect the resolution of the above-referenced proceeding against Karen L. Hamilton, D.V.M., ("Dr. Hamilton"), License No. 3880. On or about May 31, 2019, the Board issued charges in Docket No. 18-30A alleging that Dr. Hamilton 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.

On June 7, 2019, the Board received a check from Dr. Hamilton, reflecting her decision to waive her right to a hearing in this case and her agreement to pay the $300.00 civil penalty proposed. On June 18, 2019, Dr. Hamilton sent an email to Board counsel confirming her decision to waive a hearing, to payment of the civil penalty, and to entry of this Civil Penalty Final Order ("Order").

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

Karen L. Hamilton, DVM, License No. 3880, having had the opportunity to consult with counsel, has voluntarily agreed to waive the right to a hearing in this case and to entry of this Order, which she reviewed and consented to before it was issued by the Board. Dr. Hamilton acknowledges that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that she violated COMAR 15.14.01.10A (Record Keeping), as follows:

1. At all times relevant to these charges, Dr. Hamilton was a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 1991. Dr. Hamilton has a prior disciplinary history with the Board involving hospital licensing.

2. On or about September 19, 2016, Marie Gilbert ("Owner" or "Ms. Gilbert") took "Eve," her approximately nine-year old female giant schnauzer, to Annapolis Veterinary and Wellness ("Hospital"), License No. 02-089, for a consultation. The Hospital is located at 167 Q Jennifer Road, Annapolis, Maryland 21401. Eve had been limping and was non-weight bearing on her right hind leg, so the Owner was seeking an opinion on treatment options to address those problems. Dr. Hamilton, the owner and responsible veterinarian at the Hospital, and became Eve's treating veterinarian.

3. In the course of her treatment and after diagnostics were performed, Dr. Hamilton recommended tibial tuberosity advancement surgery ("TTA") surgery on the right stifle.

4. On or about November 15, 2016, Dr. Hamilton performed the TTA surgery on Eve. Dr. Hamilton's medical records from the surgery do not include documentation that a pre-operative physical examination was performed within twelve hours before administering anesthesia.

5. COMAR 15.14.01.10A governs record keeping for companion animals, and requires that for each animal treated, a veterinarian shall prepare a legibly written record that accurately and thoroughly reflects

the treatment provided. Among other things, the regulations require that record contain information regarding the animal's physical condition, as evidenced through a physical examination conducted not more than 12 hours before administration of anesthesia. *See* COMAR 15-14.01.10A(7).

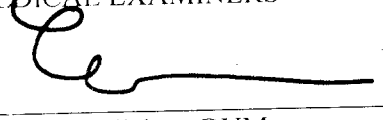
Taking all facts and circumstances into consideration, including the nature of the violation, the circumstances involved in the incident, the veterinarian's lack of disciplinary history involving record keeping violations, and the veterinarian's good faith efforts to resolve this matter promptly, the 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 3rd day of July 2019, by the State Board of Veterinary Medical Examiners, ORDERED that for violation of COMAR 15.14.01.10A(7) (Record Keeping), Dr. Hamilton shall pay a civil penalty of $300.00. The Board acknowledges full payment of the civil penalty by check received on June 7, 2019.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 3rd day of July, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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