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

IN THE MATTER OF:	*	
ERICA C. MCFARLAND, D.V.M.	*	**DOCKET NO. 18-52**
LICENSE NO. 6642	*	

* * * * * * * * * * * * *

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 22nd day of July, 2019, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Erica C. McFarland, D.V.M. ("Dr. McFarland"), License No. 6642. This Consent Agreement resolves the charges filed by the SBVME on or about June 1, 2019 in Docket No. 18-52 alleging that Dr. McFarland 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 as set forth herein.

By letter dated June 13, 2019, Dr. McFarland, through counsel, requested a hearing on the charges. Thereafter, the parties engaged in discussions in an effort to resolve this matter. Ultimately, the parties agreed to a resolution which included Dr. McFarland's agreement to waive her right to a hearing in Docket 18-52 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

Erica C/ McFarland, D.V.M., License Number 6642, 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. McFarland violated COMAR 15.14.01.07 (Professional Judgment and Practice) and COMAR 15.14.01.12.2F (Dispensing of Federal Legend Drugs or Veterinary Prescription Drugs) as follows:

1. At all times relevant to these charges, Dr. McFarland was a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 2010. Dr. McFarland has no disciplinary history with the Board.

2. At times relevant to these charges, Dr. McFarland was working at Banfield Pet Hospital #1348 ("Hospital") (License No. 15-121) which is located at 6800 Wisconsin Avenue, Bethesda, MD 20815.

3. On or about January 8, 2018, Hanan Amin-Salem ("Owner") took her 8-year-old cat, Cleo, to the Hospital seeking examination and/or treatment for a possible injury to Cleo's mouth. Cleo was examined on that date and on the following day by another veterinarian working at the Hospital. After diagnostic testing was performed, the veterinarian found that Cleo was suffering from several medical issues. First, the Owner was informed that testing revealed Cleo had an elevated blood urea nitrogen ("BUN") value and that Cleo's urine specific gravity ("USG") was slightly decreased. These levels could indicate issues with kidney function. Cleo's creatinine ("CREA") value at this time was within normal range. The Hospital veterinarian recommended sending out for a test of Cleo's symmetric dimethylarginine value and that the Owner consider starting Cleo on a renal sensitive diet.

4. In addition to the concerns about renal function, the Hospital veterinarian noted that Cleo's canine tooth, number 404, was fractured. The Hospital veterinarian, who was not experienced with dental extraction, recommended that Dr. McFarland, an associate veterinarian at the Hospital, perform a tooth extraction and dental prophylaxis. An appointment was scheduled for February 6, 2018.

5. On February 6, 2018, Cleo presented for the dental procedure. Dr. McFarland placed Cleo under anesthesia, drew blood for testing, and extracted Cleo's fractured canine tooth. Dr. McFarland also performed a dental prophylaxis while Cleo was under sedation.

6. After surgery, Dr. McFarland administered pain medication to Cleo, specifically meloxicam 5 mg/ml, 0.16 cc subcutaneously. Cleo also received extra fluids. The blood test results revealed that Cleo's BUN value was 59.0 mg/dL and CREA 2.4 mg/dL.

7. When the Owner arrived at the Hospital to bring Cleo home, she received liquid oral pain medication to administer to Cleo at home. A technician at the Hospital instructed the Owner how and when to give the liquid medication to Cleo, but did not identify the medication. The medication was provided in unmarked syringes, without any written instructions, warnings, or other information identifying the medication being administered.

8. In the days that followed, the Owner's adult daughter administered the medication prescribed by Dr. McFarland to Cleo as the technician had instructed. Cleo became lethargic and was eating and drinking less than usual. Owner called the Hospital several times during the ten days following the surgery to express concerns about Cleo's well-being, but was advised that the symptoms were not concerning. At no time did Dr. McFarland or other Hospital personnel recommend that the Owner bring Cleo back for examination.

9. On February 17, 2018, the Owner returned to the Hospital with Cleo because Cleo had vomited the night before. Dr. McFarland again was Cleo's treating veterinarian. Dr. McFarland sedated Cleo to draw blood for testing and to perform a physical examination. Blood testing revealed that Cleo's BUN and CREA values were greater than 130 mg/dL and 13.6 mg/dL respectively, indicating that Cleo

was in acute renal failure. After administering fluids and Cerenia, Dr. McFarland referred Cleo to an emergency clinic, where Cleo was hospitalized until she died on February 19, 2018.

10. The medical records for the care provided by Dr. McFarland indicate that the pain reliever prescribed to Cleo was Meloxicam (also known as Metacam).

11. Given the evidence of compromised renal function available before the dental procedure, Dr. McFarland violated the applicable standard of care by administering and prescribing Meloxicam. It is questionable whether Meloxicam should be used in cats at all, even in healthy cats. The drug comes with a Food and Drug Administration ("FDA") "black box warning," which is the strictest warning put in the labeling of prescription drugs or drug products by the FDA when there is reasonable evidence of an association of a serious hazard with the drug. In the case of Meloxicam, no safe and effective dose of the oral suspension has been approved for cats and repeated use of the drug has been associated with kidney failure and death in cats.

12. In addition, regardless of whether Cleo was in renal failure before Meloxicam was administered, the dosages prescribed by Dr. McFarland were too high. The medical record shows that Cleo was prescribed 0.2 mg/kg of body weight for the initial injection, then 0.2 mg/kg for the first oral dose, followed by 0.1 mg/kg administered orally daily after that.

13. According to the Veterinary Information Network, for an animal of Cleo's size, Meloxicam should be administered with a 0.2 mg/kg subcutaneous dose once and can be followed by a 0.05 mg/kg dose for 24 hours post op for four days.

14. As an alternative to Meloxicam liquid Dr. McFarland also offered Onsior (in pill form) for pain, which is an NSAID. While this medication is appropriate for cats, it is contraindicated for a cat with any degree of renal disease, as reports have linked the use of NSAIDs to decreased blood supply to the kidney, which would lead to kidney failure in borderline patients.

15. COMAR 15.14.01.12-2(F) provides that:

> A veterinarian or authorized employee shall include the following information on the labels of dispensed drugs:

(1) Hospital name, address, and telephone number;
(2) Name of prescribing veterinarian;
(3) Name of client and animal;
(4) Name, quantity, and strength of the drug;
(5) Directions for usage;
(6) Route of administration;
(7) Length of treatment;
(8) Appropriate cautionary statements, including, if applicable, slaughter withdrawal or milk withholding times, or both;
(9) Date of dispensation; and
(10) Expiration date.

16. Dr. McFarland violated COMAR 15.14.01.12-2(F) by dispensing Meloxicam to Cleo's Owner without adequate labels containing the required information, including cautionary statements.

Taking the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of prior disciplinary history, 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 23rd day of ~~June~~ July, 2019, by the State Board of Veterinary Medical Examiners, ORDERED that

(a) For violation of COMAR 15.14.01.07 (Professional Judgment and Practice), Dr. McFarland shall pay a civil penalty of $600.00;

(b) For violation of COMAR 15.14.01.12-2F (Dispensing of Federal Legend Drugs or Veterinary Prescription Drugs), Dr. McFarland shall pay a civil penalty of $300.00;

(c) The total civil penalty of $900.00 shall be paid by Dr. McFarland within six (6) months of the date of this Consent Agreement, and may be paid in $150.00 per month installments with the first payment due within ten (10) days of the date of this Consent Agreement and each payment due on the 1st of each month thereafter. If requested by Dr. McFarland, this schedule may be modified with the approval of the Board, as long as the full amount of the civil penalty is paid within six months of the date of this Consent Agreement. Payments shall be made by check payable to the Maryland Department of Agriculture with the notation "SBVME – 18-52";

(d) Dr. McFarland 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; and

(e) As an additional condition of probation, Dr. McFarland shall complete three (3) hours of continuing education ("CE"), pre-approved by the Board, in pharmacology,

preferably CE addressing pain relievers, including opioids and NSAIDs. The CE shall be completed and verification of completion provided to the Board within six (6) months from the date of this Consent Agreement. Proof from the CE provider shall include Dr. McFarland'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 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 23rd day of July, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Heather Hendler/cps

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

CONSENT

I, Erica C. McFarland, 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.

7/13/2019
Date

Erica C. McFarland, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUTY OF County of Montgomery

I HEREBY CERTIFY that on this 12th of July, 2019 before me, a Notary Public of the City/County aforesaid, personally appeared Erica McFarland, 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: 05/02/2023

SHEILA J. STEWART
Notary Public-Maryland
Montgomery County
My Commission Expires
May 02, 2023