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

IN THE MATTER OF:	*	
DORICELA JANSEN, D.V.M.	*	**DOCKET NO. 18-66B**
LICENSE NO. 4016	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 20th day of October, 2020, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Doricela Jansen, D.V.M. ("Dr. Jansen"), License No. 4016. This Consent Agreement resolves the charges filed by the SBVME on or about December 16, 2019 in Docket No. 18-66B, alleging that Dr. Jansen 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 email dated June 5, 2020, Dr. Jansen notified the Board of her decision to waive her right to a hearing on the charges in Docket No. 18-66B and further agreed to the terms and conditions of this Consent Agreement, including payment of the civil penalties and completion of continuing education.

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

Doricela Jansen, D.V.M., License Number 4016, by entering into and signing this Consent Agreement, having had the opportunity to seek advice of counsel, 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. Jansen violated COMAR 15.14.01.07 (Professional Judgment and Practice) and COMAR 15.14.01.10A (Record Keeping) as set forth herein:

1. Dr. Jansen is a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 1991. Dr. Jansen was, at the time of the incidents described herein, an associate veterinarian at New Market Veterinary Clinic, PC, d/b/a New Market Veterinary Hospital ("Hospital")(License No. 10-059), located at 10609 Old National Pike, New Market, MD 21774.

2. This case involves veterinary care and treatment provided to Sylvester, a 3-year old male domestic shorthair cat owned by Terry Kehne ("Owner" or "Ms. Kehne"). Sylvester was treated at the Hospital beginning in 2013 by various veterinarians, including Dr. Jansen and Safi Chand, DVM ("Dr. Chand)(License No. 6193), who is the Hospital's owner and responsible veterinarian.

3. The Owner brought Sylvester to the Hospital on May 4, 2016 seeking care for a laceration and a dislocated left hind leg. The Owner believes that the injury occurred when Sylvester became entangled in some barbed wire.

4. On May 4, 2016, Dr. Jansen examined Sylvester for his left rear leg injury. She found a laceration on the cranial aspect of Sylvester's left tiblo-tarsal joint with marked swelling. Dr. Jansen administered subcutaneous fluids, injections of Metacam (a pain reliever), Convenia and oral Buprenex. Dr. Jansen recommended keeping Sylvester in the Hospital overnight to stabilize him before taking radiographs and closing the laceration. The Owner consented to this treatment plan.

5. The next day, May 5, 2016, Dr. Jansen informed the owner that examination and radiographs were not possible without sedation. The Owner consented to sedation, radiographs, and laceration repair, which Dr. Jansen performed. The radiographs showed a luxation at the tibio-tarsal joint, with anterior and lateral displacement of the first metatarsal bone. Dr. Jansen proposed that the laceration be closed and that the swelling be allowed to subside before reducing the luxation and applying a splint or bandage. The Owner agreed and Dr. Jansen closed the laceration. Dr. Jansen discharged Sylvester later that day. She advised the Owner to keep Sylvester confined for 2 weeks and to bring him back for a recheck in one week. Dr. Jansen also dispensed Buprenex for pain management.

6. Dr. Jansen next examined Sylvester on May 12, 2016. During this visit, the Owner reported that Sylvester had started to place some weight on the injured limb (toe-touching). Sylvester had run out of pain medication and, according to the Owner, had been eating and drinking normally. While some of the swelling of the distal limb had subsided, there was still appreciable swelling noted over the tibio-tarsal area. The sutures were still in place. According to the medical record, Dr. Jansen discussed several options for addressing Sylvester's leg, including manual repair of the dislocated leg, leaving the leg as it was, or performing surgery.

7. On May 20, 2016, Sylvester returned to the Hospital with a sitter for suture removal, again seeing Dr. Jansen. Dr. Jansen noted that swelling in the limb and tibio-tarsal area. Dr. Jansen advised taking another radiograph, which again required sedation. Based on the Owner's report that Sylvester had been acting lethargic, Dr. Jansen recommended blood work, and the Owner consented. Radiographs taken did not reveal any new lesions.

8. Sylvester's blood work results were returned and showed abnormalities. Specifically, there was a decrease in neutrophils, lymphocytes, monocytes, platelets, chloride, and alkaline phosphatase. Blood glucose was elevated. Dr. Jansen recommended urinalysis to check for glucosuria. After a sample was dropped off on May 23, 2016, testing showed that urine glucose was negative.

9. On May 24, 2016, Dr. Jansen consulted with an orthopedic surgeon on Sylvester's case. The orthopedic surgeon reviewed Sylvester's radiographs, finding medial and cranial displacement at the tibeo-

tarsal joint but no apparent fracture of the medial malleolus. The orthopedic surgeon opined that manual reduction of the luxation was an option, but fibrous tissue present could complicate the approach. If manual reduction was unsuccessful, surgical repair might be necessary. The surgeon also recommended that a brace, rather than a splint, be used for at least two weeks post luxation repair.

10. Dr. Jansen spoke with the Owner by telephone on May 25, 2016 regarding the urinalysis results and the orthopedic consult, for which the Hospital did not charge the Owner. The medical record contains no discussion of the blood test results during this conversation, including the low white blood cell count.

11. On May 26, 2016, the Owner consulted with the Hospital's owner, Dr. Chand, who recommended manual reduction and monitoring for Sylvester.

12. On June 1, 2016, the Owner was still concerned about whether a manual reduction was the best choice for Sylvester given the length of time that had elapsed since the initial injury. She contacted Dr. Jansen on this date to discuss her concerns. According to the Owner, Dr. Jansen recommended trying the manual reduction. In the record, Dr. Jansen references this conversation with the Owner, including her recommendation that surgical repair should not be attempted, but does not specify the factual basis for the recommendation, other than the Owner's report that Sylvester had been running around and "toe touching w/affected limb."

13. With the Owner's consent, on June 2, 2016, Dr. Chand performed a manual reduction and bandaged and splinted Sylvester's leg. Following that procedure, the Owner took Sylvester to several follow-up visits at the Hospital.

14. On July 5, 2016, Sylvester was "screaming and flipping his body around to try to get at the leg in the splint." The Owner removed Sylvester's bandage and splint, and observed that it looked like Sylvester's leg was "rotting off."

15. The Owner immediately called another veterinary practice seeking to schedule an emergency visit. The other practice was able to accommodate the request, and a veterinarian examined Sylvester that day. Upon examination, the veterinarian diagnosed Sylvester with cellulitis and possibly a bone/joint infection

or fracture. After treating and hospitalizing Sylvester, TVC took radiographs and recommended that the Owner take Sylvester to an orthopedic surgeon for a consultation.

16. On July 7, 2016, the Owner took Sylvester to Hooman Pooya, DVM ("Dr. Pooya") (License No. 5970) at Greenbriar Veterinary Hospital & Pet Resort ("GVH") (License No. 10-072) for an orthopedic consult. Dr. Pooya examined Sylvester and discussed the pros and cons of surgical repair versus amputation with Ms. Kehne. Ms. Kehne opted to have Sylvester's left hind leg amputated.

17. Subsequently, on July 12, 2016, Dr. Pooya amputated Sylvester's left hind leg. Sylvester recovered from his amputation surgery, but still has ambulatory issues.

18. Thereafter, on May 23, 3018, Ms. Kehne filed a complaint with the Board arising out of the care and treatment Sylvester received at the Hospital.

19. The Board opened a case and investigated the complaint. Its investigation included review of the medical records. The Board determined that Dr. Jansen provided substandard care to Sylvester and had deficiencies in her record keeping.

20. COMAR 15.14.01.07A (Professional Judgment and Practice) provides that: "[a] veterinarian, when caring for and treating a patient, shall conform to those minimum standards of care and treatment which are customary among veterinarians in this State." Dr. Jansen failed to satisfy the applicable standard in her care and treatment of Sylvester when she failed to assess and communicate with the Owner about the blood test results from May 20, 2016, including the risks and consequences of Sylvester's low white blood cell count. The results showed an extremely low white blood cell count, which put Sylvester at risk for infection. There is no indication in the medical record that Dr. Jansen ever addressed the low white blood cell count or communicated with the Owner about the risk posed by this abnormality. A reasonable veterinarian acting in accordance with the standard of care would have communicated with the Owner about the abnormalities, attempted to address them, or recommended that the white blood count be rechecked before surgery. By failing to act in accordance with the standard of care. Dr. Jansen violated COMAR 15.14.01.07A (Professional Judgment).

21. In addition, Dr. Jansen's record keeping had multiple significant deficiencies. COMAR 15.14.01.10A (Record Keeping) requires, for a companion animal, that a veterinarian prepare a legibly written record that accurately and thoroughly reflects the treatment provided, including the progress and disposition of the case. Dr. Jansen failed to satisfy that standard in a number of ways, including failing to document her assessment, plan, and communications about Sylvester's blood test results, and by failing to document her communications with the Owner about the options for Sylvester's treatment, including the pros and cons of each approach. Notably, Dr. Jansen's responses to the Board contain important factual detail not reflected in the medical record. Dr. Jansen has stated that she repeatedly recommended an orthopedic consult to the Owner; however, she did not document those recommendations in the record she prepared.

22. Dr. Jansen also did not document that she performed a physical examination before sedating Sylvester on May 20, 2016, which is required by COMAR 15.14.01.10A(7). Finally, Dr. Jansen failed to note in the record the amount in milligrams or the volume and concentration of medications used, in violation of COMAR 15.14.01.10A(8). For example, in her notes from May 20, 2016, Dr. Jansen did not specify the amount in milligrams or the volume and concentration for Dexdomitor plus Torbugesic, or Cerenia.

Taking the facts and circumstances into consideration, including the nature of the violations, the veterinarian's lack disciplinary history, her acceptance of responsibility and prompt action to implement improvements to her practice, including completion of continuing education, 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 20th day of October, 2020, by the State Board of Veterinary Medical Examiners, ORDERED that:

(a) For violating COMAR 15.14.01.07 (Professional Judgment and Practice), in her care and treatment of Sylvester, a 3-year old male domestic shorthair cat owned by Terry Kehne, Dr. Jansen shall pay a civil penalty of $300;

(b) For violating COMAR 15.14.01.10A (Record Keeping), by failing to prepare medical records which reflect necessary information related to the progress and disposition of the case, Dr. Jansen shall pay a civil penalty of $1000;

(c) The total civil penalty ($1,300) shall be paid by Dr. Jansen within six months of the date of this Consent Order, by check payable to the Maryland Department of Agriculture with the notation "SBVME – 18-66B." The Board acknowledge full payment of the civil penalty by check received on July 14, 2020;

(d) Dr. Jansen shall serve a period of probation of three (3) months, beginning on August 31, 2020. 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, and submit to inspections or other record requests to review compliance. 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, including suspension or revocation of the veterinary license; and

(e) As an additional condition of probation, Dr. Jansen shall complete continuing education ("CE"), consisting of the entire Veterinary Law and Ethics online course offered by Dr. James

Wilson and Dr. Lance Roasa via www.drip.vet. 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. Jansen's CE records may be subject to audit by the Board at any time. Proof from the CE provider shall include Dr. Jansen's name, the number of hours of CE completed, the topics covered, and the dates the CE was given. This CE **will not count** 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. The Board acknowledges that Dr. Jansen has completed and submitted verification of completion to the Board of the required CE.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 20th day of October, 2020.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Peter Radue/CDS

Peter Radue, V.M.D.
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Doricela Jansen, 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 nine pages, including this Consent. 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.

Oct. 20, 2020
Date

Doricela Jansen, D.V.M.

OCT 23 2020

BY: HA