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

IN THE MATTER OF:	*	
OLUWASEYI SOBOWALE, D.V.M.	*	**DOCKET NO. 19-14**
LICENSE NO. 5686	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 14th day of February 2020, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Oluwaseyi Sobowale, D.V.M. ("Dr. Sobowale"), License No. 5686. This Consent Agreement resolves a case pending before the Board and assigned Docket No. 19-14 in which it is alleged that Dr. Sobowale violated the Veterinary Practice Act , Agriculture Article, §§ 2-301 – 2-316, Annotated Code of Maryland ("the Act"), and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17 as set forth herein. Docket No. 19.14 was initiated by a complaint filed on or about August 28, 2018. A copy of the complaint has been provided to Dr. Sobowale and he has been given full opportunity to respond. Dr. Sobowale is represented by legal counsel.

Prior to filing formal charges, the Board, through its counsel, initiated contact with Dr. Sobowale's counsel to discuss possible resolution of the case on a pre-charge basis by way of a Consent Agreement. Board counsel presented a proposed Consent Agreement to Dr. Sobowale's counsel and following discussions, the parties resolved the matter as reflected 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

Oluwaseyi Sobowale, D.V.M., License Number 5686, 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. Sobowale violated COMAR 15.14.01.07 (Professional Judgment and Practice) and COMAR 14.15.01.10A (Record Keeping) as follows:

1. At all times relevant to these charges, Dr. Sobowale was a veterinarian licensed to practice in the State of Maryland, where he has been licensed since 2004.

2. Dr. Sobowale has a prior disciplinary history with the Board. In April of 2008, in Docket No. 07-71, the Board issued a Consent Agreement and Order finding a violation of the Board's record keeping requirements and imposing a civil penalty. In July of 2008, in Docket No. 08-12, the Board issued a Letter of Censure involving Dr. Sobowale's record keeping practices. In June of 2009, in Docket No. 08-28, the Board issued a Consent Agreement and Order involving substandard care and record keeping violations arising from his care of a dog. Dr. Sobowale was ordered to pay a civil penalty, serve six months of probation, and complete three hours of continuing education. Dr. Sobowale complied with these terms, and there were no further disciplinary actions taken against Dr. Sobowale or his clinical practice from 2009 through 2017. However, in July of 2019, in Docket No. 17-53, the Board issued a Consent Agreement and Order involving substandard care, professional judgment, and record keeping violations. Dr. Sobowale was ordered to pay a civil penalty for each violation, serve a three week

suspension (stayed), serve a period of probation of three years, and complete additional continuing education.

3. At the time of the events described in this Consent Agreement, Dr. Sobowale was the owner and responsible veterinarian of Croydon Pet Hospital ("Hospital") (License No. 02-070), located at 7746 Ritchie Hwy, Glen Burnie, MD 21061.

4. On August 24, 2018, Felicia Dantzler ("Ms. Dantzler" or "Owner"), took her 18-year-old cat, Sunny, to the Hospital for a grooming appointment. Sunny had been missing from home for at least a year, and was extremely matted. Ms. Dantzler was informed by Hospital staff that the groomer was not present, but, given the extent of Sunny's matting, a "hygiene" grooming procedure could be performed.

5. Dr. Sobowale, owner and the responsible veterinarian at CPH, became Sunny's treating veterinarian. He performed a physical examination of Sunny and noted a weight of 6.5 pounds and a body score of 1 (emaciated). Dr. Sobowale recommended blood work and other treatments, including subcutaneous fluids, antibiotics, and vaccines. Sunny was behaving aggressively, so Dr. Sobowale recommended sedating him with Telaszol injectable medication. Ms. Dantzler consented to the medical grooming, with recommended sedation, and most of the recommended treatment plan, which Dr. Sobowale proceeded to perform. However, Sunny's bloodwork showed elevated BUN/Urea, creatinine and phosphate values, which can be a sign of impaired kidney function. The bloodwork also showed low values for hemocrit, hemoglobin, red and white blood cell counts, neutrophils, platelets. These blood results indicated anemia, which can be associated with long standing kidney failure. The lack of red blood cells can prolong the effects of anesthesia, as well as increasing risks associated with anesthesia. Dr. Sobowale did not address these results and potential risks with the owner before performing any procedures.

6. According to Ms. Dantzler, when she arrived at the Hospital to pick up Sunny, the cat was wrapped in a towel, shivering and completely shaved down. Dr. Sobowale provided her with verbal discharge instructions, but nothing in writing. Dr. Sobowale told Ms. Dantzler that Sunny should rest in

a cage for 24 hours, refrain from exercise for 24 hours, and be kept warm and dry. He instructed Ms. Dantzler to bring Sunny back for a recheck in three weeks. When Ms. Dantzler arrived home with Sunny, the cat was "flopping" around on the couch and the floor.

7. Ms. Dantzler stated she called Dr. Sobowale, concerned about Sunny's condition, and was told that Sunny was still recovering from anesthesia and would sleep the remainder of the night. Ms. Dantzler left for work at about 5:15 p.m. By the next morning, Sunny had died.

8. Ms. Dantzler opted to have a necropsy performed, which indicated Sunny had chronic, severe, bilateral, renal interstitial fibrosis and lymphoplasmacytic nephritis with tubular atrophy and glomerulosclerosis.

9. Ms. Dantzler subsequently filed a complaint with the Board. The Board opened this case, and reviewed all relevant information, including the medical records reflecting Sunny's care.

10. In providing care to Sunny, Dr. Sobowale violated COMAR 15.14.01.07A (Professional Judgment), proposing to and then actually sedating a cat with such poor body condition, failing to provide Ms. Dantzler written discharge instructions, and failing to recommended overnight care for Sunny, or at least to discuss the possibility of overnight care, particularly when Ms. Dantzler called about Sunny's disturbing condition at home.

11. The conduct at issue in this case occurred in August of 2018, which was before Dr. Sobowale entered into the Consent Agreement in Docket No. 17-53. Thus, the violations of the Act are not violations of Dr. Sobowale's probation in Docket No. 17-53. Nonetheless, the violations reflected herein are significant and involve similar deficiencies in care, treatment, and communication as those found in Docket 17-53. In both cases, Dr. Sobowale's decision to release a patient in compromised condition fell below the standard of care, as did the discharge instructions provided to the owners. Also, in both cases, Dr. Sobowale's failed to satisfy the standard of care with respect to considering the condition of his patient post-sedation and failing to discuss or recommend overnight care for a patient in compromised condition.

Given the timing of the care provided in this case in relation to the final Consent Agreement in Docket No. 17-53 and the similar nature of the violations found, the parties have agreed to resolve this case under the terms and conditions set forth below. These terms and conditions reflect the significant civil penalty imposed in Docket No. 17-53 and the serious nature of the violations found in both cases, but also are intended to provide for immediate measures to improve Dr. Sobowale's professional practice. In reaching this Consent Agreement, the Board has also considered the veterinarian's prior disciplinary history at the time of the complaint, the length of time that has elapsed since prior violations, his acceptance of responsibility and remorse for the outcome, and his good faith efforts to resolve this matter.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 9th day of March, 2020, by the State Board of Veterinary Medical Examiners, ORDERED that for the violations of COMAR 15.14.01.07A (Professional Judgment and Practice) set forth in this Consent Agreement:

(a) Dr. Sobowale shall pay a civil penalty of **$5,000.00** (stayed);

(b) Dr. Sobowale shall serve a period of probation of **one** year beginning the date that the probation imposed in Docket No. 17-53 ends. While on probation, the veterinarian shall obey all laws and regulations governing the practice of veterinary medicine in this State and comply with the terms and 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. 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 will result in any stay of sanctions being lifted, following notice

and opportunity to be heard, and may involve additional penalties and sanctions, including suspension or revocation of the license;

(c) Within thirty (30) days of the date of this Consent Agreement, Dr. Sobowale shall consult with the Board or other veterinary professional mentor pre-approved by the Board to develop standard procedures to be adopted and implemented at his hospital when a veterinarian is considering, recommending and/or discussing with an owner whether overnight or other care might be appropriate for patients being released from his care or care of his Hospital;

(d) Within thirty (30) days of the date of this Consent Agreement, Dr. Sobowale shall consult with the Board or other veterinary professional mentor (pre-approved by the Board) to review his standard procedures for providing discharge instructions to patients and thereafter immediately begin using detailed written discharge instructions for all patients. Dr. Sobowale shall provide examples of discharge instructions provided to patients within thirty (60) days of the date of this Consent Agreement, and at any time thereafter when requested by the Board;

(e) As an additional condition of probation, Dr. Sobowale shall complete the continuing education ("CE"), pre-approved by the Board, required under the Consent Agreement in Docket No. 17-53, namely; 12 hours of CE in gastrointestinal surgery/soft tissue surgery, 6 hours of CE in diagnostic imaging; and the entire Veterinary Medical Records course offered online at www.drip.vet within **ninety (90)** days from the date of this Agreement, rather than the thirty-six (36) months provided for in the Consent Agreement in Docket 17-53. The CE shall be completed and verification of completion provided to the Board **within 30 days of completion**. Proof from the CE provider shall include Dr. Sobowale's name, the number of hours of CE completed, the topics covered, and the dates the CE was 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 Agreement; and

(f) If Dr. Sobowale successfully and satisfactorily completes all other requirements of this Consent Agreement before the period of probation has ended, he may file a written petition with the Board to reduce the period of probation. The decision whether to grant Dr. Sobowale's petition will rest within the sole discretion of the Board, with no right to a hearing or appeal.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 9th day of March, 2020.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

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

CONSENT

I, Oluwaseyi Sobowale, 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 9 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.

2/14/2020.
Date

Oluwaseyi Sobowale, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUTY OF Anne Arundel

I HEREBY CERTIFY that on this 14th of February, 2020 before me, a Notary Public of the City/County aforesaid, personally appeared Oluwaseyi Sobowale, 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.

Notary Public
My commission expires: July 8, 2020

ANGELA YERECIC NOTARY PUBLIC ANNE ARUNDEL COUNTY, MD COMM. EXP. JULY 08, 2020