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

IN THE MATTER OF:	*	
MALLAN WILLIS, D.V.M.	*	DOCKET NO. 19-25
LICENSE NO. 7806	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 25th day of September, 2019, is issued by the State Board of Veterinary Medical Examiners ("SBVME" or "Board") to reflect the resolution of the above-referenced proceeding against Mallan Willis, D.V.M. ("Dr. Willis"), License No. 7806. On or about August 30, 2019, the Board issued charges in Docket No. 19-25 alleging that Dr. Willis 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.

By letter dated September 9, 2019, Dr. Willis notified the Board that she wishes to waive her right to a hearing in Docket No. 19-25 and pay the civil penalty proposed.

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

Mallan Willis, D.V.M., License No. 7806, 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, to which she consented before it was issued by the Board. Dr. Willis 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 set forth herein.

1. At all times relevant to this charge, Dr. Willis was a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 2017. Dr. Willis has no prior disciplinary history with the Board.

2. On or about September 5, 2018, Brian and Christa Pennifill (collectively "Owners") brought their 6-month old female Siberian Husky, "Ziva," to Tidewater Veterinary Hospital ("Hospital"), License No. 18-003, located at 30079 Three Notch Road, Charlotte Hall, MD 20622, for an ovariohysterectomy (spay surgery). Dr. Willis, a veterinarian at the Hospital, became Ziva's treating veterinarian and was primarily responsible for performing the surgery.

3. During the surgery, complications arose which involved excessive bleeding. Dr. Willis requested that another veterinarian at the Hospital assist with the surgery. The bleeding was controlled and the surgical incision closed. Ziva recovered well from anesthesia and remained stable.

4. Several weeks after the surgery, Ziva developed complications which required further treatment.

5. Concerned about the complications, the Owners filed a complaint with the Board against Dr. Willis and other veterinarians.

6. As part of its investigation of the complaint, the Board obtained and reviewed Ziva's medical records from the surgery and subsequent treatment.

7. Following its review, the Board did not find substandard care on the part of Dr. Willis in the care and treatment she provided to Ziva in performing the surgery. However, Dr. Willis' medical record for

the surgery was deficient in that it does not include an anesthesia log as required by the Board's regulations, specifically COMAR 15.14.01.10A(10).

8. COMAR 15.14.01.10A governs record keeping for companion animals and states 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 the medical record contain an anesthesia log if surgery is performed. *See* COMAR 15.14.01.10A(10).

Taking all facts and circumstances into consideration, including the nature of the violation(s), the circumstances involved in the incident, the veterinarian's planned corrective action(s), and her 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 25th day of September 2019, by the State Board of Veterinary Medical Examiners, ORDERED that for violation of COMAR 15.14.01.10A(10) (Record Keeping), Dr. Willis shall pay a civil penalty of $300.00. The Board acknowledges that the $300.00 civil penalty has been paid in full, by check for received on September 16, 2019.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 25th day of September, 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