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

IN THE MATTER OF:	*	
SAFI U. CHAND, DVM LICENSE NO. 6193	*	DOCKET NO. 19-39
	*	
NEW MARKET VETERINARY CLINIC, PC HOSPITAL LICENSE NO. 10-059	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 3rd day of July, 2019, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Safi U. Chand, DVM ("Dr. Chand"), License No. 6193. This Order confirms the intention of Dr. Chand to waive the right to contest the charge filed by the Board on or about January 25, 2019 in Docket No. 19-39, alleging that Dr. Chand, as responsible veterinarian at New Market Veterinary Clinic, PC (License No. 10-059), violated the Maryland Veterinary Practice Act, Agriculture Article, Sections 2-301 - 2-316, Annotated Code of Maryland, ("Veterinary Practice Act") and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17. By letter dated February 6, 2019, Dr. Chand requested a hearing before the Board on the charges. Thereafter, the parties engaged in discussions to resolve the case. By email dated June 19. 2010, Dr. Chand notified the Board that he wishes to voluntarily waive the right to a hearing on the charge in Docket No. 19-39 and to pay the civil penalty of $1000.00 in this matter.

Under State law, the Board 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 provisions of the Veterinary Practice Act and related COMAR regulations. As part of its authority, the Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee . . . if the veterinarian or veterinary practitioner . . . [f]ails to comply with Board

rules and regulations after receiving a license[.]" Md. Code Ann., Agric. Art., § 2-310(8). In addition, the Board may 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 the 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

Safi U. Chand, DVM, License No. 6193 ("Dr. Chand"), after having the opportunity to seek advice of legal counsel, has waived his right to a hearing on the charge in Docket No. 19-39. Dr. Chand acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he violated Agriculture Article Section 2-310(8), Md. Code Ann., and a related regulation; specifically COMAR 15.14.01.12-3C, as follows:

1. At all times relevant to this charge, Dr. Chand was a veterinarian licensed to practice in Maryland, where he has been licensed since 2007. Dr. Chand has no formal prior disciplinary history with the Board.

2. At the time of the events described in this charge, Dr. Chand was the owner and responsible veterinarian of a veterinary hospital known as New Market Veterinary Clinic, PC ("Hospital"), located at 10609 Old National Pike, New Market, MD 21774. The Hospital is licensed by the Board as License No. 10-059.

3. During a routine inspection of the Hospital on November 27, 2018, Board Inspector, Ellen James ("Ms. James"), found a total of 193 expired medications kept with unexpired medications in the Hospital's working stock. The majority of these were made up of 175 expired canine distemper combination vaccines that had been placed in a refrigerator in a back treatment room. While Dr. Chand intended to return these expired vaccines to the manufacturer, they were not labeled in such a way as to allow staff to readily ascertain that they had expired. Ms. James instructed Hospital staff to remove all expired drugs and to check

expiration dates once a month. Ms. James issued a COMAR Violation Sheet, which was signed by a staff member on behalf of the Hospital.

4. Prior to November 27, 2018, the Hospital and Dr. Chand had a history of having expired medications mixed with unexpired medications in the Hospital's working stock for which warnings were issued, but for which charges were not filed. On December 22, 2016, a Board inspection revealed several expired medications dating back to 2014. Prior to that, on November 28, 2016, Ms. James found 27 expired medications in the Hospital's working stock. At that time, Ms James issued and Dr. Chand signed a COMAR Violation Sheet. In addition, on April 20, 2015, expired medications were found at the Hospital and Dr. Chand was instructed to remove them.

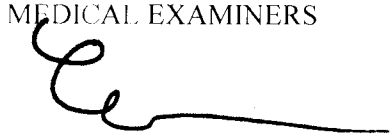
5. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to an animal, and COMAR 15.14.01.12-3C requires that expired medications be packaged and kept separate and apart from unexpired medications until disposal of such medications.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's prior disciplinary history with the Board involving expired medications, and the veterinarian's good faith effort to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution in this matter was a civil penalty only.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 3rd day of July, 2019, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Agriculture Article, § 2-310(8), Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.01.12-3C, Dr. Safi U. Chand is assessed a civil penalty in the amount of $1,000.00 which is due within thirty (30) days from the date of this Order.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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