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

IN THE MATTER OF:	*	
EMILY K. STEFAN, D.V.M. (LICENSE NO. 6869)	*	DOCKET NO. 19-51
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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 31st day of August, 2020, is entered by the State Board of Veterinary Medical Examiners ("SBVME" or "Board") in this case involving Emily K. Stefan, D.V.M. ("Dr. Stefan"), License No. 6869. This Order resolves the charges filed by the SBVME on or about July 16, 2020 in Docket No. 19-51 alleging that Dr. Stefan violated the Veterinary Practice Act and related Code of Maryland Regulations ("COMAR") as set forth herein.

By email to Board counsel on July 21, 2020, Dr. Stefan notified the Board of her intention to waive her right to a hearing in this case, to accept the charges, and to pay the civil penalty proposed. By agreeing to entry of this Order, Dr. Stefan waives the right to a hearing on the charging document in Docket Number 19-51 and agrees to the resolution 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

Emily K. Stefan, D.V.M., by agreeing to this Order, acknowledges that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Stefan violated COMAR 15.14.01.07A (Professional Judgment and Practice), as follows:

1. Dr. Stefan is a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 2011. Dr. Stefan was, at the time of the incidents described herein, a veterinarian at Falls Road Animal Hospital ("Hospital") (Hospital License No. 03-012), located at 6314 Falls Road, Baltimore, Maryland 21209. Dr. Stefan has no prior disciplinary history with the Board.

2. On January 3, 2019, Patricia Booth-Townes ("Owner") took her kitten, Lucy, to the Hospital for a tendonectomy preoperative appointment. Dr. Stefan was Lucy's attending veterinarian. Dr. Stefan performed a pre-surgical physical examination and recommended that Lucy be spayed during the tendonectomy surgery. The Owner declined to have the spay performed at that time.

3. On January 15, 2019, the Owner brought Lucy to the Hospital for the tendonectomy, which was to be performed by Dr. Stefan. Prior to the surgery, Dr. Stefan reviewed the written surgery order, which authorized only the tendonectomy and did not authorize spay surgery. However, Dr. Stefan mistakenly thought she recalled that Ms. Booth-Townes had agreed during the pre-operative appointment to have the spay procedure conducted at the same time as the tendonectomy, so Dr. Stefan added it to the surgery order.

4. After Dr. Stefan changed the order, she performed both procedures, which resulted in Lucy being spayed against the owner's instructions.

5. Once the error was discovered, the Hospital refunded all money paid by the Owner for the surgery. Dr. Stefan has taken full responsibility for her part in the miscommunication.

6. The Owner later filed a complaint with the Board. The Owner believes that Dr. Stefan disregarded her wishes and that Lucy "was violated."

7. 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. Stefan failed to satisfy the applicable standard in her care and treatment of Lucy by disregarding the written surgery order which authorized only the tendonectomy which resulted in her performing the spay surgery without the Owner's consent.

Taking the facts and circumstances into consideration, including the nature of the violation, Dr. Stefan's lack of disciplinary history, evidence demonstrated by Dr. Stefan that she has taken responsibility for the violation and adopted measures to address the problem in this case so that a similar situation is unlikely to reoccur, and her good faith efforts to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution includes the measures set forth below.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 31st day of August, 2020, by the State Board of Veterinary Medical Examiners, ORDERED that for the violation of COMAR 15.14.01.07A (Professional Judgment and Practice), Dr. Stefan is assessed a civil penalty of $500 payable within thirty (30) days from the date of this Civil Penalty Final Order to the "Maryland Department of Agriculture" with the notation "SBVME – 19-51."

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 31st day of August, 2020.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Peter Radue/vao

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