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

IN THE MATTER OF:	*	
PATHWAY VET ALLIANCE, LLC Owner	*	DOCKET NO. 19-60
METROPOLITAN EMERGENCY ANIMAL CLINIC Hospital License No. 15-00262	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 31st day of May, 2019, is issued by the Maryland State Board of Veterinary Medical Examiners ("the SBVME" or "the Board") against Pathway Vet Alliance, LLC ("Pathway"), owner of Metropolitan Emergency Animal Clinic ("Hospital"), (License No. 15-00262), located at 11503 Rockville Pike, Suite A, Rockville, MD 20852.

This Order confirms the intention of Pathway, as owner of the Hospital, to waive the right to contest the charge filed by the Board on April 2, 2019 in Docket No. 19-60, alleging that Pathway 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. In a Notice of Agency Action served with the charge(s), Pathway was notified of its right to request a hearing before the Board within ten (10) days of receipt of the charge(s) and given instructions on how to make a hearing request.

On May 2, 2019, Board counsel was notified by an email from Bethany Hoffmann, a paralegal in the legal office at Pathway, that Pathway was waiving its right to a hearing in Docket No. 19-60 and would accept the proposed sanction, a civil penalty of $300.00.

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 and veterinary hospital owners charged with violating provisions of the Veterinary Practice Act, Agriculture Article §§ 2-301 *et seq.*, Annotated Code of Maryland and related 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 hospital owner] . . . [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 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

Pathway, after having the opportunity to seek advice of legal counsel, voluntarily waives its right to a hearing on the charge and agrees to pay the civil penalty of $300.00. In so doing, Pathway acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law, that Pathway violated COMAR 15.14.03.01-1 (Licensing Requirements), as follows:

1. Pathway is the owner of the Hospital, which was formerly located at 12106 Nebel Street, Rockville, MD 20852 (former License No. 15-025) and is currently located at 11503 Rockville Pike, Suite A, Rockville, MD 20852.

2. On January 31, 2019, during a routine inspection of a veterinary hospital located near the Hospital's former Nebel Street location, Board Inspector, Pegeen Morgan ("Ms. Morgan"), learned that the Hospital had moved from Nebel Street to its current location on Rockville Pike without obtaining a Board license for the new location.

3. Ms. Morgan went to the Hospital on Rockville Pike and asked if the Hospital was open for business. A member of the Hospital's reception staff answered in the affirmative.

4. Ms. Morgan then met with Mirit Greenstein, the Hospital's office manager, and advised Ms. Greenstein that the Hospital was operating in the new location without a license and without having been inspected by the Board, in violation of the Veterinary Practice Act and related regulations. Ms. Morgan told Ms. Greenstein that to avoid further unlawful operation, the Hospital would need to close until it obtained a license. The Hospital complied. Ms. Greenstein admitted that although it had not yet begun seeing patients, the Hospital

had been operating in the new location since Tuesday, January 29, 2019.

5. On Monday, February 4, 2019, a Hospital staff member hand-delivered a license application to the Board office. The request for application form and payment were received by the Board on February 9, 2019. The facility was inspected and a license issued to Pathway on February 11, 2019.

6. Agriculture Article, § 2-304.1, Annotated Code of Maryland, requires that every veterinary hospital be licensed by the Board. COMAR 15.14.03.01-1 specifies the process and requirements for licensing and operation of veterinary hospitals. COMAR 15.14.03.01-1C provides that: "[a] person, including the owner, may not operate a veterinary facility unless it has a veterinary hospital license." COMAR 15.14.03.01-1E provides that: "[b]ecause a hospital license is issued in the name of a particular owner for a particular building or portion of it, the owner may not transfer this license to either a new owner, including a person leasing or purchasing the owner's veterinary practice, **or a different physical structure**." (emphasis added). Moreover, COMAR prohibits an owner from operating a veterinary hospital from a building which has not previously passed inspection.

Taking all facts and circumstances into consideration, including the nature of the violation, Pathway's lack of prior disciplinary history with the Board (which is reflected in the amount of the civil penalty), Pathway's cooperation with the inspector's request, and its 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 31st day of May, 2019, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Agriculture Article, § 2-304.1, Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.03.01-1, Pathway Vet Alliance, LLC, owner of Metropolitan Emergency Animal Clinic (License No. 15-00262), is assessed a civil penalty in the amount of $300.00. The Board acknowledges full payment of the civil penalty by check received on May 3, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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