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

IN THE MATTER OF:	*	
MICHAEL J. LYNCH, DVM LICENSE NO. 1406	*	DOCKET NO. 19-78
	*	
JACKSONVILLE VETERINARY HOSPITAL HOSPITAL LICENSE NO. 03-114	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 22nd day of July, 2019, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Dr. Michael J. Lynch, DVM, License No. 1406. This Order confirms the intention of Dr. Lynch to waive the right to contest the charge filed by the Board on or about June 28, 2019 in Docket No. 19-78, alleging that Dr. Lynch 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. Specifically, the Board alleged that Dr. Lynch violated COMAR 15.14.01.12-3C by failing to keep expired medications separate and apart from unexpired medications in his veterinary hospital. By letter to the Board dated July 5, 2019 and received by the Board on July 18, 2019, Dr. Lynch notified the Board of his decision not to contest the charge and to waive his right to a hearing. Dr. Lynch also enclosed a check for $600.00, representing full payment of the civil penalty proposed.

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

Michael J. Lynch, DVM, License No. 1406 ("Dr. Lynch"), after having the opportunity to seek advice of legal counsel, has agreed to waive his right to a hearing and paid the $600.00 civil penalty assessed by the Board in Docket No.19-78. Dr. Lynch 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 related regulation, specifically COMAR 15.14.01.12-3C, as follows:

1. At all times relevant to the charge, Michael J. Lynch, DVM ("Dr. Lynch") was a veterinarian licensed to practice in Maryland, where he has been licensed since 1968. Dr. Lynch is the co-owner and responsible veterinarian of a veterinary hospital known as Jacksonville Veterinary Hospital ("Hospital") located at 14240 Jarrettsville Pike, Phoenix, MD 21131, which is licensed as Hospital License No. 03-114. Dr. Lynch has no prior disciplinary history involving expired medications.

2. On January 16, 2019, Board Inspector Ellen James ("Ms. James") conducted a routine inspection of the Hospital during which she found thirty (30) expired medications in the Hospital's working stock. Ms. James advised Hospital staff that the Hospital inventory system should be improved and the inventory checked to remove expired medications from working stock every thirty days. Ms. James issued a COMAR Violation sheet, which was signed by a Hospital staff member.

3. On April 18, 2019, Inspector James returned for a follow-up inspection of the Hospital. At that time, Inspector James found seven (7) additional expired medications in the Hospital's working stock. Two of these had expired in July of 2015. Ms. James issued another COMAR Violation Sheet.

4. 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. Dr. Lynch, as responsible veterinarian for the Hospital, violated this regulation by not separating and/or labeling expired medications from non-expired medications in this Hospital's working stock.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of prior disciplinary history with the Board, 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 22nd 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. Lynch is assessed a civil penalty in the amount of $600.00. The Board acknowledges receipt of the full civil penalty on July 18, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Elizabeth Callahan, DVM
President