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

IN THE MATTER OF:	*	
FELICIA M. NEUMAN, DVM LICENSE NO. 3465	*	DOCKET NO. 19-82
SUMMIT ANIMAL HOSPITAL HOSPITAL LICENSE NO. 06-046	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 19th day of August, 2019, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Dr. Felicia M. Neuman, DVM, License No. 3465. This Order confirms the intention of Dr. Neuman to waive the right to contest the charge filed by the Board on or about June 28, 2019 in Docket No. 19-82, alleging that Dr. Neuman 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. Neuman violated COMAR 15.14.01.12-3C by failing to keep expired medications separate and apart from unexpired medications in his veterinary hospital. By telephone call to Board counsel on July 22, 2019, Dr. Neuman notified the Board of her decision not to contest the charge and to waive her right to a hearing. Dr. Neuman confirmed her waiver of a hearing by mailing a check for $600.00 to the Board, 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

Felicia M. Neuman, DVM, License No. 3465 ("Dr. Neuman"), after having the opportunity to seek advice of legal counsel, has agreed to waive her right to a hearing and pay the $600.00 civil penalty assessed by the Board in Docket No.19-82. Dr. Neuman acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she 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, Felicia Neuman, DVM ("Dr. Neuman") was a veterinarian licensed to practice in Maryland, where she been licensed since 1988. Dr. Neuman was a co-owner and the responsible veterinarian for a veterinary hospital known as Summit Animal Hospital ("Hospital") located at 1207 Liberty Road A101, Eldersburg, MD 21784, which is licensed as Hospital License No. 06-046. Dr. Neuman has no prior disciplinary history involving expired medications, but has previously been disciplined for practicing without a current registration from July 1, 1995 through February 14, 1996 in Docket No. 96-11.

2. On May 14, 2019, Board Inspector Ellen James ("Ms. James") conducted a routine inspection of the Hospital during which she found four (4) expired medications in the Hospital's working stock. The expired medications included feline leukemia vaccines that had expired on September 16, 2018. Ms. James advised 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 Dr. Neuman.

3. Although Dr. Neuman and the Hospital have not been formally charged for expired medication violations in the past, during a prior inspection of the Hospital on June 2, 2017, Inspector James found expired medications in the Hospital's working stock.

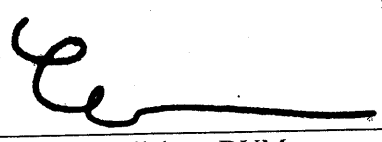
4. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to an animal and COMAR 15.14.01.12-3C requires that expired medications be packaged and kept separate and apart from unexpired medications until disposal of such medications. Dr. Neuman, as responsible veterinarian 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 19th day of August, 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. Neuman is assessed a civil penalty in the amount of $600.00. The Board acknowledges receipt of the full civil penalty on August 6, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



Elizabeth Callahan, DVM
President