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

IN THE MATTER OF:	*	
EDWARD T. KNICKMAN, DVM LICENSE NO. 2710	*	DOCKET NO. 19-83
	*	
MADONNA VETERINARY CLINIC, INC. HOSPITAL LICENSE NO. 12-027	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 24th day of October, 2019, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Dr. Edward T. Knickman, DVM, License No. 2710. This Order confirms the intention of Dr. Knickman to waive the right to contest the charge filed by the Board on or about June 28, 2019 in Docket No. 19-83, alleging that Dr. Knickman 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. Knickman violated COMAR 15.14.01.12-3C by failing to keep expired medications separate and apart from unexpired medications in his veterinary hospital. By email to the Board dated September 25, 2019 and subsequent letter to the Board, Dr. Knickman notified the Board of his decision not to contest the charge and to waive his right to a hearing. On September 30, 2019, the Board received Dr. Knickman's 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

Edward T. Knickman, DVM, License No. 2710 ("Dr. Knickman"), 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.19-83. Dr. Knickman 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, Edward T. Knickman, DVM ("Dr. Knickman") was a veterinarian licensed to practice in Maryland, where he been licensed since 1984. Dr. Knickman is the owner and the responsible veterinarian at a veterinary hospital known as Madonna Veterinary Clinic, Inc. ("Hospital") located at 4105 Norrisville Road, Suite E, White Hall, MD 21161, which is licensed as Hospital License No. 12-027. Dr. Knickman has no prior disciplinary history with the Board.

2. On May 16, 2019, Board Inspector Ellen James ("Ms. James") conducted a routine inspection of the Hospital during which she found ten (10) expired medications in the Hospital's working stock. *See* Hospital Inspection Report, attached as Exhibit A. The oldest of these expired medications were Nolvasan suspension, which expired in May of 2011, and Neo-Predef, which expired in April of 2015. 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, attached as Exhibit B, which was signed by a member of the Hospital's staff.

3. 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 must be packaged and kept separate and apart from unexpired medications until disposal of such medications.

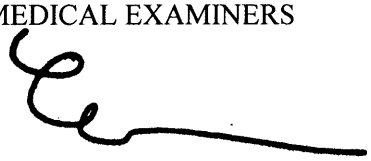
4. Although Dr. Knickman and the Hospital have not been formally charged for expired medication violations in the past, during prior inspections of the Hospital on June 15, 2017 and January 26, 2016, Inspector James had found expired medications in the Hospital's working stock and provided advice and instruction regarding inventory and removal of expired medications.

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 24th day of October, 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. Edward T. Knickman is assessed a civil penalty in the amount of $600.00. The Board acknowledges receipt of the full civil penalty on September 29, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



Elizabeth Callahan, DVM
President