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

IN THE MATTER OF:	*	
JASON I. ORENSTEIN, DVM LICENSE NO. 4849	*	DOCKET NO. 19-87
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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 18th day of June, 2020, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Jason I. Orenstein, DVM ("Dr. Orenstein"), License No. 4849. This Order confirms the intention of Dr. Orenstein to waive the right to contest the charges filed by the Board on or about March 9, 2020 in Docket No. 19-87, alleging that Dr. Orenstein 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 as set forth herein. By telephone call to Board counsel on May 19, 2020, Dr. Orenstein confirmed his decision not to contest the charges, to waive his right to a hearing, and to pay the civil penalty proposed. Thereafter, the Board received Dr. Orenstein's check for $600 representing full payment of the civil penalty in this matter.

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

Jason I. Orenstein, DVM, License No. 4849 ("Dr. Orenstein"), after having the opportunity to seek advice of legal counsel, has agreed to waive his right to a hearing and to pay the $600 civil penalty proposed by the Board in Docket No. 19-87. Dr. Orenstein 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 regulations, specifically COMAR 15.14.01.07A and 15.14.01.10A as follows:

1. At all times relevant to these charges, Dr. Orenstein was a veterinarian licensed to practice in the State of Maryland, where he has been licensed since 1997. Dr. Orenstein has no disciplinary history with the Board. At the time of the incident described in these charges, Dr. Orenstein was the owner and responsible veterinarian at Animal World LLC, d/b/a Gambrills Veterinary Center ("Hospital") (License No. 02-057), located at 1078 Maryland Route 3 South, Gambrills, Maryland 21054. In addition to veterinary services, the Hospital provides boarding and daycare services.

2. The morning of April 1, 2019, Lori Thomas ("Ms. Thomas" or "Owner") took her 6 ½ year-old female Pomeranian, Sydney, to the Hospital for doggy daycare. Sydney remained there for the day.

3. Ms. Thomas returned to the Hospital to pick up Sydney at approximately 7 p.m., at which time the responsible kennel technician ("the technician") brought Sydney to her. Sydney immediately collapsed in the arms of Ms. Thomas.

4. Dr. Orenstein was present at the time and saw Sydney collapse. He immediately began to provide emergency care, although Sydney had no observable injuries or bruises. Dr. Orenstein asked the technician several times if anything unusual had happened that day. Initially, the technician denied that there had been any problem, stating that Sydney was "acting normally throughout the day."

5. Dr. Orenstein suspected a kidney or cardiac issue. He performed blood work, and after reviewing it, Dr. Orenstein discovered that Sydney's liver values were elevated. Dr. Orenstein questioned the technician again. The technician finally confessed that he let several boarded dogs out together when Sydney was in the courtyard,

including a husky puppy whose owner had not authorized group play. While the husky was out, there was a brief altercation with Sydney.

6. When he reviewed video footage of the courtyard, Dr. Orenstein saw the husky pick up Sydney with his mouth and bite her abdomen. After that, the footage showed that the technician, who was present during the incident, lifted Sydney to examine her, but did not notice any wounds. The technician returned Sydney to her cage without mentioning the incident to anyone. According to Dr. Orenstein, the technician and the rest of the Hospital's staff were well aware of the Hospital's protocols regarding the courtyards and group play. For boarding and daycare, the Hospital groups dogs by size and only allows dogs with appropriate temperaments to play together, and then only if the owners elect to have their dogs participate in group play. Boarding dogs not engaging in group play must be turned out individually in the courtyard while their cages are being cleaned. The husky was not authorized to be free in the courtyard while Sydney was there.

7. Sydney remained in Dr. Orenstein's care until approximately 11 p.m., when Sydney died.

8. When Dr. Orenstein called to inform the Owner about the death, he advised the Owner that the technician had broken the Hospital's protocols. Dr. Orenstein has accepted responsibility for the daycare incident, covered Sydney's medical bills, performed a necropsy at no charge, and offered complimentary cremation with ashes returned. Later, he entered into a financial settlement with Ms. Thomas to allow her to purchase a new dog. Dr. Orenstein noted that the Hospital has been offering doggy day care since 2006 and has never had a similar incident.

9. As a result of the incident, Ms. Thomas filed a complaint with the Board. The Board conducted an investigation, which included taking witness statements and obtaining and reviewing medical records.

10. Following review of the medical records, the Board found that Dr. Orenstein was not subject to professional discipline for the attack, because there were established protocols in place. The technician did not follow established protocol in Sydney's case and did not alert Dr. Orenstein to the incident in a timely manner. Still, the treatment Dr. Orenstein provided to Sydney after the serious nature of the injury became apparent was deficient and not in accordance with the standard of care. The medical record did not indicate in adequate detail what happened from the time Dr. Orenstein learned of the attack until the dog died. The record contains no specific evidence of a physical examination, examination findings, or the pain level of the dog at any time. The dog's

collapse and high ALT (liver enzyme) were indicative of a critical situation, so more aggressive action on the part of Dr. Orenstein to diagnose and treat Sydney or to refer the dog to an emergency facility was required. While x-rays were taken, the record contains no assessment of those x-rays.

11. By failing to take appropriate action in the hours between Sydney's collapse and her death, Dr. Orenstein did not satisfy the standard of care, in violation of COMAR 15.14.01.07A (Professional Judgement and Practice).

12. In addition to the deficiencies in care, the medical record prepared by Dr. Orenstein was deficient, in violation of COMAR 15.14.01.10A (Record Keeping). The record contains no account of actions taken the evening Sydney died and no interpretation of the x-rays ordered, and therefore, does not reflect the progress and disposition of the case.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 18th day of June 2020, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for violation of Agriculture Article, § 2-310(8), Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.01.07A (Professional Judgment), Jason I. Orenstein, DVM is assessed a civil penalty of $300, and for violation of COMAR 15.14.01.10A (Record Keeping), Dr. Orenstein is assessed a civil penalty of $300. The Board acknowledged payment of $600, the full amount of the civil penalty, by check received on May 20, 2020.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Elizabeth Callahan, DVM
President