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

IN THE MATTER OF:	*	
MARGARET M. HOFFECKER, DVM LICENSE NO. 2634	*	DOCKET NO. 19-94
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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 6th day of December, 2019, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Margaret M. Hoffecker, DVM ("Dr. Hoffecker"), License No. 2634. This Order confirms the intention of Dr. Hoffecker to waive the right to contest the charges filed by the Board on or about November 12, 2019 in Docket No. 19-94, alleging that Dr. Hoffecker 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 email to the Board dated November 25, 2019, and as confirmed in a subsequent letter to the Board, Dr. Hoffecker notified the Board of her decision not to contest the charges, to waive her right to a hearing, and to pay 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

Margaret M. Hoffecker, DVM, License No. 2634 ("Dr. Hoffecker"), after having the opportunity to seek advice of legal counsel, has agreed to waive her right to a hearing and to pay the $1,900.00 total civil penalty assessed by the Board in Docket No.19-94. Dr. Hoffecker 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 regulations, specifically COMAR 15.14.01.07 (Professional Judgment and Practice), COMAR 15.14.01.12-3A (Expired Medications), COMAR 15.14.03.02 (Sanitation Practices), COMAR 15.14.03.05 (Construction Standards for Veterinary Facilities), COMAR 15.14.03.04 (Facilities, Equipment, and Supplies for Animal Surgery and Post Surgical Care) and COMAR 15.14.01.09E (Maintenance of Professional Standards and Reporting Requirements), as follows:

1. Dr. Hoffecker is a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 1983. Dr. Hoffecker was, at the time of the incidents described herein, the owner and responsible veterinarian at Shawsville Veterinary Hospital and Pet Care Center ("Hospital")(License No. 03-068), located at 4534 Norrisville Road, White Hall, MD 21161.

2. On or about June 21, 2019, Board Inspector Ellen James ("Ms. James") conducted a routine annual inspection of the Hospital with Dr. Hoffecker present. During her inspection, Ms. James found that several small repairs to walls, flooring, window and door frames, were needed. Ms. James also noted finding heavy rust on the dental sink, a condition which poses a health hazard for animals undergoing dental cleaning.

3. In addition, Ms. James found eighteen (18) single dose vials of Canine Influenza vaccine that had expired on November 23, 2018 in the same area as a second, open tray of unexpired vaccines in a Hospital refrigerator. Ms. James also found two unopened tubes of artificial tears ointment that expired in February 2019 in the working stock. Ms. James issued a COMAR violation sheet which Dr. Hoffecker signed.

4. On August 23, 2019, Ms. James returned to the Hospital to conduct a follow up inspection for repairs, expired medications, and other issues. At that time, Ms. James found four additional expired drugs in the Hospital's

working stock, as well as other issues of non-compliance. The floor of the hospital had not been repaired and the dental sink spigot was not painted to cover rust. Ms. James gave Dr. Hoffecker an additional fourteen (14) days to address the remaining issues. Ms. James issued a second COMAR violation sheet documenting the presence of expired medications.

5. Ms. James returned to the Hospital for a second follow up inspection on September 30, 2019. She found that the floor had been repaired. While the sink spigot had been painted, there was still a rusty spot near the spigot that had not been painted, even though Ms. James had previously emphasized the need for surfaces to be smooth and free of rust. Ms. James instructed Dr. Hoffecker to paint the other rusty spots on the sink.

6. During the September 30, 2019 inspection, Ms. James also found a bottle of torbutrol mixed with atropine and ace in the surgery room. Torbutrol is a Class IV controlled narcotic medication, yet the bottle found was not locked in a safe, which violated Board regulations. When Ms. James inspected the bottle, she saw debris floating in the bottle that appeared to be from the deteriorating rubber stopper. The injection hole in the rubber stopper was cracked and large enough to allow the contents to spill on Ms. James' hands when she tilted the bottle to read the expiration dates. After Ms. James identified this concern and Dr. Hoffecker admitted to using the vial on animal patients, Ms. James advised Dr. Hoffecker to mix a new drug combination in a different bottle. Dr. Hoffecker was also instructed to cease using the old bottle, which was unsafe due to the debris and exposure to contaminants, and to lock it in the Hospital safe until it could be disposed of by way of a reverse distributor. In an inspection of the Hospital in 2014, Ms. James found a similar bottle in the surgery room which appeared to have debris floating in it and brought the issue to Dr. Hoffecker's attention in an inspection report.

7. COMAR 15.14.01.07A (Professional Judgment and Practice), provides that: "[a] veterinarian, when caring for and treating a patient, shall conform to those minimum standards of care and treatment which are customary among veterinarians in this State."

8. Dr. Hoffecker failed to satisfy with the standard of care applicable to veterinarians using injectable medications, such as torbutrol, by using such medication with an inadequate seal and with debris accumulated in the vials. The open pathway in the vial allows air and other contaminants to enter the vials, posing a health hazard to any animal injected.

9. COMAR 15.14.01.12-3A (Expired Medications) 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. Dr. Hoffecker violated COMAR 15.14.01.12-3C by failing to remove expired medications from the working stock of drugs at the Hospital as set forth herein.

10. COMAR 15.14.03.02 (Sanitation Practices) establishes sanitation requirements for veterinary hospitals, and requires, among other things, that a veterinary hospital be kept clean. COMAR 15.14.03.05 (Construction Standards for Veterinary Facilities) establishes additional requirements for maintenance of veterinary hospitals, including the requirement that all floors and walls be smooth, waterproof, and free of cracks or gaps to allow effective cleaning. COMAR 15.14.03.04 (Facilities, Equipment, and Supplies for Animal Surgery and Post Surgical Care) establishes standards for surgical areas, and requires that appropriate facilities and equipment be provided an area in which surgery occurs.

11. COMAR 15.14.01.09E (Maintenance of Professional Standards and Reporting Requirements) provides for disciplinary action against any veterinarian who conducts a practice in violation of the regulations prescribed by the Board for proper sanitary and hygienic methods in the care and treatment of animals.

12. Although Dr. Hoffecker has no formal disciplinary history involving expired medications or sanitary violations, her hospital has been found have facility deficiencies and sanitation issues during past inspections. Ms. James conducted an annual inspection on January 1, 2016, in which she found various surfaces in need of painting and/or sealing. Ms. James conducted two follow- up inspections, on March 31, 2016 and May 18, 2016, in which she found that the violations had not been corrected. It was not until a third follow-up inspection on August 9, 2016, that Ms. James determined that Dr. Hoffecker had corrected the violations. The prior violations and Dr. Hoffecker's failure to make corrections following Ms. James' June 21, 2019 inspection demonstrate a pattern of disregard for compliance with the Board inspectors' instructions and maintaining the hospital in a sanitary and safe condition.

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.

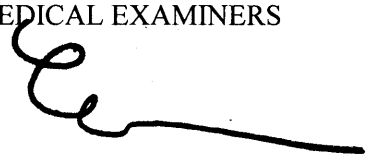
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 6th day of December, 2019, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that:

1) For violating COMAR 15.14.01.07A (Professional Judgment and Practice), by allowing debris to accumulate in vials of injectable medication and by using compromised vials of injectable medication on her animal patients, Margaret M. Hoffecker, DVM, (License Number 2634), is assessed a civil penalty of $1,000.00;
2) For violating COMAR 15.14.01.09E (Maintenance of Professional Standards and Reporting Requirements) as a result of her violations of COMAR 15.14.03.02 (Sanitation Practices), COMAR 15.14.03.05 (Construction Standards for Veterinary Facilities) and COMAR 15.14.03.04 (Facilities, Equipment, and Supplies for Animal Surgery and Post Surgical Care), by repeatedly failing to maintain the veterinary hospital she owns and at which she serves as responsible veterinarian, namely Shawsville Veterinary Hospital and Pet Care Center, in a sanitary and hygienic manner, Margaret M. Hoffecker, DVM, (License Number 2634), is assessed a civil penalty of $600.00;
3) For violating COMAR 15.14.01.12-A (Expired Medications) at A, on or about June 19, 2019 by failing to keep expired medications separate and apart from unexpired medications in the Hospital's working stock, Margaret M. Hoffecker, DVM, (License Number 2634), is assessed a civil penalty of $300.00; and
4) The total civil penalty in this case ($1,900.00) shall be paid within thirty (30) days from the date of this Order by check mailed to the Maryland Department of Agriculture, with the notation "SBVME – Docket No. 19-94."

WITNESS the hand and seal of the State Board of Veterinary Medical Examiners, State of Maryland, this 6th day of December 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



Elizabeth Callahan, DVM
President