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

IN THE MATTER OF:	*	
DAVID R. CULLUM, DVM LICENSE NO. 5763	*	DOCKET NO. 20-18
	*	
CRESWELL VETERINARY CLINIC HOSPITAL LICENSE NO. 12-033	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 25th day of October, 2019, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against David R. Cullum, DVM ("Dr. Cullum"), License No. 5763. This Order confirms the intention of Dr. Cullum to waive the right to contest the charge filed by the Board on or about October 4, 2019 in Docket No. 20-18, alleging that Dr. Cullum 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 letter from Dr. Cullum received by the Board on October 22, 2019, Dr. Cullum notified the Board of his decision not to contest the charge, to waive his right to a hearing, and to pay the $1,000 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

David R. Cullum, DVM, License No. 5763 ("Dr. Cullum"), after having the opportunity to seek advice of legal counsel, has agreed to waive his right to a hearing and has paid the $1,000.00 civil penalty assessed by the Board in Docket No. 20-18. Dr. Cullum 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, Dr. Cullum was a veterinarian licensed to practice in Maryland, where he been licensed since 2004. Dr. Cullum is the responsible veterinarian at a veterinary hospital known as Creswell Veterinary Clinic ("Hospital") located at 2605 Creswell Road, Belair, MD 21015, which is licensed as Hospital License No. 12-033. Dr. Cullum has no prior disciplinary history with the Board.

2. On August 7, 2019, Board Inspector Ellen James ("Ms. James") conducted a routine inspection of the Hospital during which she found forty (40) expired medications in the Hospital's working stock. These expired medications included 16 expired Feline Leukemia vaccines. The oldest of these expired medications included Biozidegel wound dressing, which expired in October of 2007, and Neo Predef, which expired in August 2014. Ms. James also found approximately 25 heparinized fluid syringes without labels or expiration dates. The only Heparin found in the Hospital expired in February 2018. A veterinary assistant signed a COMAR Violation Sheet, which reflected the violations identified.

3. Although Dr. Cullum has no history of charges involving expired medications found at the Hospital, during an inspection on July 31, 2017, Inspector James found 11 expired drugs and noted that the Hospital should check for and remove expired drugs every month. Dr. Cullum signed a COMAR Violation Sheet at that inspection.

4. Before that, during a February 2, 2016 inspection, less than ten (10) expired medications were found at the Hospital during a routine inspection.

5. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to an animal and COMAR 15.14.01.12-3C requires expired medications to be packaged and kept separate and apart from unexpired medications until disposal of such medications. Dr. Cullum violated COMAR 15.14.01.12-3A by allowing expired medications to remain in the working stock of the Hospital at which he is the responsible veterinarian. This violation occurred despite prior warnings about the need to regularly inspect the hospital to ensure that soon to expire medications are removed from the working stock before they expire.

Taking all facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of prior form 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. The amount of the civil penalty reflects the number of expired medications found, the age of the oldest expired medication(s) found, and the prior warnings issued to Dr. Cullum about the presence of expired medications at the Hospital.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 25th 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. David R. Cullum is assessed a civil penalty in the amount of $1,000.00. The Board acknowledges full payment of the civil penalty by check received on October 24, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Elizabeth Callahan, DVM
President