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

IN THE MATTER OF:	*	
ERIC P. KEIL, D.V.M. LICENSE NO. 7368	*	DOCKET NO. 20-27
	*	

* * * * * * * * * * * * *

CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 21st day of January, 2021, is entered by the State Board of Veterinary Medical Examiners ("SBVME" or "Board") in this case involving Eric P. Keil, D.V.M. ("Dr. Keil"), License No. 7368. This Order resolves the charge filed by the SBVME on or about November 10, 2020 in Docket No. 20-27 alleging that Dr. Keil violated the Veterinary Practice Act and related Code of Maryland Regulations ("COMAR") as set forth herein.

By email to Board counsel on November 12, 2020 from his own legal representative, Dr. Keil notified the Board of his intention to waive his right to a hearing in this case, to accept the charges, and to pay the civil penalty proposed. By agreeing to entry of this Order, Dr. Keil waives the right to a hearing on the charging document in Docket No. 20-27 and agrees to the resolution set forth herein.

Under Maryland law, the SBVME 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 the provisions of the Veterinary Practice Act and related COMAR regulations adopted pursuant to this law. As part of its authority, the SBVME "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with Board rules and regulations after receiving a license." Md. Code Ann., Agric. Art., §2-310(8). The Board may also 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 any 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

Eric P. Keil, D.V.M., by agreeing to this Order, acknowledges that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Keil violated COMAR 15.14.01.10A (Record Keeping), as follows:

1. Dr. Keil is a veterinarian licensed to practice in the State of Maryland, where he has been licensed in Maryland since 2014. Dr. Keil was, at the time of the events described herein, an associate veterinarian at Erdman Animal Hospital ("Hospital")(License No. 30-013), located at 3233 Erdman Avenue, Baltimore, MD 20213.

2. This case involves 6-month-old neutered male Bengal cat, Cairo, owned by Ashley Whidby ("Ms. Whidby" or "Owner"). In August, 2019, Cairo was suffering from lameness of his right hind limb following a right femoral head fracture. Another veterinarian at the Hospital recommended that Cairo undergo afemoral head osteotomy ("FHO") and the Owner consented to this treatment plan.

3. On September 3, 2019, Cairo presented to the Hospital for the right "FHO", which was to be performed by Dr. Keil.

4. According to the medical record prepared by Dr. Keil, Cairo was pre-medicated with Telazol intravenously ("IV"). Dr. Keil performed a right FHO on Cairo and a postoperative radiograph confirmed the removal of the femoral head and neck. Cairo had also received a pre-operative injection of Convenia subcutaneously ("SQ") and Onsior SQ. Dr. Keil prescribed Onsior 6 mg for three days and provided Ms. Whidby with exercise instructions, recommending that she encourage walking and aid Cairo in performing bicycle motions for improved range of motion. Dr. Keil instructed Ms. Whidby to discourage Cairo from jumping and running.

5. Several weeks after the surgery, and after subsequent medical treatment, Cairo's medical condition declined, and ultimately, Cairo passed away from causes not related to the surgery.

12. Ms. Whidby later filed a complaint with the Board alleging that Dr. Keil provided substandard care to Cairo.

13. The Board opened a case and conducted an investigation, which included obtaining and reviewing all relevant medical records. After reviewing the case file the Board was not able to conclude that substandard care on the part of Dr. Keil caused Cairo's death. However, the Board identified a deficiency in Dr. Keil's medical record.

14. COMAR 15.14.01.10A (Record Keeping) requires, for a companion animal, that a veterinarian prepare a legibly written record that accurately and thoroughly reflects the treatment provided, including the progress and disposition of the case. COMAR 15.14.01.10A(10) requires, if surgery is performed, that the record include a surgery log and an anesthesia log. Dr. Keil failed to satisfy that standard because he did not to include a complete anesthesia log in the medical record of the surgery performed on September 3, 2019.

Taking the facts and circumstances into consideration, including the nature of the violation, Dr. Keil's lack of disciplinary history, and his good faith efforts to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution includes the measures set forth below.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of January, 2021, by the State Board of Veterinary Medical Examiners, ORDERED that for the violation of COMAR 15.14.01.10A (Record Keeping), Eric P. Keil, D.V.M., License No. 7368, is assessed a civil penalty of $300 payable within thirty (30) days from the date of this Civil Penalty Final Order to the "Maryland Department of Agriculture" with the notation "SBVME – 20-27."

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 21st day of January, 2021.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Elizabeth Callahan/CDS

_____

Elizabeth Callahan, DVM
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture
50 Harry S. Truman Parkway, Room 102
Annapolis, Maryland 21401
Telephone: 410.841.5862