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

IN THE MATTER OF:	*	
NANCY J. PETRO-KELLER, DVM	*	DOCKET NO. 20-34A
LICENSE NO. 5274	*	

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CONSENT AGREEMENT AND ORDER OF CENSURE

This Order of Censure ("Censure"), dated this 29th day of June, 2021, is between the Maryland State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Dr. Nancy J. Petro-Keller, DVM ("Dr. Keller") (License No. 5274).

At all times relevant to this Consent Agreement, Dr. Keller was licensed to practice veterinary medicine in Maryland, where she has been licensed since 2001. Dr. Keller has no prior disciplinary history with the Board. At all times relevant to this matter, Dr. Keller was a relief veterinarian at Eldersburg Veterinary Hospital, Inc. ("Hospital") (License No. 06-636), which is located at 1527 Liberty Road, Eldersburg, MD 21784.

On September 9, 2019, Julie Della-Maria ("Ms. Della-Maria" or "Owner") took her recently adopted 13-week-old female Boston terrier, Bojo, to the Hospital for a physical exam and vaccinations. Bojo's physical exam was unremarkable. Bojo received vaccinations and preventatives.

Bojo returned to the Hospital on September 23, 2019 for additional vaccines and diagnostics. Bojo had blood drawn in advance of a spay surgery. The pre-operative bloodwork was sent to an outside laboratory and the Owner scheduled Bojo's ovariohysterectomy for October 8, 2019. Shortly thereafter, the Owner was notified that the bloodwork was within normal limits, so Bojo was cleared for surgery.

The Owner returned to the Hospital on October 8, 2019 for Bojo's ovariohysterectomy, which was to be performed by Dr. Keller. The Owner approved and signed a surgery consent form provided by the Hospital.

According to the medical record, Dr. Keller's physical exam of Bojo noted no significant findings. Dr. Keller obtained a preoperative blood glucose and proceeded with the surgery.

Within five to ten minutes after beginning the surgery, the veterinary technician who was assisting Dr. Keller noticed that Bojo was breathing abnormally and Bojo's tongue had turned blue. Dr. Keller instructed the technician to administer intravenous atropine and epinephrine. Dr. Keller initiated chest compressions and started Bojo on intravenous ("IV") fluids. Bojo regained a heartbeat and spontaneous breathing.

However, in the next five minutes, Bojo arrested again. Dr. Keller administered second doses of atropine and epinephrine and continued chest compression. Bojo's IV fluids were increased to a shock dose.

Bojo continued to have abnormal heartbeats, mild tachycardia, and spontaneous respirations. This complication reoccurred six times over a period of approximately thirty minutes of resuscitative efforts. During this time, another Hospital veterinarian offered to assist so that Dr. Keller could contact Ms. Della-Maria.

Dr. Keller called Ms. Della-Maria and explained that Bojo had arrested under anesthesia and although several resuscitative efforts and medications were initiated, Bojo continued to arrest. Ms. Della-Maria requested that all resuscitative efforts be stopped.

Dr. Keller informed the Owner that an underlying congenital defect such as a heart condition or a portosystemic liver shunt, in addition to Bojo's young age, could have caused Bojo to arrest.

Subsequently, Dr. Keller performed post-mortem radiographs of Bojo, which revealed an enlarged heart. Another Hospital veterinarian assumed responsibility for communications with Ms. Della-Maria to discuss the radiographic findings.

On November 20, 2019, the Owner filed a Complaint with the Board, in which she alleging that Bojo received substandard care at the Hospital. The Board opened a case and conducted an investigation, which included gathering all relevant medical records.

As part of the investigation, Dr. Keller provided information to the Board. In it, Dr. Keller indicated that after Bojo arrested, the assisting veterinary technician noticed that the oxygen hose was disconnected from the anesthesia machine. Therefore, Bojo may not have been receiving oxygen during the surgery.

The veterinarian technician informed Dr. Keller that the anesthesia machine had undergone routine repair/maintenance the day before Bojo's surgery. The technicians did not check the machine before Bojo's surgery, because they knew it had been serviced recently and assumed that it would be functioning properly.

While Dr. Keller admitted to the Board that the malfunctioning anesthesia machine could have been the cause of Bojo's death, she also stated that the death could also have been caused by underlying, misdiagnosed pre-existing heart condition or liver disease.

The Board conducted an investigation and determined that Dr. Keller provided substandard care in her treatment of Bojo by not checking the oxygen machine before the surgery.

On January 22, 2021, the Board initiated pre-charge proceedings with Dr. Keller in this case. Following discussions between Board counsel and Dr. Keller, and having been advised of her due process rights, including the right to seek advice of counsel, Dr. Keller agreed to resolve this case through this Consent Agreement and Censure. Dr. Keller, by signing this Consent Agreement, agrees to this Consent Agreement, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she violated the Maryland Veterinary Practice Act and related regulations in connection with the care provided to Bojo.

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." As the surgeon operating on Bojo, Dr. Keller was responsible for ensuring the safety of the operating room, including checking to make sure that all equipment was functioning properly. By failing to inspect the anesthesia machine and other equipment to ensure the equipment was functioning properly or to supervise inspection by Hospital staff, Dr. Keller did not satisfy the standard of care applicable to veterinarians in this State and violated COMAR 15.14.01.07A.

Although the Board cannot conclude to a reasonable degree of medical certainty that deficiencies with the oxygen machine were the cause of Bojo's death, Dr. Keller's failure to inspect was not in accordance with the standard of care and warrants discipline.

Taking all the facts and circumstances into consideration, including Dr. Keller's lack of prior discipline, her commendable candor in her communications with the Board, her acceptance of responsibility for the failure to inspect, and her good faith efforts to resolve the case, the Board concludes that the most reasonable and appropriate resolution in this matter is a Censure.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 23rd day of June, 2021, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for violating the Maryland Veterinary Practice Act, and COMAR 15.14.01.07 (Professional Judgment and Practice) Dr. Keller be, and hereby is, **CENSURED.**



Elizabeth Callahan, DVM
President
Maryland State Board of Veterinary Medical Examiners

CONSENT

I, Nancy J. Petro-Keller, DVM, acknowledge that I have had an opportunity to consult with counsel before entering into this Consent Agreement and Censure ("Consent Agreement"). By this Consent, I hereby acknowledge the legal authority and jurisdiction of the Board over this matter to issue and enforce this Consent Agreement. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of ___ pages. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

28 JUN 2021
Date

Nancy J. P. Keller, DVM
Nancy J. Petro-Keller, DVM