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

IN THE MATTER OF:	*	
FALLS ROAD ANIMAL HOSPITAL LICENSE NO. 03-012	*	DOCKET NO. 20-49
OWNER: PETVET CARE CENTERS LLC	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 30th day of October, 2019, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board") against PetVet Care Center, LLC ("Owner" or "PetVet"), owner of Falls Road Animal Hospital, License No. 30-031 ("Hospital"), located at 6314 Falls Road, Baltimore, Maryland 21209.

This Order confirms the intention of PetVet to waive the right to contest the charge filed by the Board on October 4, 2019 in Docket No. 20-49, alleging that the Owner 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 and letter dated October 20, 2019, PetVet, through its General Counsel, Adeline C. Park, Esquire, notified the Board of PetVet's decision to voluntarily waive the right to a hearing on the charge in Docket No. 20-49 and agreed to pay the proposed civil penalty in the amount of $600.00. PetVet's check for $600.00, the full amount of the civil penalty, was received by the Board on October 16, 2019.

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 and/or the owners of veterinary hospitals charged with violating provisions of the Veterinary Practice Act, Agriculture Article §§ 2-301 *et seq.*, Annotated Code of Maryland and related 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 hospital owner]. . . [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 $3,000 for a first offense, $6,000 for a second offense, or

$10,000 for a third or subsequent offense in lieu of or in addition to suspending a veterinarian's or hospital owner's license. Md. Code Ann., Agric. Art. § 2-310.1, COMAR 15.14.11.03C & 15.14.11.04A. 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 15.14.11.04 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

PetVet, after having the opportunity to seek advice of legal counsel, voluntarily waived its right to a hearing on the charge and has paid a civil penalty of $600.00. In so doing, PetVet acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that it violated Agriculture Article Section 2-304.1, Md. Code Ann., and a related regulation; specifically COMAR 15.14.03.01-1C, as follows:

1. At times relevant to this charge, PetVet was the owner of Falls Road Animal Hospital ("Hospital"), located at 6314 Falls Road, Baltimore, MD 21209. The Hospital is licensed as License No. 03-012. PetVet has no prior disciplinary history with the Board.

2. Prior to July 1, 2019, the Hospital was operating with a valid hospital license issued to PetVet, its owner. However, Board records indicate that the Hospital license for fiscal year 2020, which was required to be renewed before July 1, 2019, was not renewed until August 8, 2019.

3. Prior to renewal of the license, Board staff made many inquiries to the Hospital's responsible veterinarian, Kim Hammond, D.V.M. ("Dr. Hammond") (License No. 2388) and to PetVet's email of record in an attempt to notify the Hospital that they were operating without a valid license and to request that the Owner contact the Board office immediately. The dates of these communications were July 9, 2019, July 25, 2019, July 30, 2019, and August 7, 2019. While Dr. Hammond was responsive to the Board inquiries, the Owner was not.

4. Due to PetVet's failure to respond or take other action, Dr. Hammond, the Hospital's responsible veterinarian, renewed the Hospital license himself, even though the Hospital license is issued to the owner. The renewal was processed on August 8, 2019, which means that between July 1, 2019 and August 8, 2019, the Hospital was operated by its owner, PetVet, without a valid hospital license.

5. Agriculture Article, § 2-304.1, Annotated Code of Maryland, requires that every veterinary hospital be licensed by the Board. The licensing year for a veterinary hospital corresponds with the State fiscal year which runs from July 1 through June 30.

6. COMAR 15.14.03.01-1C provides that: "[a] person, including the owner, may not operate a veterinary hospital unless it has a valid hospital license."

Taking all facts and circumstances into consideration, including the nature of the violation, the owner's lack of prior disciplinary history with the Board, and the 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 30th day of October, 2019, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Agriculture Article, § 2-304.1, Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.03.01-1C, PetVet Care Centers LLC, owner of Falls Road Animal Hospital, is assessed a civil penalty in the amount of $600.00. The Board acknowledges receipt of the full amount of the civil penalty on October 16, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Elizabeth Callahan, DVM
President