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

IN THE MATTER OF:	*	
LANCE P. KEIL, VMD LICENSE NO. 3231	*	DOCKET NO. 20-54
KEIL ASSOCIATES P.A., D/B/A ERDMAN ANIMAL HOSPITAL HOSPITAL LICENSE NO. 30-013	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 20th day of March, 2020, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Lance P. Keil, VMD ("Dr. Keil"), License No. 3231. This Order confirms the intention of Dr. Keil to waive the right to contest the charge filed by the Board on or about February 28, 2020 in Docket No. 20-54, alleging that Dr. Keil 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. Specifically, the Board alleged that Dr. Keil violated COMAR 15.14.01.12-3C by failing to keep expired medications separate and apart from unexpired medications in his veterinary hospital. By email to Board counsel dated March 17, 2020, Dr. Keil notified the Board of his decision not to contest the charge, to waive his 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

Lance P. Keil, DVM, License No. 3231 ("Dr. Keil"), after having the opportunity to seek advice of legal counsel, has agreed to waive his right to a hearing and agreed to pay the $700 civil penalty assessed by the Board in Docket No. 20-54. Dr. Keil 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. Keil was a veterinarian licensed to practice in Maryland, where he has been licensed since 1987. Dr. Keil is the owner and responsible veterinarian at a veterinary hospital known as Keil Associates P.A., d/b/a Erdman Animal Hospital ("Hospital") located at 3233 Erdman Avenue, Baltimore, MD 21213 (Hospital License No. 30-0130). Dr. Keil has a prior disciplinary history with the Board that includes a Consent Order and Censure in Docket No. 17-39, a case arising from medical treatment rendered by a Hospital technician at a time when no veterinarian was on duty.

2. On December 18, 2019, Board Inspector Ellen James ("Ms. James") conducted a routine inspection of the Hospital during which she found 167 expired medications in the Hospital's working stock. Of these expired medications, 123 were expired Lyme vaccines. Ms. James issued a COMAR Violation sheet which was signed by Dr. Keil.

3. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to any animal, and COMAR 15.14.01.12-3C requires that expired medications be packaged and kept separate and apart from unexpired medications until disposal of such medications.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's 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 26th day of March, 2020, 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, Lance P. Keil, VMD, is assessed a civil penalty in the amount of $700, which is due within sixty (60) days from the date of this Order.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Elizabeth Callahan, DVM
President