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

IN THE MATTER OF:	*	
JOHN SCHRANK, VMD LICENSE NO. 5482	*	DOCKET NO. 21-80
ANNE ARUNDEL VETERINARY HOSPITAL, INC. HOSPITAL LICENSE NO. 02-003	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 28th day of September, 2021, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against John Schrank, VMD ("Dr. Schrank"), License No. 5482. This Order confirms the intention of Dr. Schrank to resolve Docket No. 21-80 without issuance of formal charges. By correspondence received by Board counsel on September 22, 2021, Dr. Schrank agreed to the terms and conditions set forth in this Civil Penalty Final Order, including the findings that he violated the Maryland Veterinary Practice Act, Md. Code Ann., Agric. §§2-301 - 2-316, Annotated Code of Maryland, ("Veterinary Practice Act") and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17.

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. § 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. 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

John Schrank, VMD, License No. 5482, after having the opportunity to seek advice of legal counsel and having been informed of his due process rights, including the right to a hearing in this matter, has agreed to resolve this case voluntarily without the issuance of formal charges and agreed to pay the civil penalty proposed. In so doing, Dr. Schrank acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he violated Md. Code Ann., Agric. § 2-310(8), and COMAR 15.14.01.12-3C, as follows:

1. At all times relevant to this Order, John Schrank, VMD ("Dr. Schrank") was a veterinarian licensed to practice in Maryland since 2002. Dr. Schrank is the owner of a veterinary hospital known as Anne Arundel Veterinary Hospital, Inc. ("Hospital") located at 4800 Ritchie Highway, Baltimore, MD 21225 (License No. 02-003) and was the responsible veterinarian for the Hospital at the time of the events described herein.

2. Dr. Schrank has one prior disciplinary action with the Board (Docket No. 14-18B), which resulted in entry of a Civil Penalty Final Order finding that he allowed an associate veterinarian to practice at his hospital without a valid registration and imposing a civil penalty.

3. On May 24, 2021 during an annual inspection of the Hospital, Board Inspector, Pegeen Morgan ("Inspector Morgan"), found at least 70 expired medications in the Hospital's working stock of medications, including Ampicillin, which had expired in June of 2019, and a group of 50 bottles of metoclopramide 10 mg/2ml, all of which had been purchased together, that expired on August 1, 2020.

4. The Veterinary Hospital Inspection Report was prepared, which reflects Inspector Morgan's findings on May 24, 2021. Inspector Morgan also issued a COMAR Violation Sheet.

5. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to an 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. Dr. Schrank violated the latter portion of this regulation by having expired medications mixed with the working stock of drugs in his Hospital during a Board inspection.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of prior expired medication violations, 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 28th day of September, 2021, by the State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Md. Code Ann., Agric. § 2-310(8) and COMAR 15.14.01.12-3C, John Schrank, VMD (License No. 5482), responsible veterinarian at Anne Arundel Veterinary Hospital, Inc. (License No. 02-003), is assessed a civil penalty in the amount of $300. The civil penalty shall be paid within thirty (30) days of the date of this Order.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Elizabeth Callahan, DVM
President