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

IN THE MATTER OF:	*	
HEART AND PAW ACQUISITION CO., LLC 1055 Westlakes Drive, Suite 300 Berwyn, PA 19312	*	DOCKET NO. 22-24
CAROLINE VETERINARY CLINIC Hospital License No. 05-00455	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 3rd day of December, 2021, is issued by the Maryland State Board of Veterinary Medical Examiners ("SBVME" or "Board") against Heart and Paw Acquisition Co., LLC ("Owner"), the owner of Caroline Veterinary Clinic (Old Hospital License No. 05-004, new Hospital License No. 05-00455)("CVC"), located at 9 N. Central Avenue, Ridgely MD 21660.

This Order confirms the intention of the Owner to waive the right to formal proceedings in this case, in which it is alleged that the Owner violated the Maryland Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 - 2-316, ("the Act") and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17. Before agreeing to this Order, the Owner's local representative was notified in writing of the available due process rights, including the right to receive formal notice of charges, request a hearing, retain legal counsel, and all other rights as set forth in Agric. § 2-311.

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 veterinary hospital owners charged with violating provisions of the Act. 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." 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 a veterinarian's license, respectively. Agric. § 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 civil penalty standards. Md. Code Ann., State Gov't § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Owner, after having the opportunity to seek the advice of legal counsel, voluntarily waived its right to formal charges and a hearing and agreed to pay the civil penalty of $300. In so doing, the Owner, through its local representative, acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that the Owner violated COMAR 15.14.03.01-1 (Licensing Requirements), as follows:

1. On July 1, 2021, Board Investigator Susan Husk ("Investigator Husk") called CVC to discuss the hospital's registration, which had not been renewed for Fiscal Year 2022. Investigator Husk asked to speak with CVC's responsible veterinarian, E. Mitchell Arion, VMD "("Dr. Arion") (License No. 2939), who was not available at that time. Investigator Husk spoke with Zack Markley, a member of the Owner's operations and integrations team, to discuss the status of the hospital's registration. During that call, Mr. Markley informed Investigator Husk that the Owner had purchased the clinic in June of 2021.

2. Investigator Husk explained to Mr. Markley that an application for a new hospital license would need to be submitted immediately on behalf of the new owner.

3. Later that day, Julie N. Sanders, DVM (License No. 6433), the local representative for the Owner, applied for a hospital license in the Owner's name. The new license was issued the same day.

4. Section 2-304.1 of the Agriculture Article requires that every veterinary hospital be licensed by the Board license every veterinary hospital. COMAR 15.14.03.01-1 specifies the process and requirements for licensing and operation of veterinary hospitals. COMAR 15.14.03.01-1C provides that: "[a] person, including the owner, may not operate a veterinary facility unless it has a veterinary hospital license." COMAR 15.14.03.01-1E provides that: "[b]ecause a hospital license is issued in the name of a particular owner for a particular building or portion of it, the owner may not transfer this license to either a new owner, including a person leasing or purchasing the owner's veterinary practice, or a different physical structure." (emphasis added).

5. The Owner violated this regulation by purchasing CVC and operating it without first obtaining a new hospital license. CVC was purchased by the Owner on or about June 14, 2021, and opened for business on June 16, 2021. From

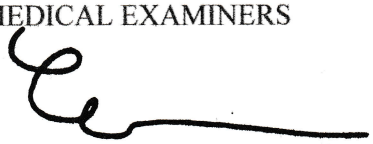
June 16 through July 1, 2021, the Owner operated CVC without a valid hospital license.

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 its 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 3rd day of December, 2021, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Md. Code Ann., Agric. § 2-304.1, and COMAR 15.14.03.01-1, Heart and Paw Acquisition Co., LLC, the owner of Caroline Veterinary Clinic (License No. 05-00455), is assessed a civil penalty of $300, due thirty (30) days from the date of this Order. The civil penalty should be paid by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 22-24" and mailed to MDA at the address below.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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