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

IN THE MATTER OF:	*	
KRISTINA BENNETT, DVM License No. 5325 Owner and Responsible Veterinarian	*	DOCKET NO. 22-03
MONTGOMERY VILLAGE ANIMAL HOSPITAL Old Hospital License No. 15-086 New Hospital License No. 15-00426	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 29th day of November, 2021, is issued by the Maryland State Board of Veterinary Medical Examiners ("SBVME" or "Board") against Kristina Bennett, DVM ("Dr. Bennett"), License No. 5325, the owner and responsible veterinarian at Montgomery Village Animal Hospital ("Hospital"), (former License No. 15-086) ("Hospital"), which is currently located at 19243 Watkins Mill Road, Montgomery Village, MD 20886.

This Order confirms the intention of Dr. Bennett to waive the right to formal proceedings in this case, in which it is alleged that Dr. Bennett 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, Dr. Bennett was notified in writing of her due process rights, including the right to receive formal notice of charges against her, the right to request a hearing and to retain 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

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

1. On May 17, 2021, Dr. Bennett emailed the Board and asked how to change the address on the license issued to the Hospital.

2. At the time of the call, the Hospital was assigned License No. 15-086 for its location at 19222 Montgomery Village Avenue, Montgomery Village, MD 20886. However, at that time, the Hospital had moved to a new building located at 19243 Watkins Mill Road, Montgomery Village, MD 20886.

3. After Dr. Bennett and Board staff exchanged emails, Licensing Administrator, Tonya Kendrick, notified Dr. Bennett on May 20, 2021 that the Hospital was out of compliance with the Board's regulations and operating without a valid license.

4. On June 1, 2021, Dr. Bennett applied for a hospital license for the new location. Board Inspector Pegeen Morgan inspected the new hospital building on June 3, 2021, and a new license (License No. 15-00426) was issued.

5. Section 2-304.1 of the Act requires that every veterinary hospital be licensed by the Board. COMAR 15.14.03.01-1 specifies the process and requirements for licensing and operating a veterinary hospital. 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 explains 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).

6. Dr. Bennett violated this regulation as owner and responsible veterinarian at the Hospital when she moved the

Hospital to a new physical location and operated the Hospital in that location without first applying for and obtaining a new hospital license. Dr. Bennett allowed the Hospital to operate without an inspection and valid license from May 17, 2021 through June 2, 2021.

Taking all facts and circumstances into consideration, including the nature of the violation, Dr. Bennett's lack of prior disciplinary history with the Board, her acceptance of responsibility, and her 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 29th day of November, 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, Kristina Bennett, DVM (License No. 5325), as owner and responsible veterinarian of Montgomery Village Animal Hospital (old License No. 15-086, current License No. 15-00426), is assessed a civil penalty of $300, which is due thirty (30) days from the date of this Order. The civil penalty shall be paid by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 22-03" and mailed to the MDA at the address below. The Board acknowledges that as of the date of this Order, the civil penalty has been paid in full.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

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