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

IN THE MATTER OF:	*	
SHAWN WILSON, DVM License No. 5709 Owner and Responsible Veterinarian	*	DOCKET NO. 22-15
MOUNTAIN VIEW ANIMAL EMERGENCY Old Hospital License No. 21-018 New Hospital License No. 21-00435	*	

* * * * * * * * * * * * *

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 Shawn Wilson, DVM ("Dr. Wilson"), License No. 5709, the owner and local representative of Mountain View Animal Emergency ("Hospital") (former License No. 21-018) ("Hospital"), which is currently located at 13810 Crayton Boulevard, Hagerstown, MD 21742. This Order confirms the intention of Dr. Wilson to waive the right to formal proceedings in this case, in which it is alleged that Dr. Wilson, as owner and local representative of the Hospital, 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. Wilson was notified in writing of his due process rights, including the right to receive formal notice of charges against him, request a hearing and 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. Wilson, after having the opportunity to seek the advice of legal counsel, voluntarily waived his right to formal charges and a hearing and agreed to pay the civil penalty of $500. In so doing, Dr. Wilson acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he violated COMAR 15.14.03.01-1 (Licensing Requirements), as follows:

1. On June 30, 2021, Board Investigator Susan Husk ("Investigator Husk") called the Hospital to discuss the Hospital's registration, which had not been renewed for Fiscal Year 2022. At that time, Dr. Wilson, the owner and local representative of the Hospital, and the practice manager were not available to speak with her.

2. Investigator Husk spoke with the practice Director of Veterinary Technicians and learned that on April 2, 2021, the Hospital had moved to a new location without notifying the Board or undergoing a Board inspection. At the time of the call, the Hospital was assigned License No. 21-018 for its location at 1850A Maugans Avenue, Hagerstown, MD 21742. However, at that time, the Hospital had moved to a new building located at 13810 Crayton Boulevard, Hagerstown, MD 21742.

3. On July 2, 2021, the Hospital submitted a license application for the new location. Later that day, Board Inspector Ellen James conducted an emergency sanitation inspection. The hospital passed inspection and a new hospital license was issued (License No. 21-00435).

4. Section 2-304.1 of the Agriculture Article requires that 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 clarifies 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. Dr. Wilson violated this regulation as owner and local representative of the Hospital when he 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. Wilson allowed the Hospital to operate without an inspection and valid license from April 1, 2021 through July 2, 2021.

Taking all facts and circumstances into consideration, including the nature of the violation, Dr. Wilson's lack of prior disciplinary history with the Board, and his 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, Shawn Wilson, DVM (License No. 5709), as owner and local representative of Mountain View Animal Emergency (old License No. 21-018, current License No. 21-00435), is assessed a civil penalty of $500, 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 – 22-15" and mailed to MDA at the address below.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Elizabeth Callahan/vao

Elizabeth Callahan, DVM
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture
50 Harry S. Truman Parkway, Room 102
Annapolis, Maryland 21401
Telephone: 410-841-5862