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

IN THE MATTER OF:	*	
JAMES M. BRYANT LICENSE NO. 1969	*	DOCKET NO. 01-042-B
	*	

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CONSENT ORDER

This Agreement, dated this 30 day of August, 2002, is between the State Board of Veterinary Medical Examiners ("Board") and James M. Bryant, D.V.M., License No. 1969. The Agreement concerns the charges that the Board filed against Dr. Bryant, alleging that he violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to his treatment of "Shawney," a diabetic, eight-year old female American Eskimo/Spitz, owned by John and Kristina Milia.

Under the Veterinary Practice Act, the Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with Board ... regulations after receiving a license" (Md. Code Ann., Agric. Art., §2-310(8)); and in lieu of, or in addition to, suspending a veterinarian's license, the Board may impose a civil penalty of not more than $5,000 (Md. Code Ann., Agric. Art., §2-310.1).

More specifically, in this matter, the Board charged that Dr. Bryant, after assuming Shawney's care, made an incomplete record of the animal's condition at the beginning of custody, a violation of COMAR 15.14.01.10.

FINDINGS OF FACT

Dr. Bryant, by entering into and signing this document, stipulates to, and acknowledges that the Board, by a preponderance of the evidence, could prove the following Findings of Fact:

1. James M. Bryant, D.V.M., is licensed to practice veterinary medicine in this State, and has been licensed since 1977. At all times relevant to the charges filed in this matter, Drs. Bryant and Linda B. Rawls were, and are, the owners of the New Market Animal Hospital, located at 10609 Old National Pike, New Market, Maryland 21774.

2. On or about Saturday, July 14, 2001, "Shawney," a diabetic, eight-year old female American Eskimo/Spitz, owned by John and Kristina Milia, was presented to Dr. Bryant for veterinary care. Shawney's chief complaint was lack of appetite and lethargy.

3. Dr. Bryant examined Shawney and made the following observations: (a) Shawney's appearance "was not dire"; (b) Shawney's "energy level was slightly less than ... usual, but her composure was good"; (c) During the exam, Shawney "stood on the exam table..., and her breath smelled normal.... a good indication that she was not in ketoacidosis, at that time"; and (d) Shawney's "heart rate and breathing were normal." Dr. Bryant, however, did not record any of these observations in Shawney's treatment record.

4. Dr. Bryant ordered the following blood work for Shawney: "CBC and Chem 12." Based on his examination of Shawney and the results of her blood work, Dr. Bryant: (a) diagnosed Shawney with "probable ideopathic infection," and (b) prescribed the following medication to treat the infection: "Cephalexin 500 mg 1 cap. TID." That same day, when Shawney was discharged, Dr. Bryant told the owner to return the dog for fluid therapy if she was not better by Monday.

5. On or about Monday, July 16, 2001, Shawney was presented to Dr. Rawls for veterinary care. After examining Shawney, Dr. Rawls determined that Shawney "was obviously in a state of ketoacidosis and had evidence of multiple systems failure secondary to diabetes and infection." Later that day, Dr. Rawls referred Shawney to the Emergency Animal Center, where, after receiving a poor prognosis, Shawney's owners elected to have her euthanized.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law: On or about July 14, 2001, after assuming the care of Shawney, a diabetic, eight-year old female American Eskimo/Spitz owned by John and Kristina Milia, Dr. Bryant made an incomplete record of the animal's condition at the beginning of custody, a violation of COMAR 15.14.01.10.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Bryant violated COMAR 15.14.01.10, it is this 6th day of September, 2002, by the State Board of Veterinary Medical Examiners, **ORDERED**: That Dr. James M. Bryant pay a civil penalty in the amount of one hundred fifty dollars ($150) within 30 days from the date of this Consent Order.

9/6/02
Date

Donald M. Carman, D.V.M.
President
State Board of Veterinary
Medical Examiners

CONSENT

I, James M. Bryant, D.V.M., acknowledge that I had an opportunity to consult with counsel before entering into and signing this document. By this Consent, I hereby acknowledge that the Board, by a preponderance of the evidence, could prove the Findings of Fact and Conclusions of Law contained herein. Accordingly, in order to resolve these matters, I agree to accept and submit to the foregoing Consent Order, consisting of 4 pages.

I acknowledge the validity of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the laws of the State of Maryland. I also affirm that I am waiving my right to appeal from this Consent Order.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order.

I sign this Consent Order without reservation as my voluntary act and deed after having an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

8-30-02
Date

James M Bryant DVM
James M. Bryant, D.V.M.
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF FREDERICK

I HEREBY CERTIFY that on this 30th day of August, 2002, before me, a Notary Public of the State and City/County aforesaid, personally appeared James M. Bryant, D.V.M., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission expires: 6-1-05