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

IN THE MATTER OF:	*	
CHARLES SHORTALL, D.V.M.	*	DOCKET Nos. 03-057; 01-062
LICENSE NO. 1259	*	

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CONSENT AGREEMENT

This Agreement, dated this 20th day of MAY, 2005, is between the State Board of Veterinary Medical Examiners ("Board") and Charles Shortall, D.V.M., License No. 1259. The Agreement concerns the separate disciplinary actions that the Board filed against Dr. Shortall, alleging that he:

(1) In Docket # 03-057, violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to his treatment of "Boleo," a three-year old Standard Poodle owned by Ms. Marian Insley; and

(2) In Docket # 01-062, violated the terms of his probation.

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. Agric. Art., §2-310(8), Code Ann.); and in lieu of, or in addition to, suspending a veterinarian's license, the Board may impose a civil penalty (Md. Agric. Art., §2-310.1, Code Ann.).

More specifically, in Docket # 03-057, the Board charged that Dr. Shortall: (1) failed to comply with the record-keeping requirements for companion animals specified under COMAR 15.14.01.10; and (2) provided substandard care to a patient, a violation of COMAR 15.14.01.07. In Docket # 01-062, the Board charged that Dr. Shortall failed to comply with the probationary condition that he obey all laws and regulations governing the practice of veterinary medicine in this State.

Findings of Fact:

Dr. Shortall, 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.) Dr. Shortall is a licensed veterinarian in this State, and has been since 1965.

2.) Dr. Shortall owns the Beltway Animal Hospital, located at 8702 Loch Raven Blvd., Baltimore, MD 21286, and has owned this facility at all times relevant to these charges.

3.) On or about November 6, 2003, Boleo, a three-year old Standard Poodle owned by Marian Insley, was presented to Dr. Shortall for emergency care (to wit: the owner's daughter advised Dr. Shortall that Boleo had been "hit by a car"). At that time, Dr. Shortall recorded the following short history of Boleo's condition as it pertained to the animal's medical status: "Auto - D - minutes ago."

4.) After examining Boleo, Dr. Shortall recorded the following pertinent information about the dog: (a) her sex: female; (b) her age: three years old; (c) her weight: 44 pounds; and (d) her breed: Standard Poodle. Dr. Shortall also recorded the following information concerning Boleo's physical condition at the beginning of custody: "Severe dyspnea. Nasal bleeding."

5.) Although Boleo had been presented as a "hit by car" emergency patient, Dr. Shortall's examination of her physical condition at the beginning of custody did not include an examination of the following vital signs: (a) her heart rate/rhythm; (b) her pulse rate; (c) her respiratory rate; (d) her body temperature; (e) her mucous membrane color and capillary refill time; (f) her body condition score; and (g) her lung sounds (a veterinarian's standard treatment of an emergency patient includes a thorough physical examination of the animal).

6.) Dr. Shortall recorded the following information in the patient's record pertaining to

the treatment he provided Boleo at this time: "Dexameth i/v w/ fluids." Dr. Shortall, however, did not record the amount of Dexamethasone that he administered to Boleo. He likewise did not record the type of intravenous fluids he administered to Boleo.

7.) To assess whether Boleo suffered thoracic injuries, Dr. Shortall took one radiographic view of Boleo's thoracic region, a lateral view, instead of the standard two views. Dr. Shortall provided no explanation why he deviated from the standard (*e.g.*, there is nothing in the patient's record suggesting that Dr. Shortall believed that Boleo's condition would become unstable during the extra time that is required to perform a second view).

8.) The lateral radiographic view of Boleo's thoracic region shows no evidence of extrathoracic injuries (*e.g.*, luxation, subluxation, or fracture of the ribs, sternum, spine, or forelimbs). It does show evidence of pneumomediastinum, pneumothorax, and possible pulmonary contusions. Without other radiographic views being taken, however, it is difficult to make a definitive diagnosis.

9.) Because Boleo was a trauma patient suffering from severe dyspnea (and possibly, pneumomediastinum, pneumothorax, and pulmonary contusions), Dr. Shortall should have closely monitored Boleo, particularly for signs of respiratory distress.

10.) After radiographing Boleo, Dr. Shortall placed her in a cage, but failed to closely monitor her.

11.) While cage rest alone can be an appropriate treatment for pneumomediastinum or pneumothorax, if the animal's condition worsens (*e.g.*, if the animal shows increased signs of respiratory distress), other treatment options may be warranted, including: (a) supplemental oxygen therapy, (b) thoracocentesis, (c) antibiotics, (d) placement of a chest tube, (e) bronchoscopy, and (f) thoracic surgery. The animal's clinical condition would dictate which of these treatments would be appropriate. If pulmonary contusions were present from the trauma, oxygen therapy, bronchodilators, diuretics, antibiotics, and mechanical ventilation may be warranted. In addition, intravenous fluid therapy

should be used judiciously, and in severe cases of pulmonary contusions, other types of fluid therapy (*e.g.*, colloidal fluids) may be warranted to decrease the likelihood of fluid accumulation in the animal.

12.) Boleo died in Dr. Shortall's care. His receptionist advised the owner that the cause of death was pulmonary edema.

Conclusions of Law:

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

1. On or about November 6, 2003, Dr. Shortall was presented with an emergency patient (to wit: Boleo, a three-year old Standard Poodle that had been struck by an automobile), but he failed to thoroughly examine the patient to properly assess her physical condition at the beginning of custody and, for this reason, the care that he provided the animal fell below the minimal standard required of a veterinarian in this State, a violation of COMAR 15.14.01.07 (a veterinarian's standard treatment of an emergency trauma patient includes a physical examination of the animal).

2. After examining Boleo on presentation, and being advised of the dog's history, Dr. Shortall did not record the dog's condition at the beginning of custody, a violation of COMAR 15.14.01.10A(6) (a veterinarian shall record a short history of the animal's physical condition at the beginning of custody and the initial diagnosis, if any).

3. Dr. Shortall administered Dexamethasone to Boleo, but failed to record the amount of medication that he administered, a violation of COMAR 15.14.01.10A(7) (if medication is given to an animal, a veterinarian shall record the amount and frequency).

4. Dr. Shortall administered intravenous fluids to Boleo, but failed to record the type of fluids that he administered, a violation of COMAR 15.14.01.10A(7) (a veterinarian shall record the treatment provided an animal and if medication is given, the amount and frequency).

5. In failing to closely monitor the condition and progress of a "hit by car" emergency patient believed to be suffering from severe dyspnea (and possibly pneumothorax, pneumomediastinum, and pulmonary contusions), particularly for signs of respiratory distress, Dr. Shortall's care of Boleo fell below the minimal standard required of a veterinarian in this State, a violation of COMAR 15.14.01.07 (Dr. Shortall's notation of "severe dyspnea" suggests significant thoracic or intrathoracic injury that necessitates close monitoring of the patient's pulmonary function).

6. Following his initial examination of Boleo, Dr. Shortall made no record of the animal's condition or progress while she remained in his care, a violation of COMAR 15.14.01.10A(8) (a veterinarian shall record the progress and disposition of the case).

DOCKET No. 01-062

Findings of Fact:

Dr. Shortall, 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.) On August 22, 2002, the Board disciplined Dr. Shortall for failing to comply with the record-keeping requirements specified under COMAR 15.14.01.10, pertaining to his treatment of "Schumacher," a Weimaraner owned by Robin Hopkins. Among other things, the Board suspended Dr. Shortall's license to practice veterinary medicine in this State for a period of two weeks, stayed the suspension, and placed him on probation for a period of three years under the condition that he obey all laws and regulations governing the practice of veterinary medicine in this State, including, but not limited to, the record-keeping requirements of COMAR 15.14.01.10.

2.) While serving this probation, Dr. Shortall, as noted in Docket # 03-057, failed to comply with the Veterinary Practice Act, including, but not limited to, the record-keeping requirements of COMAR 15.14.01.10.

Conclusions of Law:

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law: Dr. Shortall has violated the term of probation that the Board imposed upon him in this matter, requiring that he obey all laws and regulations governing the practice of veterinary medicine in this State including, but not limited to, the record-keeping requirements under COMAR 15.14.01.10.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Shortall violated the Veterinary Practice Act, it is this 31st day of May, 2005, by the State Board of Veterinary Medical Examiners, **ORDERED**:

A. In Docket # 01-062: That the probation the Board ordered in this case is revoked, and that Dr. Shortall's license to practice veterinary medicine in this State is suspended for a period of two weeks (which suspension period shall begin and end with the Board's approval);

B. In Docket # 03-057:

1.) That Dr. Shortall is assessed a Five Thousand Dollar ($5,000) Civil Penalty, but that payment of Two Thousand Five Hundred Dollars ($2,500) is suspended; and that Dr. Shortall pay that portion not suspended, that being, Two Thousand Five Hundred Dollars ($2,500), within sixty (60) days from the date of this Consent Agreement;

2.) That Dr. Shortall's license is suspended for a period of thirty (30) days, but that this suspension is stayed, and that he is placed on probation for a period of three years under the following terms and conditions:

a.) That he obey all laws and regulations governing the practice of veterinary medicine in this State;

b.) That, within one year from the date of this Consent Agreement, he attend and successfully complete a course on critical care that the Board has approved;

c.) That, within sixty (60) days from the date of this Consent Agreement, he meet with James F. Wilson, D.V.M., J.D., at his office in Yardley, PA, to take and complete a four-hour course on record-keeping, which shall include, but is not limited to, at Dr. Wilson's direction, reviewing certain materials beforehand as course preparation, and taking medical records from his practice for Dr. Wilson's critique;

d.) That he immediately institute a new record-keeping system that, at a minimum, complies with the record-keeping requirements specified under COMAR 15.14.01.10;

e.) That he submit to random sampling of patient records by Board personnel for the period that he is on probation; and

f.) That he reimburse Marian Insley the replacement value of her animal, Boleo; that being One Thousand, Five Hundred Dollars ($1,500) within thirty (30) days from the date of this Consent Agreement.

May 31 2005
Date

Chris H. Runde, D.V.M.
Chris H. Runde, D.V.M.
President
State Board of Veterinary
Medical Examiners

CONSENT

I, Charles Shortall, 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 Agreement, consisting of 7 pages.

I acknowledge the validity of this Consent Agreement 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 Agreement.

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

I sign this Consent Agreement 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 Agreement.

05.20.2005
Date

Charles Shortall, D.V.M.
Respondent

NOTARY

STATE OF Maryland
CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 20th day of MAY, 2005, before me, a Notary Public of the State and City/County aforesaid, personally appeared Charles Shortall, D.V.M., and made oath in due form of law that the foregoing Consent Agreement was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Carolyn Denise Perry
Notary Public

CAROLJEAN DENISE PERRY NOTARY PUBLIC ANNE ARUNDEL COUNTY, MD.

My Commission expires: May 1, 2006