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

IN THE MATTER OF:	*	
F. ROBERT WEEREN, D.V.M., M.S.	*	DOCKET NO. 02-018
LICENSE NO. 3524	*	

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CONSENT AGREEMENT

This Agreement, dated this 22nd day of May, 2003, is between the State Board of Veterinary Medical Examiners ("Board") and F. Robert Weeren, D.V.M., M.S., License No. 3524. The Agreement concerns the charges that the Board filed against Dr. Weeren, alleging that he violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to his treatment of "Eppy," an eight year-old female mixed breed owned by John and Jean Wilson.

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. Weeren's care of Eppy did not conform to the minimal standards customary among veterinarians in the State, a violation of COMAR 15.14.01.07, because he failed to: (a) further examine Eppy or perform any tests to diagnose her condition; or (b) discuss Eppy's condition with her owner, steps he should have taken in light of her condition on presentation (to wit: a subnormal temperature of 97.8°F), and her history since her last visit (to wit: coughing, shuddering, poor appetite, and vomiting the past two days).

FINDINGS OF FACT

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

1. At all times relevant to the charges, Dr. Weeren was, and is, a veterinarian licensed to practice veterinary medicine in the State of Maryland; and was practicing veterinary medicine at the Chesapeake Veterinary Referral Center, which has facilities located in Annapolis, Maryland ("Annapolis office") and in Timonium, Maryland ("Timonium office").

2. On or about January 3, 2002, at the Timonium office, Anne C. Minihan, D.V.M., another veterinarian with the Chesapeake Veterinary Referral Center, performed surgery upon Eppy, an eight year-old female mixed breed owned by John and Jean Wilson. More specifically, Dr. Minihan removed two masses from Eppy's neck area, and performed a cranial cruciate ligament repair upon Eppy's left hind leg. Michelle Powers, D.V.M., assisted in the surgery.

3. On or about January 4, 2002, Dr. Powers released Eppy to Mr. Wilson with certain instructions written by Dr. Minihan, including the following: (a) return Eppy in 10-14 days for staple removal; and (b) call the Referral Center if any problems arise. Because Dr. Minihan was scheduled to be in the Annapolis office for the remainder of the week, she told Mr. Wilson that Drs. Powers and Weeren would provide follow-up care for Eppy.

4. On or about January 11, 2002, Mr. Wilson called the Timonium office and informed staff that Eppy was coughing and shuddering. Staff relayed this information to Dr. Weeren. Dr. Weeren advised Mr. Wilson to contact Eppy's primary veterinarian about this matter. Dr. Weeren made no notation of this call in Eppy's treatment record.

5. On or about January 15, 2002, Mr. Wilson presented Eppy to Dr. Weeren for staple removal. At that time, the following information was recorded in Eppy's treatment record: (a) Eppy's temperature was below normal, to wit: 97.8°F; and (b) since last visit, while Eppy's attitude was "good," her appetite was "not good," and she "vomited the past two days." Dr. Weeren removed the staples and physically examined Eppy, but did not re-take Eppy's temperature or perform any tests to diagnose why she had a subnormal temperature, a poor appetite, and had vomited the past two days; nor did he discuss Eppy's condition with Mr. Wilson (*e.g.*, apprize Mr. Wilson of Eppy's subnormal temperature and, in light of Eppy's condition on presentation and history since last visit, advise that Eppy be examined by her primary veterinarian).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law: On or about January 15, 2002, in light of Eppy's condition on presentation (to wit: a subnormal temperature of 97.8°F) and her history since last visit (to wit: coughing, shuddering, poor appetite, and vomiting the past two days), by failing to further examine Eppy or perform any tests to diagnose her condition, or discuss Eppy's condition with her owner (*e.g.*, apprize the owner of Eppy's subnormal temperature and advise that Eppy be examined by her primary veterinarian), Dr. Weeren's care of Eppy did not conform to the minimal standards customary of a veterinarian in this State, a violation of COMAR 15.14.01.07.

VOLUNTARY MEASURES

In this matter, the Board recognizes that although Dr. Weeren disputes the conclusions reached by the Board, Dr. Weeren and his practice (Chesapeake Veterinary Referral Surgery ("CVRS")), have cooperated fully in this inquiry, and have voluntarily undertaken the following measures to minimize the possibility that an error like the one alleged to have occurred in this matter would occur in the future:

1. CVRS has employed two Client Liaisons, one for each of its facilities, whose sole jobs are to receive patient-related queries from clients, facilitate prompt follow-up with CVRS veterinarians and clients, and assure that all patient-related questions are answered satisfactorily.

2. CVRS has implemented additional record-keeping protocols, including a) adding a "Client Communications" page to every patient chart; and b) recording telephone calls and communications that occur outside of face-to-face client meetings on the Client Communications page as they occur.

3. CVRS has implemented a formal policy that, whenever a patient comes in for a recheck examination, a veterinarian must meet face-to-face with the client, even if the client does not request it.

4. Dr. Weeren and CVRS have offered to reimburse fully the Wilsons for the veterinary fees they incurred in this matter ($2,063.00), but the Wilsons have declined to accept any repayment.

5. Dr. Weeren and CVRS have to agreed to make a contribution to the Anne Arundel Humane Society in Eppy's memory.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Weeren violated COMAR 15.14.01.07, it is this 22nd day of May, 2003, by the State Board of Veterinary Medical Examiners, **ORDERED** that Dr. F. Robert Weeren is **CENSURED**.

5/22/03
Date

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

CONSENT

I, F. Robert Weeren, D.V.M., M.S., 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 6 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 Consent Agreement.

5/16/03

Date

F. Robert Weeren, D.V.M., M.S.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 11th day of May, 2003, before me, a Notary Public of the State and City/County aforesaid, personally appeared F. Robert Weeren, D.V.M., M.S., 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.

Cathy Lee Butler

Notary Public

My Commission expires: January 1, 2005

