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

IN THE MATTER OF: *

JAYNE T. TUNG, D.V.M *
Veterinary License 5785 *

* Docket No. 07-67

*

*

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

CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order") dated this 9 day of April, 2008, is between the Maryland State Board of Veterinary Medical Examiners ("Board") and Jayne T. Tung , D.V.M. ("Dr. Tung"), License No. 5785. This Agreement concerns the resolution of charges filed by the Board in February 2008 concerning Dr. Dolan's treatment in April 2007 of " Maire," an eleven-year old Irish Setter owned by Linda Haspel. The charges alleged that Dr. Tung in treating "Maire" failed to conform to the minimal standards of care and treatment which are customary among veterinarians in this State as required under COMAR 15.14.01.07 when she failed to read properly a radiograph taken of "Maire" on April 13 and, as a result, improperly diagnosed Maire has having cancer in thorax. Because of this improper diagnosis, Dr. Tung recommended that Maire be euthanized and did not discuss any alternative treatment options with "Maire's" owner, Linda Haspel.

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 charged with violating provisions of the Veterinary Practice Act, Agriculture Article §§ 2-301 *et seq.*, Annotated Code of Maryland and regulations adopted thereunder. 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 . . . [f]ails to comply with Board rules and regulations after receiving a license." Md. Code Ann., Agric. Art., § 2-310(8). In addition, the Board may also impose a civil penalty of not more than $5,000 in lieu of or in addition to suspending a veterinarian's license. Md. Code Ann., Agric. Art., § 2-310.1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. Tung, by entering into and signing this document, while generally and specifically denying liability in this case, agrees to this Agreement & Order, acknowledging that the Board has sufficient evidence to (a) find, as fact, that Dr. Tung misread a radiograph of "Maire" on April 13, 2007, (b) find, as fact, that, as result of her improper reading of the radiograph, Dr. Tung incorrectly diagnosed "Maire," as having cancer and (c) find, as fact, that Dr. Tung recommended that "Maire" be euthanized and did not discuss alternative treatment options with "Maire's" owner, Linda Haspel. As a result of these factual findings, Dr. Tung acknowledges, while denying general and specific liability in this case, that the Board could conclude, as a matter of law, that Dr. Tung did violate the Veterinary Practice Act and its regulations, specifically COMAR 15.14.01.07, by not conforming to the minimal standards of care and treatment which are customary among veterinarians in this State.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Tung

violated the Veterinary Practice Act, it is this 9 day of April 2008, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that (1) Dr. Tung pay a civil penalty in the amount of Six Hundred Dollars ($600.00); (2) Dr. Tung's veterinarian license is suspended for a period of two weeks but that this period of suspension is stayed; and (3) Dr. Tung is placed on probation for a period of six months from the date of this Agreement & Order, requiring her to obey all laws and regulations governing the practice of veterinary medicine in this State. Failure to do so can result in the imposition of a two week suspension.

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

CONSENT

I, Jayne T. Tung, D.V.M., acknowledge that I have had an opportunity to consult with legal counsel before entering into and signing this document. By this Consent, I hereby acknowledge the legal authority and the jurisdiction of the Board over this matter and to issue and enforce this Consent Agreement and Order. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement and Order, consisting of three pages.

I sign this Consent without reservation as my voluntary act, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement and Order.

03/29/08
Date

Jayne T. Tung, D.V.M.

NOTARY

STATE OF

CITY/COUNTY OF Carroll

I HEREBY CERTIFY that on this 29 day of March, 2008, before me, a Notary Public of the State and City/County aforesaid, personally appeared Jayne T. Tung, D.V.M., and made oath in due form of law that the foregoing Consent Agreement and Order was her voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission expires: 9-10-2008

GEOFFREY B. SCHWARTZ
NOTARY PUBLIC
CARROLL COUNTY
MARYLAND
MY COMMISSION EXPIRES SEPT. 10, 2008