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

IN THE MATTER OF:	*	
MARIANNE ALCAN, D.V.M.	*	DOCKET NO. 11-11
LICENSE NO. 6359	*	

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

CONSENT AGREEMENT AND ORDER OF CENSURE

This Consent Agreement and Order of Censure (Consent Agreement), dated this 31ST day of JANUARY 2013 CHR, ~~2012~~, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Marianne Alcan, D.V.M. (Dr. Alcan), License No. 6359. On August 19, 2010, Lisa Fazio, owner of a two-year-old female Boxer, "Ariel," filed a complaint with the Board concerning Dr. Alcan. This Consent Agreement resolves the violation described by the Board in its Notice of Agency Action to Dr. Alcan on June 13, 2011, alleging that Dr. Alcan violated a certain Board regulation, specifically Code of Maryland Regulations (COMAR) 15.14.01.07 pertaining to professional judgment and practice, on or about July 17, 2010, by failing to adequately document records pertaining to the care and treatment of "Ariel." On June 20, 2011, Dr. Alcan requested a hearing before the Board to dispute the charging document. Thereafter, the parties entered into discussions and reached a resolution. By entering into this Consent Agreement, Dr. Alcan waives the right to a hearing and appeal on the Board's Notice of Agency Action in Docket No. 11-11.

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 Maryland Veterinary Practice Act, Agriculture Article §§ 2-301 to 2-316, Annotated Code of Maryland, and related regulations. 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 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, or revoking, a veterinarian's license, respectively. Md. Code Ann., Agric. Art., § 2-310.1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. Alcan, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, agrees to this Consent Agreement, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she violated COMAR 15.14.01.07 pertaining to professional judgment and practice, on or about July 17, 2010, when she failed to provide appropriate written discharge instructions to Ms. Fazio by failing to make a clear written recommendation that additional treatment was needed to remove a foreign body.

Taking all the facts and circumstances into consideration, including the nature of the assertions, Dr. Alcan's good faith effort in resolving this matter, and Dr. Alcan's lack of disciplinary history with the Board, the Board concluded that the most reasonable and appropriate resolution in this matter is an Order of Censure.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 31ST day of JANUARY, ~~2012~~ 2013 CHR, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that:

1. Dr. Marianne Alcan, License No. 6359, is **CENSURED;**

2. Dr. Alcan, License No. 6359, is assessed a civil penalty in the amount of Three Hundred Dollars ($300) for one violation of COMAR 15.14.01.07, payment to be made within 30 days of the date of this Order to the Maryland State Board of Veterinary Medical Examiners (SBVME); and

3. After the passage of six months from the date of this order, upon written application of Dr. Alcan, the Board will promptly file a Modified Order that abrogates the Order in this Consent Agreement related to the violations of COMAR 15.14.01.07. Dr. Alcan's disciplinary licensing history in the Board's records will indicate that this Order is abrogated and that a Modified Order has been filed.

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

CONSENT

I, Marianne Alcan, 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. To resolve this matter, I agree to the terms of this Consent Agreement, consisting of three pages, including this page. 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.

1/10/13
Date

, D.V.M.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Columbia / Howard County

I HEREBY CERTIFY that on this 10 day of January, ~~2012~~ 2013, before me, a Notary Public of the State and City/County aforesaid, personally appeared Dr. Marianne Alcan, 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:

ROBERT ALCAN
NOTARY PUBLIC
HOWARD COUNTY
MARYLAND
MY COMMISSION EXPIRES DEC. 2, 2013