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

IN THE MATTER OF:	*	
JILL W. AUSENBAUGH, D.V.M.	*	DOCKET NO. 14-17A
LICENSE NO. 6372	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 12th day of December, 2013, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Jill W. Ausenbaugh, D.V.M. (Dr. Ausenbaugh), License No. 6372. This Order confirms the intention of Dr. Ausenbaugh to waive the right to contest the charge filed by the Board on October 30, 2013 in Docket No. 14-17A, alleging that Dr. Ausenbaugh violated Agriculture Article Section 2-313(1), Md. Code Ann. of the Veterinary Practice Act and a certain related Code of Maryland Regulation (COMAR). Specifically, in Docket No. 14-17A, the Board alleged that Dr. Ausenbaugh violated COMAR 15.14.01.11 Annual Registration, on certain dates in July and August of 2013, by practicing veterinary medicine at a veterinary hospital, specifically, at Solomon's Veterinary Medical Center, 13860 H.G. Trueman Road, in Solomons, Maryland 20688, without a current registration from the Board for Fiscal Year (FY) 2014. By letter of November 13, 2013, Dr. Ausenbaugh wrote to the Board and voluntarily waived the right to a hearing and appeal on the charge in Docket No. 14-17A.

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 Sections 2-301 through 2-316, Annotated Code of Maryland and related COMAR 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 or veterinary practitioner . . . [f]ails to comply with Board rules and regulations after receiving a license[.]" Md. Code Ann., Agric. Art., Section 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. Section 2-310.1. In setting the amount of a civil penalty, the Board shall

consider the severity of the violation, the good faith of the violator, and the history of prior violations as well as the Board's regulatory civil penalty standards. Md. Code Ann., State Gov't Art. Section 10-1001(b); COMAR 15.14.11 Civil Penalty Standards for Veterinarians.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Jill W. Ausenbaugh, D.V.M., License No. 6372, has agreed to submit payment of the $350 civil penalty assessed by the Board in Docket No. 14-17A, and waived her right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Ausenbaugh acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she did violate Agriculture Article Section 2-313(1), Md. Code Ann., of the Veterinary Practice Act and a regulation adopted under the Veterinary Practice Act, specifically, COMAR 15.14.01.11 Annual Registration, by practicing veterinary medicine at a veterinary hospital, specifically, at Solomon's Veterinary Medical Center, 13860 H.G. Trueman Road, in Solomons, Maryland 20688, on certain dates in July and August of 2013 without a current registration from the Board for FY 2014. Dr. Ausenbaugh renewed her registration online with the Board on August 28, 2013.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of a disciplinary history with the Board, and the veterinarian's good faith effort to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution in this matter was a civil penalty only.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 12th day of December, 2013, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Agriculture Article Section 2-313(1), Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.01.11 Annual Registration, Dr. Ausenbaugh is assessed a civil penalty in the amount of $350. The Board acknowledges that payment of $350 was received from Dr. Ausenbaugh on December 2, 2013.

Chris H. Runde, DVM

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