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

IN THE MATTER OF:	*	
NANCY E. BALL, D.V.M.	*	DOCKET NO. 14-17B
LICENSE NO. 2617	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 14th day of November, 2013, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Nancy E. Ball, D.V.M. (Dr. Ball), License No. 2617. This Order confirms the intention of Dr. Ball to waive her right to contest the charge filed by the Board on October 31, 2013 in Docket No. 14-17B, alleging that Dr. Ball violated the Veterinary Practice Act and a certain related Code of Maryland Regulation (COMAR). Specifically, in Docket No. 14-17B, the Board alleged that Dr. Ball violated COMAR 15.14.11.03J Violations, on certain days in July 2013 and August 2013, by permitting Dr. Jill W. Ausenbaugh, Licence No. 6372, to practice veterinary medicine at her veterinary hospital; specifically, Solomons Veterinary Hospital, without a current registration from the Board for Fiscal Year (FY) 2014. On or about November 12, 2013, Dr. Ball submitted full payment of the civil penalty assessed by the Board as the only sanction in this matter, and thus voluntarily waived her right to a hearing and appeal on the charge in Docket No. 14-17B. Dr. Ball has no prior disciplinary history with the Board.

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 – 2-316, Annotated Code of Maryland and related regulations, COMAR 15.14.01 – 15.14.17. 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., § 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. 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. § 10-1001(b); COMAR 15.14.11 Civil Penalty Standards for Veterinarians.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Nancy E. Ball, D.V.M., License No. 2617, has submitted payment of the $600 civil penalty assessed by the Board in Docket No. 14-17B, and waived her right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Ball voluntarily agreed to the Board's sanction, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she did violate COMAR 15.14.11.03J Violations, by permitting Dr. Jill W. Ausenbaugh, License No. 6372, to practice veterinary medicine without a current registration from the Board for FY 2014, at her veterinary hospital, Solomons Veterinary Hospital, located at P.O. Box 887, 13860 HG Trueman Road, in Solomons, Maryland 20688, on certain days in July and August 2013.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of 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 14th day of November, 2013, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of COMAR 15.14.11.03J, Dr. Ball is assessed a civil penalty in the amount of $600. The Board acknowledges that payment of $600 was received from Dr. Ball on November 12, 2013.

Chris H. Runde, DVM

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