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

IN THE MATTER OF:	*	
SAILENDRA ROY, DVM		**DOCKET NO. 08-37**
Veterinary License No. 2775	*	

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CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order") dated this 17th day of JUNE 2009, is between the Maryland State Board of Veterinary Medical Examiners ("Board") and Sailendra Roy, DVM, License No. 2775. This Agreement concerns the resolution of charges filed by the Board on February 6, 2009. The Board's charges followed a consumer complaint by Clara Bernardez with respect to Dr. Roy's care and treatment of her twenty-one month old female Shih-tzu, "Zavani." Ms. Bernardez alleged that five days following the performance of an ovariohysterectomy, "Zavani's" incision site dehisced, requiring further surgical care and resection.

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

On February 6, 2009, the Board alleged the following charges:

(1) That Dr. Roy did not comply with medical record-keeping requirements in compliance with COMAR 15.14.01.10 by documenting specific discharge instructions provided to Clara Bernardez;

(2) That Dr. Roy did not comply with record-keeping requirements in compliance with COMAR 15.14.01.10 by documenting the name and amount of "pain drops" provided to Ms. Bernardez' dog, "Zavani;"

(3) That Dr. Roy did not comply with record-keeping requirements in compliance with COMAR 15.14.01.10 by documenting the concentration of the drug, Clavamox, when administered to Ms. Bernardez' dog, "Zavani;" and;

(4) That Dr. Roy did not comply with the minimal standard of care in compliance with COMAR 15.14.01.07 in utilizing 0-surgical gut to suture "Zavani's" skin following the performance of an ovariohysterectomy for Ms. Bernardez's dog, "Zavani."

Following notice of the Board's charges, Dr. Roy requested a Hearing before the Board as to the Board's charges, and Dr. Roy specifically and generally denied liability and/or any deviations in applicable standards of medical care and treatment. Prior to a Hearing, the parties engaged in a Pre-Hearing Case Resolution Conference. A Case Resolution Conference was held on May 5, 2009. At the Conference, following a discussion of the charges and the medical care and treatment provided, Dr. Roy and the Board agreed to enter into this Consent Order and Agreement.

At the Conference, the Board acknowledged an error in charging Dr. Roy with respect to Charge #2 (Pain Drops) and Charge #3 (Clavamox), and the Board voluntarily withdrew those charges, as the required medical information was duly documented and recorded on the patient's chart.

By entering into and signing this document, Dr. Roy generally and specifically denies any

liability in this case. However, Dr. Roy acknowledges that the Board has sufficient evidence to find that he violated COMAR 15.14.01.10 with respect to medical record keeping requirements. Specifically, while a copy of detailed computerized discharge instructions were provided to Clara Bernardez for her dog, "Zavani," only the discharge instruction "codes" are referenced in the medical record. A copy of the computerized discharge instructions were not retained for the file.

Next, following a discussion of the utilization of 0-surgical gut to suture "Zavani's" skin following the performance of an ovariohysterectomy, Dr. Roy and the Maryland Board agreed that, while Dr. Roy disputes any allegation regarding a violation of applicable standards of medical care and treatment, Dr. Roy concedes that, pursuant to COMAR 15.14.01.08, the Board has sufficient evidence to find that Dr. Roy could improve his veterinary knowledge and skill in performing ovariohysterectomy by utilizing non-absorbable suture materials for skin closure. The Board, in turn, acknowledges that Dr. Roy's utilization of 0-surgical Chromic gut for closing the linea alba and subcutaneous tissue was appropriate. The Board further recognized that Dr. Roy took proactive steps to provide financial assistance for Ms. Bernardez for the subsequent care and treatment of "Zavani," and Dr. Roy provided additional assistance to assure "Zavani" made a full recovery with no residual injury in Ms. Bernardez's care. The Board found that Dr. Roy was candid and forthcoming, and willing to take necessary steps to improve patient care and treatment, and Dr. Roy acknowledged that reasonable steps would be taken to prevent any similar outcomes from occurring.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 17th day of June 2009, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that Dr. Roy be assessed a civil penalty in the amount of $250.00 for record keeping Charge #1, and the Board further

censures Dr. Roy as to Charge #4 to improve his surgical knowledge and training for performing future ovario-hysterectomies.

Chris H. Runde, DVM

Chris H. Runde, DVM, President
Maryland State Board of Veterinary Medical Examiners

CONSENT

I, Sailendra Roy, DVM, 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 five pages.

I sign this Consent as my voluntary act, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement and Order.

6/5/09
Date

Sailendra Roy, DVM

NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 5th day of June, 2009, before me, a Notary Public of the State and City/County aforesaid, personally appeared Sailendra Roy, DVM, and made oath in due form of law that the foregoing Consent Agreement and Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

Deborah J. Keller

My Commission expires:

DEBORAH J. KELLER
NOTARY PUBLIC STATE OF MARYLAND
MY COMMISSION EXPIRES JUNE 7, 2011

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Maryland State Board of Veterinary Medical Examiners

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Notary Public

Deborah J. Keller

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MY COMMISSION EXPIRES JUNE 7, 2011