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

IN THE MATTER OF:	*	
Robert F. Brown, D.V.M Veterinary License No. 2867	*	DOCKET NO. 08-40A
	*	
	*	

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

CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order") dated this 25th day of February 2009, is between the Maryland State Board of Veterinary Medical Examiners ("Board") and Robert F. Brown, D.V.M. ("Dr. Brown"), License No. 2867. This Agreement concerns the resolution of charges filed by the Board in December 2008 alleging that Dr. Brown failed to conform to the minimal standard of care expected of veterinarian in Maryland in the care and treatment of Ms. Hitt's dog, "Bella," in October 2006 by failing to disclose (or if disclosing, failing to record in the dog's medical record) that testing on Bella, prior to an ovario-hysterectomy being performed, showed that the dog had elevated levels of BUN and creatinine and recommending that such further investigation be done to determine the etiology for such symptoms. In addition, the Board also alleged that Dr. Brown failed to comply with the recordkeeping requirements set forth in COMAR 15.14.1.10 by not recording the volume of Telazol used as anesthetic agent and failing to record physical exam findings prior to the administration of anesthesia.

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. Brown, 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 find, as fact, that Dr. Brown was aware of the elevated levels of BUN and creatinine but did not disclose (or if he disclosed, he did not record this disclosure) these findings to Bella's owner, nor did he pursue any additional testing to determine the etiology for the elevated levels. Dr. Brown further acknowledges that the Board could find as fact that he did not record the volume of the drug Telazol used as an anesthetic agent prior to performing the ovario-hysterectomy on Bella, nor did he record the results of a physical examination within twelve hours of the administration of anesthesia.

Based on these findings of fact, Dr. Brown further acknowledges that the Board could conclude as a matter of law that Dr. Brown did not comply with the minimal standard of care expected of a veterinarian in this State, a violation of COMAR 15.14.01.07, and that he violated the recordkeeping requirements associated with the administration of anesthetic agents, as specified in COMAR 15.14.01.10.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law finding that Dr. Brown violated the Veterinary Practice Act and its affiliated regulations, it is this 25th day of ~~January~~ February CHR 2009, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that

1.) Dr. Brown is assessed a civil penalty in the amount of One Thousand Dollars ($1000.00);

2.) Dr. Brown will complete 6.0 credit hours of Board-approved continuing education relating to internal medicine (in addition to the annual 12.0 hours of continuing education mandated for Maryland veterinarians); and

3.) Dr. Brown will serve a period of probation of six months; violation of probation may result in the Board imposing an additional sanction of a one week stayed suspension of Dr. Brown's veterinarian license.

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

CONSENT

I, Robert F. Brown, 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.

2/20/09
Date

Robert F. Brown, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 20 day of February, 2009, before me, a Notary Public of the State and City/County aforesaid, personally appeared Robert F. Brown, D.V.M., 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

My Commission expires: Aug 26, 2009

SARAH KUMMET NOTARY PUBLIC BALTIMORE CO., MD