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

IN THE MATTER OF:	*	
CHARLES SHORTALL, D.V.M. Veterinary License No. 1259	*	DOCKET NO. 08-77
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CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order") dated this 23rd day of July 2009, is between the Maryland State Board of Veterinary Medical Examiners ("Board") and Charles Shortall, D.V.M. ("Dr. Shortall"), License No. 1259. This Agreement concerns the resolution of charges filed by the Board in May 2009 concerning Dr. Shortall's care and treatment of Rebecca Barney's cat, "Macon," from March 28 through April 2, 2008.

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 May 5, 2009, the Board alleged the following charges:

(1) That Dr. Shortall violated 15.14.01.10 of the Code of Maryland Regulations ("COMAR"), which governs the recordkeeping practices of veterinarians, by failing to:

a.) Adequately note the amounts, routes and frequency of drugs he administered to "Macon" during the cat's stay at his hospital;

b.) Adequately note amendments he made to "Macon's" medical record concerning the amount of fluid he administered to "Macon" during the cat's stay at the hospital, and

(2) Dr. Shortall violated the minimal standard of care expected of a veterinarian in this State, a violation of COMAR 15.14.01.07, by failing to:

a.) Perform an initial physical examination of "Macon" when he was first presented to Dr. Shortall on March 28, 2008, for urinary blockage;

b.) Perform daily physical examinations of "Macon" to assess the cat's health prior to surgery and after surgery;

c.) Provide adequate fluid therapy for a cat of this size; and

d.) Complete blood work on "Macon" including a CBC and blood chemistries (including electrolyte levels), which were indicated preoperatively to assess the cat's status.

Following notice of the Board's charges, Dr. Shortall timely requested a Hearing before the Board as to the Board's charges. Prior to this Hearing, the parties engaged in a Pre-Hearing Case Resolution

Conference, which was held on June 25, 2009. At the Conference, following a discussion of the charges and the medical care and treatment provided, Dr. Shortall and the Board agreed to enter into this Consent Agreement and Order that will resolve the pending charges.

By entering into this Agreement, Dr. Shortall generally and specifically denies any liability in this case. However, Dr. Shortall acknowledges that the Board has sufficient evidence to conclude that he violated COMAR 15.14.01.10 with respect to medical recordkeeping requirements. Dr. Shortall also acknowledges that he failed to conform to the standard of care with respect to the care and treatment of Macon. Specifically, he failed to perform daily physical examinations on the cat to assets the cat's health both before and after surgery, and he failed to complete blood work for "Macon" that was indicated preoperatively to assess the cat's status.

The Board found that Dr. Shortall was candid and forthcoming and willing to take necessary steps to improve patient care and treatment, and Dr. Shortall acknowledged that reasonable steps could be taken to improve his recordkeeping and standard of care to prevent similar outcomes from occurring.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law finding that Dr. Shortall violated the Maryland Veterinary Practices Act and its affiliated regulations, it is this 23rd day of July 2009, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** CHR

1.) That Dr. Shortall is assessed a civil penalty in the amount of $2500.00;

2.) That Dr. Shortall will serve a four-week suspension; two weeks of which are stayed. The remaining two-week suspension will be served beginning September 19, 2009;

3.) That Dr. Shortall, in consultation with his attorney, will submit for Board review and

approval a written protocol outlining his recordkeeping policies and procedures.

4.) Dr. Shortall will serve a period of probation of three months from the date of this Order. Violation of probation (he is charged and the Board ultimately concludes that Dr. Shortall was in violation of the Maryland Veterinary Practices Act during the period of probation) will result in the stay being lifted, and Dr. Shortall will have to serve the remaining two-week suspension for the charges resolved here.

Chris H. Runde, DVM

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



CONSENT

I, Charles Shortall, 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 four 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.

7-14-09
Date

Charles Shortall

NOTARY

STATE OF

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 14th day of July, 2009, before me, a Notary Public of the State and City/County aforesaid, personally appeared Charles Shortall, D.V.M., and made oath in due form of law that the foregoing Consent Agreement and Order was a voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission expires: 10/1/2010