Maryland
Department of Agriculture

*Office of Marketing, Animal Industries and Consumer Services*

Agriculture | *Maryland's Leading Industry*

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**MARYLAND STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

Telephone: (410) 841-5862 Facsimile: (410) 841-5999 www.mda.state.md.us

**NOTICE OF AGENCY ACTION**

April 2, 2009

Michael Herko, D.V.M.

Falls Road Animal Hospital

6314 Falls Road

Baltimore, MD 21209

Re: Docket # 08-82

Dear Dr. Herko:

The State Board of Veterinary Medical Examiners ("Board") recently investigated a complaint filed against you by the Agnews concerning your care and treatment of their dog, "Roger," in 2006. After reviewing the owner's complaint, your response and medical records, and the owner's letter of rebuttal, the Board has concluded that the allegations in the owner's complaint require no further action, and the complaint will be dismissed.

In investigating this matter, however, the Board carefully reviewed the medical records that were submitted and found that your records were lacking in specificity, thus giving the Board a good faith basis to find you in violation of the applicable regulations governing veterinarians in the State of Maryland. The Code of Maryland Regulations (COMAR) 15.14.01.10 requires veterinarians to prepare a legibly written record that accurately and thoroughly reflects the treatment provided and provides a listing of information, at a minimum, that the medical record shall contain.

Specifically, your records did not comply with COMAR 15.14.01.10 in that on December 2, 2006, you performed a fine needle aspirate of a mass on "Roger," but failed to note in the record your findings. The Board feels strongly that this may have avoided later confusion as to the nature of the mass.

The Board has concluded that it is appropriate at this time to issue this **LETTER OF CENSURE** so that you may take steps to rectify the deficiencies noted. You also are hereby **ORDERED TO CEASE AND DESIST** from all further acts that would violate COMAR 15.14.01.10, a copy of which is enclosed. There is **no civil penalty or license suspension or revocation for the violation identified**

**herein,** although this Letter of Censure is subject to disclosure under Maryland's Public Information Act §§ 10-611 *et seq.* of the State Government Article, Annotated Code of Maryland, and may be taken into account by the Board in any future proceedings regarding your practice.

If you wish to be heard on this matter before the Board, please contact the Board in writing within ten (10) days from the receipt of this letter. If we do not hear from you during this ten-day period, this letter is final. You may appeal this determination, however, pursuant to Md. Ann. Code Agric. Art. §§ 2-401 *et seq.*

If you have any questions, please contact Laura Downes, Executive Director of the Board, at 410-841-5862.

This is an Order of the Board.

Sincerely,

Chris H. Runde, DVM/ecd

Chris H. Runde, D.V.M.
Board President

cc: Board file

Encl.