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

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| **IN THE MATTER OF:** | * | |
| **AASHA K. SINHA, D.V.M.** | * | **Docket No. 09-75** |
| **LICENSE NO. 6408** | * | |

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## DEFAULT DECISION AND ORDER

Under State law, the State Board of Veterinary Medical Examiners (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 related regulations. Under this 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 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 a veterinarian's license. Md. Code Ann., Agric. Art., § 2-310.1.

## FINDINGS OF FACT

1. Dr. Aasha K. Sinha (Dr. Sinha) is a licensed veterinarian in Maryland and has been at all times relevant to this disciplinary action; however, Dr. Sinha did not renew her registration with the Board for fiscal year 2011. Mail from the Board to Dr. Sinha's address of record has been returned by the United State Postal Service and Dr. Sinha has failed to provide the Board with her current address.[i]

2. Dr. Sinha was, at the time of the incident described herein, employed at VCA Southern Maryland Veterinary Referral Center (Hospital), which is located at 3485 Rockefeller Court in Waldorf, Maryland.

3. On or about April 17, 2009, Carolyn Broomfield presented her male cat, "Erbert," to Hospital staff because the cat was straining during urination.

4. The medical record prepared by Hospital staff for "Erbert" indicates that he was examined on April 17, 2009, and that digitally-timed radiographs on that date showed calculi, or stones, in "Erbert's" bladder. Hospital staff recommended a routine cystotomy and hospitalized "Erbert" over the weekend pending surgery on Monday, April 20, 2009.

5. On or about Monday, April 20, 2009, Dr. Sinha performed surgery on "Erbert," and reported finding grass-like matter, and sent a sample to a lab for testing.

6. The medical record prepared by Dr. Sinha indicates that digitally-timed postoperative radiographs were taken on April 20, 2009 of "Erbert's" bladder.

7. On or about April 27, 2009, the Medical Director of the Hospital, a veterinarian licensed to practice in the State of Maryland, received the test results for the sample from the material removed from "Erbert," and the test results indicated fecal-like matter, but no calculi.

8. The medical record indicates that the pre- and post-operative radiographs of "Erbert's" bladder show that the number of calculi, or stones, before the surgery on April 17, 2009, remained about the same after the surgery on April 20, 2009.

9. Dr. Sinha did not perform a cystotomy, but instead performed an enterotomy or incision into the intestine of "Erbert."

10. The medical record indicates that on or about April 27, 2009, "Erbert's" incision became infected and required debridement and time to heal.

11. On or about May 4, 2009, the Medical Director for the Hospital performed a cystotomy on "Erbert" and removed the calculi.

12. Ms. Broomfield filed a complaint with the Board on May 27, 2009. Dr. Sinha filed a response on June 26, 2009, through her attorney, Steven T. Cain, Esq.

13. On August 26, 2010, the Board formally charged Dr. Sinha with a violation of the Veterinary Practice Act and related regulations. Specifically, the Board asserted that Dr. Sinha violated the minimal standard of care expected of a veterinarian in this State; specifically, COMAR 15.14.01.07, by failing to perform the appropriate surgery, a cystotomy, to remove calculi in the bladder, but instead, Dr. Sinha performed an enterotomy, which did not remove calculi in the bladder of the patient. The charging document was sent by certified mail, return receipt requested, along with a Notice of Agency Action letter (Notice) explaining that Dr. Sinha had a right to a hearing before the Board if requested within ten days from receipt of the charging document. In the alternative, the Notice stated that Dr. Sinha could waive a hearing and accept the proposed penalty, which included a $500 civil penalty, a two-week suspension (stayed) of License No. 6408, six months of probation, including the condition to participate in six credit hours of continuing education in small animal surgery, as pre-approved by the Board. The letter also stated that Dr. Sinha's failure to respond to the charges could result in the Board issuing an Order of Default. (Exhibit 1, Notice of Agency Action Letter and Charge Under the Maryland Veterinary Practice Act).

14. After receiving this Notice, Dr. Sinha contacted Assistant Attorney General Judith Plymyer by telephone and stated that she did not want a formal hearing, but wanted to resolve the disciplinary action informally; and, therefore, waived the right to a hearing in this matter.

15. Ms. Plymyer attempted to obtain Dr. Sinha's signed consent to a Consent Agreement and Order through her attorney, Mr. Cain, from September 27, 2010 until February 3, 2011, without success.

16. On February 3, 2011, the Board filed an Order of Default against Dr. Sinha. The Order of Default notified Dr. Sinha that she had fifteen days to file a motion seeking to vacate the order. The Order of Default was sent by certified mail, return receipt requested, with a copy to Mr. Cain. (Exhibit 2, Order of Default)

17. Because more than fifteen days have passed since the Order of Default was issued and the Board has not received a response from Dr. Sinha, the Board may now issue this Default Decision and Order.

## CONCLUSIONS OF LAW

As a licensed veterinarian in Maryland, Dr. Sinha is subject to the jurisdiction of the Board. By failing to perform the appropriate surgery, a cystotomy, to remove calculi in the bladder of Carolyn Broomfield's male neutered 15-year-old cat, "Erbert," on or about April 20, 2009, but instead, by performing an enterotomy, which did not remove calculi in the bladder of the patient, Dr. Sinha violated the minimal standard of care expected of a veterinarian in this State, specifically, COMAR 15.14.01.07 Professional Judgment and Practice.

## ORDER

Having determined that Dr. Sinha has not filed a timely response to the Order of Default issued in this matter, and that she has waived her opportunity for a hearing after being afforded notice of the Board's action (including notice of: (1) the charge against her, (2) the proposed sanction, (3) her opportunity to request a hearing, including what she must do to receive a hearing, and (4) the direct consequences for failing to exercise in a timely manner her opportunity for a hearing, namely, the entry of a Default Decision and Final Order and the imposition of the proposed sanction), the Board, on this 18th of MARCH, 2011,

**ORDERS:**

a. That Dr. Aasha K. Sinha's Maryland Veterinary License No. 6408 is suspended for two weeks (stayed);

b. Dr. Sinha shall pay a civil penalty of $500.00, payable to "SBVME" at 50 Harry S. Truman Parkway, Annapolis, MD, 21401, within 30 days of this Order;

c. Dr. Sinha shall be placed on probation for a period of six months effective on the date of this Order; and

d. As a condition of probation, Dr. Sinha shall obtain six credit hours of continuing education in small animal surgery, as pre-approved by the Board.

WITNESS the hand and seal of the State Board of Veterinary Medical Examiners, State of Maryland, this 18th day of March, 2011.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

John L. Heizer, DVM

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## REVIEW RIGHTS

Within 30 days from the date of this decision, an aggrieved party may note an appeal to the Board of Review of the Maryland Department of Agriculture by sending an Order of Appeal to the Chairman of the Board of Review and a copy to the Secretary of Agriculture. The Order of Appeal shall be sent to each by registered or certified mail, return receipt requested (the mailing address for the Chairman and the Secretary is: Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401). The decision of the Board of Review is the final agency decision for purposes of judicial review under the Administrative Procedure Act.

[i] There is circumstantial evidence that Dr. Sinha is residing in the area of Chicago.