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

IN THE MATTER OF:	*	
KATHLEEN PHILLIPS, D.V.M.	*	DOCKET NO. 10-08
LICENSE NO. 5334	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 24th day of June, 2011, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Kathleen Phillips, D.V.M. (Dr. Phillips), License No. 5334. This Consent Agreement resolves the charge filed by the Board on February 23, 2011, alleging that Dr. Phillips violated the Maryland Veterinary Practice Act and Code of Maryland Regulations with respect to veterinary medical care and treatment provided to Robert and Patricia Smith's 7 year-old neutered male Dachshund, "Casey," on August 26, 2006. On March 13, 2011, Dr. Phillips requested a hearing before the Board to dispute the charge. Thereafter, the parties entered into discussions and were able to reach a resolution. By entering into this Consent Agreement, Dr. Phillips waives the right to a hearing and appeal on the charging document in Docket No. 10-08.

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 Maryland Veterinary Practice Act, Agriculture Article §§ 2-301 et seq., Annotated Code of Maryland and related regulations. 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 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 AND CONCLUSIONS OF LAW

Dr. Phillips, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, agrees to this Consent Agreement, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law, that she did violate COMAR 15.14.01.10 pertaining to record keeping by failing to properly maintain the ICU flow sheet in conjunction with her telephone log/reminder to contact the patient's owners, Robert and Patricia Smith, regarding the patient's ultrasound test results for the Smith's seven-year-old male Dachshund, "Casey," on August 26, 2006. Taking into account all of the facts and circumstances, the Board concluded that the following sanctions were reasonable and appropriate.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 24th JLH day of June, 2011, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that:

a. Dr. Phillips is assessed a civil penalty in the amount of Three Hundred Dollars ($300.00), payment to be made to the Maryland State Board of Veterinary Medical Examiners "SBVME" within 30 days of the date of this Order.

b. Dr. Phillips' license is suspended for a period of one week; however, this suspension is stayed.

c. Dr. Phillips shall serve a period of probation of six months from the date of this Order. While on probation, the veterinarian shall obey all laws and regulations governing the practice of veterinary medicine in this State and the conditions of this Consent Agreement. Violation of probation means that the veterinarian is charged and the Board ultimately concludes that the veterinarian violated the Veterinary Practice Act, related regulations, or the terms of this Consent Agreement during the period of probation. Violation of probation may result in further disciplinary action and sanctions.

John L. Heizer, DVM

John L. Heizer, D.V.M.
Vice President
Maryland State Board of Veterinary Medical Examiners

CONSENT

I, Kathleen Phillips 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. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of three pages, including this page.

I sign this Consent without reservation as my voluntary act after having had an opportunity to consult with counsel, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement.

6/22/11
Date

Kathleen Phillips, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 22nd day of June, 2011, before me, a Notary Public of the State and City/County aforesaid, personally appeared Kathleen Phillips, D.V.M., and made oath in due form of law that the foregoing Consent Agreement and Order was her voluntary act and deed.

AS WITNESS my hand and notarial seal.

Jacalyn M. Foti
Notary Public Jacalyn M. Foti

My Commission expires:
9/1/11