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

IN THE MATTER OF:	*	
JAYNE T. TUNG, D.V.M.	*	DOCKET NO. 10-14
LICENSE NO. 5785	*	

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

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Order) dated this 28th day of October, 2010, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Jayne T. Tung, D.V.M. (Dr. Tung), License No. 5785. This Consent Order resolves a charging document filed by the Board on September 10, 2010, alleging that Dr. Tung violated the Maryland Veterinary Practice Act and a related regulation regarding the July 2009 care and treatment of "Simba," a cat owned by Michael and Rebecca Finkelman.

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 also impose a civil penalty of not more than $5,000 in lieu of or in addition to the suspending a veterinarian's license. Md. Code Ann., Agric. Art., § 2-310.1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. Tung, by entering into and signing this document, while generally and specifically denying liability in this case, agrees to this Consent Order, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she violated the minimal standard of care expected of a veterinarian in this State; specifically, COMAR 1514.01.07, by failing to diagnose a urinary obstruction in a male cat with a prior history of urinary infection.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 28th day of October, 2010, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that:

a.) Dr. Tung is assessed a civil penalty in the amount of $500.00 (payment to be made to the Maryland State Board of Veterinary Medical Examiners within 30 days of the date of this Order);

b.) Dr. Tung's license is suspended for a period of one week; this suspension is stayed;

c.) Dr. Tung will serve a period of probation of six months from the date of this Order. Violation of probation (the licensee is charged and the Board ultimately

concludes that the licensee is in violation of the Maryland Veterinary Practice Act during the period of probation) will result in the stay being lifted and Dr. Tung having to serve a one week suspension for the charge resolved here; and

d.) Dr. Tung will complete 6.0 credit hours of continuing education (CE) in feline internal medicine, as pre-approved by the Board, within six months from the date of this Order. To fulfill this requirement, Dr. Tung will obtain approval for the selected CE from the Board before registering and attending in person the CE course. After completion of the 6.0 credit hours, Dr. Tung will forward to the Board proof of completion of the CE credits required under this Order. Such proof will include Dr. Tung's name, the number of hours of CE completed, the topics covered, and the date or dates the CE course was given.

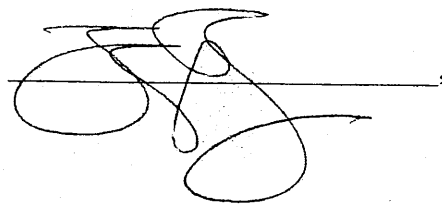
John L. Heizer, D.V.M.
Vice President
Maryland State Board of Veterinary Medical Examiners

CONSENT

I, Jayne Tung, 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 after an opportunity to consult with counsel, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement and Order.

10.18.10
Date


, D.V.M.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 18th day of October, 2010, before me, a Notary Public of the State and City/County aforesaid, personally appeared Jayne Tung, 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.

Notary Public

My Commission expires: 5/2/2012

