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

IN THE MATTER OF:	*	
LOUIS M. WIEST, JR., V.M.D.	*	DOCKET NO. 10-16
LICENSE NO. 1703	*	

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

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 29th day of June July CHR, 2011, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Louis M. Wiest, Jr., V.M.D. (Dr. Wiest), License No. 1703. This Consent Agreement resolves the charge filed by the Board on September 2, 2010, alleging that Dr. Wiest violated the Maryland Veterinary Practice Act and a related Code of Maryland Regulation (COMAR) regarding the care and treatment of Ms. Thaviphone Bradford's budgerigar, "William." On September 13, 2010, Dr. Wiest 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. Wiest waives the right to a hearing and appeal on the charge.

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.Wiest, by entering into and signing this Consent Agreement, while generally and specifically denying liability, and specifically excepting to the Board's expert opinion in this case, agrees to this Consent Agreement. Dr. Wiest acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that Dr. Wiest did violate a regulation adopted under the Maryland Veterinary Practice Act, specifically, COMAR 15.14.01.07 Professional Judgment and Practice, by prescribing an inappropriate mixture of medications for Ms. Thaviphone Bradford's budgerigar, "William," which was suffering from *Cnemidocoptes pillae* (mites), and by not re-examining the bird when it was fluffing and not vocalizing. The care and treatment occurred between August 23, 2009 and September 1, 2009. Taking all the facts and circumstances into consideration, and relying upon the opinion of the Board's expert in this case, the Board concluded that the most reasonable and appropriate resolution in this matter included the following sanctions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 6th day of July, 2011, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that:

a.) Dr. Wiest is assessed a civil penalty in the amount of $1,000.00, (payment to the Maryland State Board of Veterinary Medical Examiners (SBVME) to be made within 30 days of this Order); and

b.) As a condition of probation, Dr. Wiest shall complete 6.0 credit hours of continuing education (CE) in avian medicine, as preapproved by the Board, within six months of the date of this Order. The Board acknowledges that Dr. Wiest's participation in at least 6.0 credit hours of avian medicine lectures at the North American Veterinary Conference in Orlando, Florida, from January 15, through 19, 2011, has fulfilled this requirement; thus, no term of probation shall be imposed. Completion of this CE will not be counted towards the 18 hours of CE required annually for re-registration of the veterinary license.

Chris H. Runde, DVM

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

CONSENT

I, Louis M. Wirst, 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.

29 June 2011
Date

Louis M. Wirst V.M.D.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Frederick

I HEREBY CERTIFY that on this 29th day of June, 2011, before me, a Notary Public of the State and City/County aforesaid, personally appeared Louis M. Wirst, D.V.M., and made oath in due form of law that the foregoing Consent Agreement and Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

KRISTIN A. KAPFER
My Commission Expires
NOTARY PUBLIC
04-10-2012
FREDERICK COUNTY, MD

My Commission expires: 4/10/12