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

IN THE MATTER OF:	*	
G. ERIC PALMER, D.V.M.	*	DOCKET NO. 10-23 DOCKET NO. 10-60
LICENSE NO. 2923	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 25th day of JANUARY, 2011, is between the Maryland State Board of Veterinary Medical Examiners (Board) and G. Eric Palmer, D.V.M. (Dr. Palmer), License No. 2923. This Consent Agreement resolves the charges filed by the Board on August 30, 2010 in Docket No. 10-23 and September 13, 2010 in Docket No. 10-60, alleging that Dr. Palmer violated the Maryland Veterinary Practice Act and related regulations. Specifically, in Docket No. 10-23, the Board alleged that Dr. Palmer violated COMAR 15.14.01.04 Professional Conduct, in September 2009 by imposing an inconsistent policy for heartworm testing prior to prescribing internet heartworm prevention medication in the care and treatment of Alcea Sprung's poodles, "Remi" and "Maya." In Docket No. 10-60, the Board alleged that Dr. Palmer violated COMAR 15.14.01.07 Professional Judgment and Practice and COMAR 15.14.01.10 Record Keeping (two counts), in June 2009 by prescribing consecutive NSAIDs to a vomiting dog and for failing to adequately document the medical record in the care and treatment of Janine and Raymond Janvier's Rottweiler "Hossie." On September 9, 2010, Dr. Palmer requested a resolution conference to resolve the charge in Docket No. 10-23 informally. Thereafter, the parties entered into discussions and were able to reach a resolution in Docket No. 10-23 and Docket No. 10-60. By entering into this Consent Agreement, Dr. Palmer waives the right to a hearing and appeal on the charges in Docket No. 10-23 and Docket No. 10-60.

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. Palmer, by entering into and signing this Consent Agreement, while generally and specifically denying liability in these cases, agrees to this Consent Agreement, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he did violate certain regulations adopted under the Maryland Veterinary Practice Act, specifically, COMAR 15.14.01.07 Professional Judgment and Practice and COMAR 15.14.01.10 Record Keeping, by failing to impose a consistent policy for requiring bloodwork prior to prescribing preventative heartworm medication for Alcea Sprung's poodles "Remi" and "Maya" in September 2009, and for prescribing consecutive NSAIDS without a sufficient waiting period for a vomiting dog and failing to adequately document the medical records in the care and treatment of Janine and Raymond Janvier's Rottweiler "Hossie" in June of 2009. In Docket No. 10-23, the Board has substituted one count of violating COMAR 15.14.01.07 Professional Judgment and Practice for the count of COMAR 15.14.01.04 Professional Conduct. In Docket No. 10-60, the Board has dropped for lack of evidence one count of violating COMAR 15.14.01.10 for failing to document in the medical record that "Hossie" was vicious. Taking all the facts and circumstances into consideration, the Board concluded that the most reasonable and appropriate resolution in these matters included the following sanctions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 25th day of JANUARY, 2011, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that:

a. Dr. Palmer is assessed a civil penalty in the amount of $500.00 in Docket No. 10-23 for violating COMAR 15.14.01.07, payment to be made to the Maryland State Board of Veterinary Medical Examiners within 30 days of the date of this Order;

b. Dr. Palmer is assessed civil penalties in the amounts of $300.00 and 500.00 for a total of $800 in Docket No. 10-60 for violating COMAR 15.14.01.10 and 15.14.01.07, respectively, payment to be made to the Maryland State Board of Veterinary Medical Examiners within 60 days of the date of this Order. In the alternative, Dr. Palmer may make an $800.00 reimbursement to the Janviers to be made with documentation of the reimbursement to the Maryland State Board of Veterinary Medical Examiners within 60 days of the date of this Order;

c. Dr. Palmer's license shall be suspended for one week in Docket No. 10-23 (stayed) and for two weeks in Docket No. 10-60 (stayed) to run consecutively for a period of three weeks, if imposed. The stay of suspension of the license is contingent upon compliance with the terms of probation.

d. Dr. Palmer shall serve a period of probation of six months in Docket No. 10-23 followed by a period of probation of six months in Docket No. 10-60 for a total period of probation of one year from the date of this Order. While on probation, the veterinarian will 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 will result in the stay being lifted in Docket No. 10-23, Docket No. 10-60, or both, and the Board ordering the veterinarian to comply with the sanction; in this case, suspension of the license for up to three weeks.

e. As a condition of probation, Dr. Palmer shall complete 6.0 credit hours of continuing education (CE) in veterinary ethics and 6.0 credit hours of CE in pharmacology, as preapproved by the Board, within six months of the date of this Order. To fulfill this requirement, the veterinarian shall obtain approval for the selected CE from the Board before registering and attending in person the CE course. After completion of the 12.0 credit hours, the veterinarian shall forward to the Board proof of completion of the CE credits required under this Order. Proof will include Dr. Palmer's name, the number of hours of CE completed, the topics covered, and the dates the CE courses were given. Completion of this CE will not be counted towards the 18 hours of CE required annually for re-registration of the veterinary license.

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

CONSENT

I, G. Eric Palmer, 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 five 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.

1/19/11
Date

G. Eric Palmer, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Worcester

I HEREBY CERTIFY that on this 19th day of January, 2011, before me, a Notary Public of the State and City/County aforesaid, personally appeared G. Eric Palmer, 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

My Commission expires: 9-17-2013