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

IN THE MATTER OF:	*	
MELINDA M. EVERHART, D.V.M.	*	DOCKET NO. 11-05
LICENSE NO. 5522	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 3rd day of AUGUST, 2011, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Melinda M. Everhart, D.V.M. (Dr. Everhart), License No. 5522. This Consent Agreement resolves the charges filed by the Board on February 25, 2011 in Docket No. 11-05, alleging that Dr. Everhart violated certain Code of Maryland Regulations (COMAR) under the Veterinary Practice Act. Specifically, in Docket No. 11-05, the Board alleged that Dr. Everhart violated COMAR 15.14.01.10 Record Keeping, and COMAR 15.14.01.07 Professional Judgment and Practice, on or about June 24, 2010, by failing to maintain adequate records and failing to provide the minimal standards of care in the treatment of a four-year-old female Golden Retriever, "Tara Jane," who was presented for spaying by Mr. Keith Dahl, and previously owned by Ms. Martha O'Toole. On March 9, 2011, Dr. Everhart requested to resolve the charges informally. Thereafter, the parties entered into discussions and were able to reach a resolution. By entering into this Consent Agreement, Dr. Everhart waives the right to a hearing and appeal on the charges in Docket No. 11-05.

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 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. Everhart, 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 certain regulations adopted under the Veterinary Practice Act, specifically, COMAR 15.14.01.10 Record Keeping, and COMAR 15.14.01.07 Professional Judgment and Practice. On June 24, 2010, Dr. Everhart failed to maintain adequate records for a four-year-old female Golden Retriever, "Tara Jane," presented for spaying by Mr. Keith Dahl, when she failed to adequately record the progress and disposition of the case when "Tara Jane's" condition deteriorated after surgery. Additionally, on June 24, 2010, Dr. Everhart failed to provide the minimal standards of care expected of a veterinarian in this State when she failed to manage a surgical complication and, instead, informed Mr. Dahl, the dog's new owner, that he needed to transport the post-operative patient to an emergency hospital.. 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 3rd day of August, 2011, by the Maryland State Board of Veterinary Medical Examiners, ORDERED that:

a. For the violation of COMAR 15.14.01.10 Record Keeping, Dr. Everhart is assessed a civil penalty in the amount of $300.00, payment to be made to the Maryland State Board of Veterinary Medical Examiners ("SBVME") within **60** days of the date of this Order.

b. For the violation of COMAR 15.14.01.07 Professional Practice and Judgment, in lieu of a $500.00 civil penalty, Dr. Everhart will donate eight hours of community service in veterinary medical services to the Baltimore Animal Rescue and Care Shelter, Inc. (BARCS), within 30 days of the date of this Order, with documentation by BARCS' of the donated services to be submitted to the Board within 60 days of the date of this Order. If Dr. Everhart fails to complete the community service in a timely manner, the $500.00 civil penalty will be imposed by the Board.

c. Dr. Everhart's License No. 5522 shall be suspended for one week (stayed). The stay of suspension of the license is contingent upon compliance with the conditions of probation.

d. Dr. Everhart shall serve a period of probation of one year. 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, and the Board ordering the veterinarian to comply with the sanction; in this case, suspension of the license for up to one week.

e. As a condition of probation, Dr. Everhart shall complete six credit hours of continuing education (CE) in small animal surgery, as preapproved by the Board. The Board acknowledges that it has preapproved Dr. Everhart's participation in a six-hour surgery CE class at Greater Baltimore Veterinary Medical Association on December 16, 2010, presented by Dr. M. Joseph Bojrab. The veterinarian shall forward to the Board proof of completion of the CE credits required under this Order. Proof will include Dr. Everhart'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 credit hours of CE required annually for re-registration of the veterinary license.

John L. Heizer, DVM

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

CONSENT

I, Melinda Everhart, 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 four 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.

7/5/11
Date

Melinda Everhart, D.V.M.

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 5th day of JULY, 2011, before me, a Notary Public of the State and City/County aforesaid, personally appeared MELINDA EVERHART, 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: 3-21-2015

