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

IN THE MATTER OF:	*	
CHARLES T. SHORTALL, D.V.M.	*	DOCKET NO. 11-24
LICENSE NO. 1259	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 15th CHR day of December, 2011, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Charles T. Shortall, D.V.M. (Dr. Shortall), License No. 1259. This Consent Agreement resolves the charges filed by the Board on June 14, 2011 in Docket No. 11-24, alleging that Dr. Shortall violated certain Code of Maryland Regulations (COMAR) under the Veterinary Practice Act. Specifically, in Docket No. 11-24, the Board alleged that Dr. Shortall violated COMAR 15.14.01.10 Record Keeping, and COMAR 15.14.01.07 Professional Judgment and Practice, on or about October 20 through October 26, 2010, by failing to maintain adequate records and failing to provide the minimal standards of care in the treatment of a five-year-old female Australian Shepherd, "Sydney," who was presented by Joseph Platek for scratching and raw skin areas. On or about July 14, 2011, Dr. Shortall 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. Shortall waives the right to a hearing and appeal on the charges in Docket No. 11-24. Dr. Shortall has a disciplinary history with the Board of substandard care and record-keeping violations in 2003 and 2008.

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 through 2-316, 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. In setting the amount of a civil

penalty, the Board shall consider the severity of the violation, the good faith of the violator, and any history of prior violations as well as the Board's regulatory civil penalty standards. Md. Code Ann., State Gov't Art. § 10-1001(b); COMAR 15.14.11 Civil Penalty Standards for Veterinarians.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. Shortall, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, agrees to the provisions of 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 Veterinary Practice Act, specifically, COMAR 15.14.01.10 pertaining to record keeping, and COMAR 15.14.01.07 pertaining to professional judgment and practice. On or about October 20, 25, and 26, 2010, Dr. Shortall failed to maintain adequate records for a four-year-old female Australian Shepherd, "Sydney," presented for scratching and raw skin areas by Joseph Platek, when he failed to document in "Sydney's" record the results for physical examinations, a short medical history, and his assessment and treatment plans, and on October 22, 2010, failed to record the routes of administration for the dextrose and ivermectin. Additionally, Dr. Shortall failed to provide the minimal standards of care expected of a veterinarian in this State when he failed to perform a skin scrape of "Sydney," on October 20, 2010, to make a reasonable diagnosis for scratching and raw skin area; when he injected "Sydney" with 3 cc's of ivermectin, on October 20, 2010, an inappropriate dose of ivermectin for an Australian Shepherd; and when he failed to recommend a referral to a veterinary neurologist on October 25, 2011, after Mrs. Platek presented "Sydney" with a recent history of seizure and two incidents of falling.

Taking all the facts and circumstances into consideration, including the severity of the violation and Dr. Shortalls's prior disciplinary history, 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 15th day of December, 2011, by the Maryland State Board of Veterinary Medical Examiners, ORDERED that:

a. For the violations of COMAR 15.14.01.10 Record Keeping and COMAR 15.14.07 Professional Judgment and Practice, Dr. Shortall is assessed a civil penalty in the total amount of $3,000.00, ($300.00 for each of

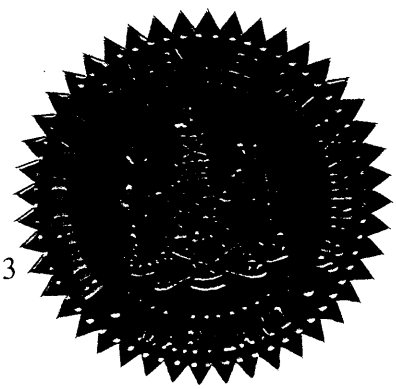
two record-keeping violations and $800.00 for each of three professional judgment and practice violations) of which total $1,000 is stayed, payment of $2,000 to be made to the Maryland State Board of Veterinary Medical Examiners ("SBVME") within **30** days of the date of this Order.

b. Dr. Shortall's License No. 1259 shall be suspended for two months of which one month is stayed. The one-month stay of suspension of the license is contingent upon compliance with the conditions of probation. The remaining one-month suspension may be served in separate weeks with prospective notice to the Board of the time periods when Dr. Shortall will not be practicing.

c. Dr. Shortall shall serve a period of probation of two years. 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 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.

d. As a condition of probation, Dr. Shortall shall complete six credit hours of continuing education (CE) in dermatology and six credit hours of CE in internal medicaine, as **preapproved** by the Board. The veterinarian shall forward to the Board documentation from the CE provider showing proof of completion of the CE credits required under this Order. Proof shall include Dr. Shortall'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.

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



CONSENT

I, CHARLES SHORTALL, 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.

12-5-11
Date

Charles Shortall, D.V.M.

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF ANNE ARUNDEL

I HEREBY CERTIFY that on this 5th day of December, 2011, before me, a Notary Public of the State and City/County aforesaid, personally appeared CHARLES T. SHORTALL, 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:
12·13·2014