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

IN THE MATTER OF:	*	
JEAN A. BOGARTY, V.M.D.	*	DOCKET NO. 02-021
LICENSE NO. 1908	*	

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

CONSENT ORDER

This Agreement, dated this 12th day of Dec., 2002, is between the State Board of Veterinary Medical Examiners ("Board") and Jean A. Bogarty, V.M.D., License No. 1908. The Agreement concerns the charges that the Board filed against Dr. Bogarty, alleging that she violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to her treatment of Milo, a four-year old male Cairne/Westie Terrier Mix owned by Barbara J. Archer.

Under the Veterinary Practice Act, 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 ... regulations after receiving a license" (Md. Code Ann., Agric. Art., §2-310(8)); and in lieu of, or in addition to, suspending a veterinarian's license, the Board may impose a civil penalty of not more than $5,000 (Md. Code Ann., Agric. Art., §2-310.1).

More specifically, in this matter, the Board charged that Dr. Bogarty made several amendments to Milo's treatment record, but failed to date and initial these amendments, a violation of COMAR 15.14.01.10C.

FINDINGS OF FACT

Dr. Bogarty, by entering into and signing this document, stipulates to, and acknowledges that the Board, by a preponderance of the evidence, could prove the following Findings of Fact:

1. Dr. Bogarty is a licensed veterinarian in this State, and has been since 1976.

2. Dr. Bogarty has an ownership interest in the Hickory Veterinary Hospital, located at 534 Jarrettsville Road, Forest Hill, MD 21050, and had this interest in this facility at all times relevant to these charges.

3. Beginning on or about May 7, 2001, and continuing through June 7, 2001, Dr. Bogarty treated Milo, a four-year old male Cairne/Westie Terrier Mix owned by Barbara J. Archer, for chronic diarrhea.

4. On or about June 7, 2001, after inserting an IV catheter into Milo (who had been presented to her earlier that day in a weak state), Dr. Bogarty referred the dog to the York Road Emergency Clinic for emergency overnight care. In addition, on that date, Dr. Bogarty's office provided Ms. Archer a copy of Milo's treatment record for the May-June time period (Record #1).

5. Per Dr. Bogarty's referral, on or about the evening of June 7, 2001, Ms. Archer took Milo to the York Road Emergency Clinic, and provided the clinic the copy of the treatment record that she received from Dr. Bogarty's office. Shortly thereafter, Milo died.

6. On or after her office had provided Ms. Archer a copy of Milo's treatment record, Dr. Bogarty substantially amended the record, and failed to initial and date the amendment (Record #2). For example, without any acknowledgment, Dr. Bogarty added the following entries under the June 7, 2001 date (the last day she treated Milo): (1) Ms. Archer called and reported that Milo was "doing badly"; (2) Ms. Archer was advised to have Milo examined by Dr. Bogarty or a veterinarian in Ocean City, MD; (3) On presentation, Milo was found to be in a "weak state" with "pale mucous membranes"; (4) Dr. Bogarty inserted an IV catheter into Milo; and (5) Dr. Bogarty referred Milo to the York Road Emergency Center for overnight emergency care and to Chesapeake

Internal for the following day.

7. In response to Ms. Archer's complaint against her, Dr. Bogarty provided the Board a copy of the amended treatment record, without any acknowledgment that she had amended this record.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law: On or after June 7, 2001, Jean A. Bogarty, V.M.D., made several amendments to the treatment record of a companion animal whose care she had assumed (to wit: Milo, a four-year old male Cairne/Westie Terrier Mix owned by Barbara J. Archer), but failed to date and initial these amendments, a violation of COMAR 15.14.01.10C, which states, "If the veterinarian discovers that the record is incomplete or in error, the veterinarian shall amend the record, being sure to date and initial the amendment."

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Bogarty violated COMAR 15.14.01.10, it is this 12th day of December, 2002, by the State Board of Veterinary Medical Examiners, **ORDERED**: That Dr. Jean A. Bogarty pay a civil penalty in the amount of three hundred dollars ($300) within 30 days from the date of this Consent Order.

12/12/2002
Date

Donald M. Carman, D.V.M.
President
State Board of Veterinary
Medical Examiners

CONSENT

I, Jean A. Bogarty, V.M.D., acknowledge that I had an opportunity to consult with counsel before entering into and signing this document. By this Consent, I hereby acknowledge that the Board, by a preponderance of the evidence, could prove the Findings of Fact and Conclusions of Law contained herein. Accordingly, in order to resolve these matters, I agree to accept and submit to the foregoing Consent Order, consisting of five pages.

I acknowledge the validity of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the laws of the State of Maryland. I also affirm that I am waiving my right to appeal from this Consent Order.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order.

I sign this Consent Order without reservation as my voluntary act and deed after having an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

12/5/02
Date

Jean A. Bogarty, V.M.D.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Harford

I HEREBY CERTIFY that on this 2nd day of December, 2002, before me, a Notary Public of the State and City/County aforesaid, personally appeared Jean A. Bogarty, V.M.D., and made oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission expires: May 1, 2003