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

IN THE MATTER OF:	*	
ROBYN JOHNSON, D.V.M. LICENSE NO. 5458	*	DOCKET NO. 06-041
	*	

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CONSENT AGREEMENT

This Consent Agreement, dated this 28th day of JUNE, 2007, is between the State Board of Veterinary Medical Examiners ("Board") and Robyn Johnson, D.V.M. ("Dr. Johnson"), License No. 5458. The Agreement concerns the charges that the Board filed against Dr. Johnson, pertaining to her treatment of "Snowball," a thirteen-year old female Labrador Mix owned by Mr. Lewis Potter.

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 the provisions of 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 [the Veterinary Practice Act and] Board rules and 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). In this matter, the Board charged that Dr. Johnson provided substandard care to Snowball, and failed to comply with certain record-keeping requirements.

FINDINGS OF FACTS

Dr. Johnson, by entering into and signing this document, acknowledges that the Board could produce evidence establishing the following Findings of

Fact:

1. At all times relevant to the charges, Dr. Johnson was, and is, a veterinarian licensed to practice veterinary medicine in the State of Maryland; and practiced veterinary medicine at the Southern Maryland Veterinary Referral Center ("SMVRC"), located at 3485 Rockefeller Court, Waldorf, Maryland 20602.

2. On or about February 25, 2006, at approximately 12:26 a.m., Mr. Lewis Potter presented his dog, "Snowball," a thirteen-year old female Labrador Mix, to Dr. Johnson for veterinary care, to wit: Snowball was presented for care because her "hind legs [were] going out, [and she was] panting, [and] unable to get comfortable."

3. After examining the dog, Dr. Johnson noted that Snowball was "ambulatory," but also observed the following: "knuckling over hind legs, [and] CP's absent in hind legs." Dr. Johnson also recorded the following entries: "Temperature – 102.8; Pulse – 124; Respiration – Pant; MM's pink; Abdomen tense, does not relax." In addition, Dr. Johnson noted that Snowball weighed 45.5 pounds.

4. Dr. Johnson performed diagnostic testing and noted the following results in the patient's record: "Radiographs – large amount of air in stomach, severe sclerosis[;] Pcv/Ts – 42%/6." After diagnosing that Snowball was suffering from "poor perfusion, secondary to pain," Dr. Johnson discharged the dog with the following instructions: "Limit your pets (sic) activity as much as possible at home. This includes running, jumping, stairs, and rough play. We recommend you start your pet on Tramadol as soon as possible. This will help alleviate pain."

5. On or about February 26, 2006, at approximately 5:16 a.m., Mr. Potter once more presented his dog, Snowball, to Dr. Johnson for veterinary care, to wit: Snowball was presented for veterinary care because she could "hardly walk"; and she had "swelling on right side," "three times [the] normal size."

6. After examining the dog, Dr. Johnson noted the following in the patient's record: "Temperature – 101.0; Pulse – 124; Respiration – 44; MM's pale; Swelling along right side flank." She also noted that Snowball weighed 45.5 pounds. If her examination of Snowball was more thorough on the dog's second visit, she did not record her findings in the patient's record.

7. Although Snowball was non-ambulatory at this time, had swelling on her right side three times the normal size, and had pale mucus membranes, Dr. Johnson performed no further diagnostic testing to attempt to ascertain, and possibly treat, her worsening condition.

8. Under "Final Diagnosis," Dr. Johnson recorded the following in the patient's record: "Open[,] R/O – Cyst Rupture with secondary inflammation." Dr. Johnson discharged the dog with the following instructions: "Limit your pets (sic) activity as much as possible at home. Apply warm and cold (alternating) compresses every 8 hours until the swelling subsides. If your pet does not improve or worsens at home[,] please return to a veterinarian as soon as possible for further treatment/diagnositics."

9. Later that same morning, at approximately 11:10 a.m., Mr. Potter again presented his dog, Snowball, to the SMVRC for veterinary care, believing that his dog was dying. On this occasion, Dr. Kenneth Fox, the owner of SMVRC, examined Snowball.

10. After examining the dog, Dr. Fox noted the following in the patient's record: "T – 99.5; P – 120; R – 36; Capillary Refill Pale ½ sec"; and "Weight 42.2 [pounds]." Dr. Fox also noted that Snowball was "recumbent[,] lethargic[, and that her mucus membranes were] white." In addition, Dr. Fox noted that Snowball was suffering from tachycardia and that respiratory effort had an "abnormal component."

11. Dr. Fox treated Snowball aggressively, running a number of diagnostic tests.

12. Later that day, Snowball began showing signs of cardiac/respiratory distress and had to be resuscitated. After visiting with Snowball, Mr. Potter elected to have Snowball euthanized.

CONCLUSIONS OF LAW

1. On or about February 26, 2006, Dr. Johnson's treatment of Snowball, a thirteen-year old female Labrador Mix owned by Mr. Lewis Potter, fell below the minimal standard of care expected of a veterinarian in this State, a violation of COMAR 15.14.01.07. Specifically, after noting that Snowball's physical condition had worsened since her previous visit approximately 30 hours earlier (to wit: the dog's condition had progressed to the point where the animal was now non-ambulatory, and had severe swelling of her right flank and pale mucus membranes), Dr. Johnson failed to conduct a thorough examination of the dog and/or failed to perform additional diagnostic testing to attempt to ascertain, and possibly treat, Snowball's worsening condition.

2. If her examination and/or treatment of Snowball on the morning of February 26, 2006 was more thorough than is documented in the patient's record, Dr. Johnson failed to comply with the record-keeping requirements specified in COMAR 15.14.01.10 (a veterinarian shall record, among other things, the animal's physical condition at the beginning of custody and the treatment provided).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Johnson violated the Veterinary Practice Act, it is this 20th day of ~~May~~ JUNE, 2007, by the State Board of Veterinary Medical Examiners, **ORDERED**:

1.) That Dr. Johnson is assessed a Civil Penalty in the amount of Five Hundred Fifty Dollars ($550.00), and that Dr. Johnson pay the amount within thirty (30) days from the date of this Consent Agreement;

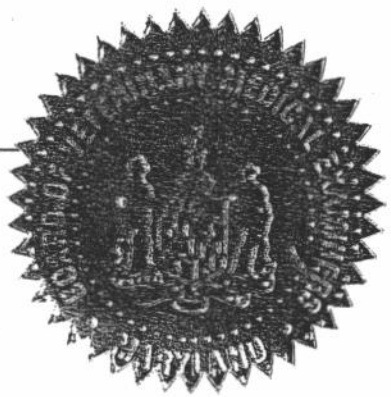
2.) That Dr. Johnson's license to practice veterinary medicine in this State is suspended for a period of two weeks, but that this suspension is stayed; and

3.) That Dr. Johnson is placed on probation for a period of six months under the following terms and conditions:

a.) That she obey all laws and regulations governing the practice of veterinary medicine in this State;

b.) That she pay the aforementioned civil penalty within thirty (30) days from the date of this Consent Agreement.

6/28/07
Date



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

CONSENT

I, Robyn Johnson, D.V.M., 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 Agreement, consisting of 5 pages.

I acknowledge the validity of this Consent Agreement 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 Agreement.

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

I sign this Consent Agreement 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 Agreement.

6/22/07
Date

Robyn M Johnson, DVM
Robyn Johnson, D.V.M.
Respondent

NOTARY

STATE OF

CITY/COUNTY OF

I HEREBY CERTIFY that on this 22 day of JUNE, 2007, before me, a Notary Public of the State and City/County aforesaid, personally appeared Robyn Johnson, D.V.M., and made oath in due form of law that the foregoing Consent Agreement was her voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission expires: 5-1-2010

Cristhian M. Gonzalez - Notary
Commission Expires - 5-1-2010