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

IN THE MATTER OF:	*	
Robert Adelman, D.V.M	*	Docket No. 06-046
Veterinary License No. 3249	*	

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CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order") dated this 25 day of September, 2008, is between the Maryland State Board of Veterinary Medical Examiners ("Board") and Robert Adelman, D.V.M. ("Dr. Adelman"), License No. 3249. This Agreement concerns the resolution of charges filed by the Board in June 2008 contending that Dr. Adelman violated the Maryland Veterinary Practice Act on June 10, 2006 by failing to obtain the consent of Marilyn and Robert Bullock, the owners of a nine-year-old male cat named "Fuzzy," prior to attempting to sedate the cat in order to perform a blood draw. On June 13, 2008, Dr. Adelman requested a Hearing before the Board as to the Board's charges, and Dr. Adelman specifically and generally denied any deviations in applicable standards of veterinary medical care and treatment.

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 regulations adopted thereunder. 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 also impose

a civil penalty of not more than $5,000 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

A Pre-Hearing Case Resolution Conference was held in this matter on September 25, 2008. At the conference, the Board found that Dr. Adelman was very candid and forthcoming. The Board also acknowledged that Dr. Adelman provided financial assistance to cover Fuzzy's medical expenses. However, Dr. Adelman acknowledged that the Board had sufficient evidence to find that Dr. Adelman did not obtain informed consent from the Bullock's prior to attempting to sedate their cat to perform a blood draw.

In response to the Board's notice, Dr. Adelman was also found to have adopted written protocols prior to his Pre-Hearing Case Resolution Conference, and he was found to have taken very reasonable steps to prevent similar events from occurring. Those steps included the creation and implementation of a practice-wide written policy and procedure for obtaining informed consent prior to providing sedation, and a policy and procedure for documenting informed consent prior to providing sedation. The written policy and sedation form are attached as an Exhibit to this Consent Order and Agreement. Taking all of the facts and circumstances of the matter into account, the Board concluded that the most reasonable and appropriate sanction in this matter, in conjunction with Dr. Adelman's proactive conduct and policy implementation, included only a period of probation and a civil penalty.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law finding that the Board could conclude that Dr. Adelman violated the Veterinary Practice Act, it is this 25 day of September, 2008, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED**

that Dr. Adelman is assessed a civil penalty in the amount of Three Hundred Dollars ($300.00) and placed on a period of probation for three months from the date of this Order.

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

CONSENT

I, Robert A. Adelman, D.V.M., 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 and Order. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement and Order, consisting of two pages.

I sign this Consent as my voluntary act, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement and Order.

9/25/08
Date

Robert A. Adelman, D.V.M.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 25th day of September, 2008, before me, a Notary Public of the State and City/County aforesaid, personally appeared Robert A. Adelman 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.

Jennifer L. Thomas
Notary Public

My Commission expires: June 1, 2009.

LAYHILL ANIMAL HOSPITAL
14332 Layhill Road
Silver Spring, Maryland 20906
Telephone: (301) 598-7300

ANESTHESIA/SEDATION/SURGERY CONSENT FORM

Owner / Agent_____Date_____

Phone # where you can be reached today (___)_____ / (___)_____

Pet's Name _____ DOG / CAT Breed_____

MALE / FEMALE Age_____

As owner/agent of the above pet, I authorize Dr._____ at Layhill Animal Hospital to perform the following procedure(s) and/or administer the following sedation and/or anesthesia:

_____

Every patient undergoing an anesthetic procedure is required to have a pre-anesthetic blood profile first.

I do ____ do not ____ authorize the Layhill Animal Hospital to microchip my pet with the Home Again companion retrieval system for an additional fee of $55.00 during this procedure (additional one time registration fee of $12.50 payable to the AKC).

I understand that under the course of the above procedure and/or sedation, unforeseen conditions may be found that necessitate additional anesthesia and procedures. If the doctor or staff cannot reach me while my pet is under sedation and/or anesthesia, I authorize the doctor to use his/her best medical judgment to carry out the procedure(s) deemed necessary.

All anesthetized patients will have an intravenous catheter placed in a leg to provide a readily available port for medications should an emergency arise during the procedure. The cost of the catheter is $31.00. All patients 8 years or older will receive intravenous fluids. The additional fee for fluids is $29.00.

I understand that if the anesthetic procedure cannot be performed until after regular office hours, there will be an additional fee of $75.00. Please be advised that Layhill Animal Hospital does not provide 24-hour nursing care.

I permit the doctor to use the appropriate sedation and/or anesthesia in the course of the procedure.

I have been advised of the nature of the procedure(s) and/or sedation and the material risks and alternatives. I realize that the desired results cannot be guaranteed. I have been given an estimate for the above-referenced procedure and understand the estimate.

_____My signature indicates that questions have been answered to my satisfaction.

CLIENT'S/AGENT'S SIGNATURE_____Date:_____
Please indicate any special instructions or questions here:_____

STAFF WITNESS_____

LAYHILL ANIMAL HOSPITAL
Robert A. Adelman, DVM
14332 Layhill Road
Silver Spring, MD 20906
(301) 598-7300

Informed Consent Policy - Sedation

Policy effective 09-01-08
Policy reviewed and accepted
by Layhill Animal Hospital 09-01-08

Section A: Purpose

The purpose of this policy is to establish guidelines for providing and obtaining informed consent for sedation.

Section B: Policy and Procedure

Prior to the utilization or administration of any sedation, whether intravenous or intramuscular, informed consent should be obtained from the client or patient's owner. Informed consent includes, but is not necessarily limited to, a discussion of the material risks of sedation and the alternatives to sedation if any alternatives are available, and an approval or decision by the client or patient's owner to proceed with sedation.

Discussions regarding informed consent and the client's decision to consent or to not consent should be documented in writing in the patient's medical record or chart.

Informed consent for sedation may be discussed, obtained and documented by the patient's treating veterinarian or technician in accordance with the Maryland Veterinary Practice Act and regulations.