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

IN THE MATTER OF:	*	
DENNIS G. FOSTER, D.V.M. LICENSE NO. 868	*	DOCKET NO. 06-013
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CONSENT AGREEMENT

This Consent Agreement, dated this 7th day of November, 2006, is between the State Board of Veterinary Medical Examiners ("Board") and Dennis G. Foster, D.V.M. ("Dr. Foster"), License No. 868. The Agreement concerns the charges that the Board filed against Dr. Foster alleging, among other things, that he failed to thoroughly examine an emergency patient to properly assess her physical condition at the beginning of custody (to wit: "Patsy Rose II", a one-year old female Cocker Spaniel owned by Ms. Carolyn Hatten).

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 and regulations adopted thereunder. 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).

FINDINGS OF FACTS

Dr. Foster, 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. Foster was, and is, a veterinarian licensed to practice veterinary medicine in the State of Maryland; and was the owner of the

Dundalk Animal Hospital, located at 7810 Wise Avenue, Baltimore, Maryland 21222.

2.) On or about January 23, 2006, Dr. Foster accepted Patsy Rose II, a one-year old female Cocker Spaniel, owned by Ms. Carolyn Hatten, for emergency veterinary care. At presentation, Ms. Hatten advised Dr. Foster that Patsy Rose II had delivered eight puppies on December 30, 2005, and was still nursing them. Ms. Hatten, also advised that she had found Patsy Rose II that morning in a pool of her own vomit, and that her dog could not get up and was having difficulty lifting her head.

3.) The dog's temperature at the beginning of custody was 103°F. After examining the dog, Dr. Foster provided the following differential diagnosis: Patsy Rose II was suffering from metritis or mastitis. Dr. Foster administered lactated ringers solution subcutaneously, but did not record in the patient's record the actual volume he administered to the dog. Dr. Foster prescribed two medications (to wit: Gentocin and Lincocin) and discharged the dog.

4.) On January 24, 2006, Ms. Hatten again presented Patsy Rose II to Dr. Foster for emergency veterinary care; to wit: the dog's breast was splitting open. Dr. Foster diagnosed mastitis. Dr. Foster, however, did not thoroughly examine the patient at that time to properly assess her physical condition.

CONCLUSIONS OF LAW

Based upon these Findings of Fact, the Board makes the following Conclusions of Law:

1.) On or about January 23, 2006, Dr. Foster administered lactated ringers solution to Patsy Rose II, a one-year old female Cocker Spaniel, owned by Ms. Carolyn Hatten, but failed to record in the patient's record the volume administered, a violation of COMAR 15.14.01.10.

2.) On or about January 24, 2006, Dr. Foster was again presented with the subject animal on an emergency basis, but he failed to thoroughly examine the patient to

properly assess her physical condition at the beginning of custody, and for this reason, the care he provided the animal fell below the minimal standard required of a veterinarian in this State (a veterinarian's treatment of an emergency patient includes a thorough physical examination of the animal), a violation of COMAR 15.14.01.07.

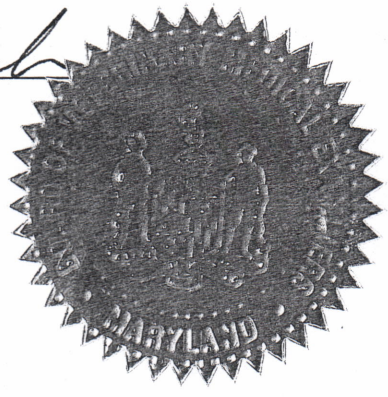
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Foster violated the Veterinary Practice Act, it is this 16th day of November, 2006, by the State Board of Veterinary Medical Examiners, **ORDERED**:

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

November 16, 2006
Date

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



CONSENT

I, Dennis G. Foster, 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 3 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.

11/7/06
Date

Dennis G. Foster, D.V.M.
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 7 day of November, 2006, before me, a Notary Public of the State and City/County aforesaid, personally appeared Dennis G. Foster, D.V.M., and made oath in due form of law that the foregoing Consent Agreement was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Thomas J. Brown
Notary Public

My Commission expires: 5-1-07