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

IN THE MATTER OF:	*	
	*	
FRANCIS NEUBERGER, D.V.M	*	**Docket No. 06-045**
Veterinary License No. 5411	*	

CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order") dated this 30th day of December, 2008, is between the Maryland State Board of Veterinary Medical Examiners ("Board") and Francis Neuberger, D.V.M. ("Dr. Neuberger"), License No. 5411. This Agreement concerns the resolution of charges filed by the Board in May 2008 alleging that Dr. Neuberger violated the Veterinary Practices Act. The Board's initial charging document alleged that Dr. Neuberger failed to perform a physical exam on Mary Jo Harry's dog, "Bradley," on June 12, 2006, or, if he did perform such an examination, that he failed to record his findings in the dog's medical record. The charges also alleged that Dr. Neuberger failed to document in the record on June 12, 2006 how "Bradley's" tail was rebandaged and failed to provide written discharge instructions concerning the appropriate care of Bradley's bandage to Ms. Harry or, if he did give such instructions, failed to record them in Bradley's medical record.

On May 20, 2008, Dr. Neuberger requested a hearing before the Board as to the Board's charges, and Dr. Neuberger specifically and generally denied any deviations in applicable standards of veterinary medical care and treatment. Dr. Neuberger asserts that he provided veterinary medical care and treatment to Bradley in compliance with generally accepted standards of practice and standards of care.

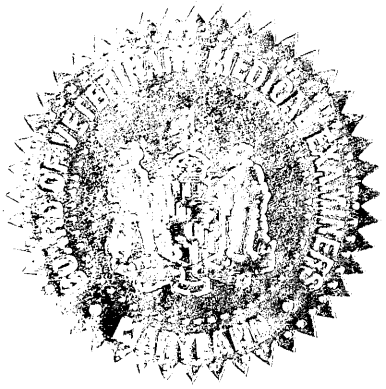
Under State law, the Board is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating provisions of the Veterinary Practice Act, Agriculture Article §§ 2-301 *et seq.*, 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

Dr. Neuberger by entering into and signing this document generally and specifically denies liability in this case. Dr. Neuberger acknowledges, however, that the Board has sufficient evidence to find that he did not record in Bradley's medical record - -physical exam findings and discharge instructions, and the precise manner of re-bandaging. Mary Jo Harry specifically requested that Dr. Neuberger only re-bandage Bradley's tail, as Bradley had chewed off his bandage. Based on these findings of fact, Dr. Neuberger acknowledges that the Board can conclude, as a matter of law, that Dr. Neuberger did violate COMAR 15.14.01.10, which addresses the medical record keeping requirements under the Veterinary Practices Act.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 30th day of December 2008, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that Dr. Neuberger is assessed - a civil penalty in the amount of Five Hundred Dollars ($500.00).



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

CONSENT

I, Francis Neuberger, 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.

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.

Francis Neuberger, D.V.M.

NOTARY

STATE OF MD

CITY/COUNTY OF Howard

I HEREBY CERTIFY that on this 17 day of December, 2008, before me, a Notary Public of the State and City/County aforesaid, personally appeared Francis Neuberger, 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.

RAYMOND D SCHREINER JR
Notary Public
Anne Arundel County
Maryland
My Commission Expires Apr 30, 2012

Notary Public

My Commission expires: April 30, 2012