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

IN THE MATTER OF:	*	
JOYCE MCDOWELL, V.M.D. Veterinary License No. 2216	*	DOCKET NO. 07-24
	*	
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CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order") dated this 11th day of JUNE 2009, is between the Maryland State Board of Veterinary Medical Examiners ("Board") and Joyce McDowell, V.D.M. ("Dr. McDowell"), License No. 2216. This Agreement concerns the resolution of charges filed by the Board in May 2009 concerning Dr. McDowell's care and treatment of Patricia Fowler's cat "Boots" on September 27, 2006.

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.McDowell, by entering into and signing this document, while generally and specifically denying liability and guilt in this case, agrees to this Agreement & Order, acknowledging that the Board has sufficient evidence to find, as fact, that she did not palpate "Boot's" left caudal mandible at the time of clinical examination and thus failed to discover an abnormally large mass in the cat's jaw. Based on this finding of fact, Dr. McDowell acknowledges that the Board could conclude as a matter of law that she violated the minimal standard of care expected of veterinarian in this State, a violation of COMAR 15.14.01.07 and the Maryland Veterinary Practice Act, Agriculture Article § 2-310(8).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law finding that Dr. McDowell violated the Veterinary Practice Act and its affiliated regulations, it is this 11th day of JUNE 2009, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED**:

1. That Dr. McDowell is assessed a civil penalty in the amount of $500.00;
2. That Dr. McDowell's license is suspended for two weeks; this suspension, however, is stayed;
3. That Dr. McDowell is placed on probation for a period of six months from the date of this Agreement & Order requiring her to obey all laws and regulations governing the practice of veterinary medicine in this State. Violation of probation (i.e., she is charged and the Board ultimately concludes that Dr. McDowell was in

violation of the Maryland Veterinary Practices Act during the period of probation) will result in the stay being lifted, and Dr. McDowell having to serve a two-week suspension for the charges resolved herein.

Chris H. Runde, DVM

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

CONSENT

V.M.D. CHR 6/11/09

I, Joyce McDowell , ~~V.D.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 three pages.

I sign this Consent without reservation as my voluntary act, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement and Order.

6-5-09
Date

Joyce McDowell

NOTARY

STATE OF

CITY/COUNTY OF _____

I HEREBY CERTIFY that on this _____ day of _____, 2009, before me, a Notary Public of the State and City/County aforesaid, personally appeared Joyce McDowell , V.D.M., and made oath in due form of law that the foregoing Consent Agreement and Order was a voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

My Commission expires: