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

IN THE MATTER OF:	*	
PETHANDLAHALLI P. THYAGARAJA, D.V.M.	*	DOCKET NO. 11-54
LICENSE NO. 6293	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 2nd day of OCTOBER, 2012, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Pethandlahalli P. Thyagaraja, D.V.M. (Dr. Thyagaraja), License No. 6293. This Consent Agreement resolves the charges filed by the Board on December 14, 2011 in Docket No. 11-54, alleging that Dr. Thyagaraja violated COMAR 15.14.01.07, pertaining to professional judgment and practice, on or about January 3 and 22, 2011, by failing to provide the minimal standards of care of a one-year-old female Yorkshire Terrier, "Lizzy," who was presented by Riana and/or Rayad Ali (Owners) for possible pregnancy. Thereafter, the parties entered into discussions and were able to reach a resolution. By entering into this Consent Agreement, Dr. Thyagaraja waives the right to a hearing and appeal on the charges in Docket No. 11-54. Dr. Thyagaraja has no disciplinary history with the Board since being licensed in 2008.

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 related regulations. 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 impose a civil penalty of not more than $5,000 for a first offense or $10,000 for a second or subsequent offense in lieu of or in addition to suspending a veterinarian's license. Md. Code Ann., Agric. Art., § 2-310.1. In setting the amount of a civil penalty, the Board shall consider the severity of the violation, the good faith of the violator, and any

history of prior violations as well as the Board's regulatory civil penalty standards. Md. Code Ann., State Gov't Art. § 10-1001(b); COMAR 15.14.11 Civil Penalty Standards for Veterinarians.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. Thyagaraja, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, agrees to the provisions of this Consent Agreement, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he did violate a certain regulation adopted under the Veterinary Practice Act; specifically, COMAR 15.14.01.07, pertaining to professional judgment and practice. On or about January 3 and 22, 2011, Dr. Thyagaraja failed to take sufficient radiographic studies from different views and to perform additional diagnostics to confirm or deny pregnancy in the patient, Riana and Rayad Ali's one-year-old female Yorkshire Terrier, "Lizzy," thus failing to provide the minimal standards of care expected of a veterinarian in this State.

Taking all the facts and circumstances into consideration, including the severity of the violation, Dr. Thyagaraja's lack of a disciplinary history with the Board, and Dr. Thyagaraja's good faith effort to resolve this matter with the Board, the Board concluded that the most reasonable and appropriate resolution in this matter included the following sanctions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 2nd day of October, 2012, by the Maryland State Board of Veterinary Medical Examiners, ORDERED that:

a. For the violation of COMAR 15.14.01.07 Professional Judgment and Practice, Dr. Thyagaraja shall serve a period of probation of six months. While on probation, the veterinarian shall obey all laws and regulations governing the practice of veterinary medicine in this State and the conditions of this Consent Agreement. Violation of probation means that the veterinarian is charged and the Board ultimately concludes that the veterinarian violated the Veterinary Practice Act, related regulations, or the terms of this Consent Agreement during the period of probation.

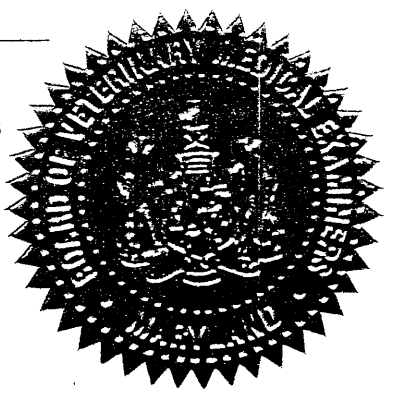
b. As a condition of probation, Dr. Thyagaraja agrees to make a charitable donation of $750 to an animal shelter or to the SPCA in Maryland, within 30 days of the date of the Order, with proof submitted to the Board within 30 days of the payment.

c. As a condition of probation, Dr. Thyagaraja shall complete six credit hours of continuing education (CE) in radiographic techniques, as pre-approved by the Board. The veterinarian shall forward to the Board documentation from the CE provider showing proof of completion of the CE credits required under this Order. Proof from the CE provider shall include Dr. Thyagaraja's name, the number of hours of CE completed, the topics covered, and the dates the CE were given. Completion of this CE will **not** be counted towards the 18 credit hours of CE required annually for re-registration of the veterinary license. The Board acknowledges that Dr. Thyagaraja has already fully satisfied this condition of probation.

d. Dr. Thyagaraja may request in writing to the Board early termination of the period of probation by submitting documentation that all conditions of probation have been met. The Board, in its discretion, will consider the request and respond to Dr. Thyagaraja promptly.

John L. Heizer, DVM

John L. Heizer, D.V.M.
Vice President
State Board of Veterinary Medical Examiners



CONSENT

I, Thyagaraja Pethandlahalli, 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. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of four pages, including this page. I sign this Consent without reservation as my voluntary act after having had an opportunity to consult with counsel, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement.

8/14/12
Date

_____, D.V.M.
THYAGARAJA PETHANDLAHALLI

NOTARY

STATE OF Maryland
CITY/COUNTY OF Prince George's

I HEREBY CERTIFY that on this day of 14th August, 2012, before me, a Notary Public of the State and City/County aforesaid, personally appeared Thyagaraja Pethandlahalli, 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.

_____
Notary Public
My Commission expires:

VALERIE C. WILLIAMS
Notary Public
Prince George's County
Maryland
My Commission Expires Apr 13, 2016