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

IN THE MATTER OF:	*	
ROBERT D. TISHMAN, D.V.M.	*	DOCKET NO. 11-65
LICENSE NO. 4396	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 30th day of November, 2011, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Robert D. Tishman, D.V.M. (Dr. Tishman), License No. 4396. This Consent Agreement resolves the charges filed by the Board on October 18, 2011 in Docket No. 11-65, alleging that Dr. Tishman violated certain Code of Maryland Regulations (COMAR) under the Veterinary Practice Act on or about January 15, 2011 in the treatment of an eight-year-old female Beagle, "Katie," who was presented by Beth Cofelice for yelping for two days. On or about October 26, 2011, Dr. Tishman requested to resolve the charges informally. Thereafter, the parties entered into discussions and were able to reach a resolution. By entering into this Consent Agreement, Dr. Tishman waives the right to a hearing and appeal on the charges in Docket No. 11-65. Dr. Tishman has no history of disciplinary actions with the Board.

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 through 2-316, 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. Tishman, 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 15.14.01.10 pertaining to record keeping. On or about January 15, 2011, Dr. Tishman failed to maintain adequate records for an eight-year-old female Beagle, "Katie," presented for a yelping for two days by Beth Cofelice. Specifically, Dr. Tishman failed to record in the medical record the concentration of Dexamethasone that he administered to the patient and he failed to document his instruction to Ms. Cofelice not to start the Previcox until the following day. Taking all the facts and circumstances into consideration, including the severity of the violation and Dr. Tishman's lack of a disciplinary history, the Board concluded that the most reasonable and appropriate resolution in these matters included the following sanctions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 30th day of November, 2011, by the Maryland State Board of Veterinary Medical Examiners, ORDERED that:

a. For the violations of COMAR 15.14.01.10 Record Keeping, Dr. Tishman is assessed a civil penalty in the total amount of $600.00, ($300 for each of two record-keeping violations), payment to be made to the Maryland State Board of Veterinary Medical Examiners ("SBVME") within **30** days of the date of this Order.

b. Dr. Tishman shall serve a period of probation of six months. While on probation, the veterinarian will 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.

c. As a condition of probation, Dr. Tishman shall complete six credit hours of continuing education (CE) in internal medicine, as **preapproved** 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 course providers shall include Dr. Tishman's name, the number of hours of CE completed, the topics covered, and the dates the CE courses 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.

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

CONSENT

I, Robert O. Tisman, 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.

Nov 21, 2011
Date

Robert O. Tisman, D.V.M.

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this 21st day of Nov., 2011, before me, a Notary Public of the State and City/County aforesaid, personally appeared ROBERT O. TISMAN, 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: 3/14/2012

MARK T. LANGREHR
NOTARY PUBLIC
BALTIMORE CO., MD
My Commission Expires March 14, 2012