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

IN THE MATTER OF:	*	
AYMAN A. SALEM, D.V.M.	*	DOCKET NOS. 11-70 & 12-19
LICENSE NO. 5687	*	

* * * * * * * * * * * * * *

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 24th day of July, 2012, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Ayman A. Salem, D.V.M. (Dr. Salem), License No. 5687. This Consent Agreement resolves two charging documents filed by the Board on January 6, 2012 and April 24, 2012, Docket Numbers 11-70 and 12-19, respectively. The charging document in Docket No. 11-70 alleged that Dr. Salem violated the Maryland Veterinary Practice Act and related Code of Maryland Regulations (COMAR) with respect to veterinary medical services provided to Benjamin Rivera's two-year-old male Pit Bull mix, "Haze," on April 17, 2011. The charging document in Docket No. 12-19 alleged that Dr. Salem violated the Maryland Veterinary Practice Act and related COMAR regulations with respect to veterinary medical services provided to Pamela Belmes's seven-year-old neutered male mixed breed dog, "Lucky," on October 2, 2011. By letter of January 23, 2012, Dr. Salem requested a hearing before the Board to dispute the charging document in Docket No. 11-70. Thereafter, the parties entered into discussions and were able to reach a resolution concerning both charging documents. By entering into this Consent Agreement, Dr. Salem waives the right to a hearing and appeal on the charging documents in Docket Numbers 11-70 and 12-19.

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 Maryland 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. Salem, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, agrees to this Consent Agreement, acknowledging that the Board has sufficient evidence to find as fact, and conclude as a matter of law, that:

1. **In Docket No. 11-70**:

a. Dr. Salem violated COMAR 15.14.01.07, pertaining to professional judgment and practice, on or about April 17, 2011, in his care and treatment of the Mr. Rivera's two-year-old male Pit Bull mix, "Haze," when he administered a single dose of penicillin, an antimicrobial agent that was insufficient treatment for an infection in the patient; and gave the patient Depo-medrol, a long-acting corticosteroid at the same time as a rabies vaccination; and

b. Dr. Salem violated COMAR 15.14.01.10, pertaining to record keeping, for Mr. Rivera's two-year-old Pit Bull mix, "Haze," when he failed to record the history and presence of ticks on the patient, a pertinent part of the patient's history; and

2. **In Docket No. 12-19**:

a. Dr. Salem violated COMAR 15.14.01.07, pertaining to professional judgment and practice, on or about October 2, 2011, in his care and treatment of Pamela Belmes's seven-year-old neutered male mixed breed, "Lucky," when he failed to intubate the patient prior to surgery, and the patient suffered fatal respiratory distress shortly following the needle biopsy surgical procedure;

b. Dr. Salem violated COMAR 15.14.01.04, pertaining to professional conduct, on or about October 2, 2011, when he demanded payment by Pamela Belmes of $392.84 for services provided to her deceased seven-year-old neutered male mixed breed, "Lucky," having deducted only the $350

charge for the biopsy surgical procedure, although the patient died shortly after the diagnostic procedure; and

c. Dr. Salem violated COMAR 15.14.01.10, pertaining to record keeping, on or about October 2, 2011 for Pamela Belmes's seven-year-old neutered male mixed breed, "Lucky," when he failed to record the route of administration for Telazol in the "Surgical Summary," and failed to properly describe the full details of the needle biopsy surgical procedure in the patient's medical record.

Taking into account all of the facts and circumstances, including the severity of the violations, Dr. Salem's lack of a disciplinary history with the Board, and Dr. Salem's good faith effort to resolve these matters, the Board concluded that the following sanctions were reasonable and appropriate.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 24th day of July, 2012, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that:

1. Dr. Salem is assessed a total civil penalty in the amount of One Thousand Five Hundred Dollars ($1,500), payment to be made in three separate payments of $500 every two months, to the Maryland State Board of Veterinary Medical Examiners ("SBVME"), the total amount to be paid in full within 180 days of the date of this Order.

2. Dr. Salem's veterinary license, License No. 5687, is suspended for a period of one week (stayed). The one-week stay of suspension of the license is contingent upon compliance with the conditions of probation.

3. Dr. Salem shall serve a period of probation of nine months from the date of this Order. 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. Violation of probation may result in the stay being lifted, suspension of the license for one week, and further disciplinary action and sanctions. If all conditions of probation have been completed in less than nine months from the date of this

Order, Dr. Salem may request in writing to the Board that the period of probation be reduced, and the Board will consider granting the request in its discretion.

4. As a condition of probation, Dr. Salem shall complete a total of 12 credit hours of continuing education (CE) to include 6 credit hours of CE in internal medicine, 3 credit hours of CE in anesthesia/surgery, and 3 credit hours of CE in record keeping, as preapproved by the Board, within nine months of the date of this Order. To fulfill this requirement, the veterinarian shall obtain approval for the selected CE from the Board before registering and participating in the CE courses. After completion of the 12 credit hours, the veterinarian shall forward to the Board proof of completion of the CE credit hours required under this Order from the CE provider. Proof will include Dr. Salem's name, the number of credit (program) hours of CE completed, the topics covered, and the dates the CE courses were given. Completion of this CE condition of probation will not be counted toward the 18 credit hours of CE required annually for re-registration of the veterinary license.

Chris H. Runde, DVM

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

CONSENT

I, Ayman Salem 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 five pages, including this page. 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.

06-27-12
Date

_____, D.V.M.

NOTARY

STATE OF Virginia
CITY/COUNTY OF Frederick

I HEREBY CERTIFY that on this 27 day of June, 2012, before me, a Notary Public of the State and City/County aforesaid, personally appeared Ayman Salem, 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: 09/30/2015

GABRIELA NATHALY ZAVALA
NOTARY PUBLIC
REG. #7500153
MY COMMISSION EXPIRES
09/30/15
COMMONWEALTH OF VIRGINIA

STATE OF MARYLAND
DEPARTMENT OF AGRICULTURE
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3. Dr. Salem shall serve a period of probation of nine months from the date of this Order. 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. Violation of probation may result in the stay being lifted, suspension of the license for one week, and further disciplinary action and sanctions. If all conditions of probation have been completed in less than nine months from the date of this

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Chris H. Runde, DVM

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

CONSENT

I, Ayman Salem 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 five pages, including this page. 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.

06-27-12
Date

_____, D.V.M.

NOTARY

STATE OF Virginia
CITY/COUNTY OF Frederick

I HEREBY CERTIFY that on this 27 day of June, 2012, before me, a Notary Public of the State and City/County aforesaid, personally appeared Ayman Salem, 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: 09/30/2015

GABRIELA NATHALY ZAVALA
NOTARY PUBLIC
REG. #7500153
MY COMMISSION EXPIRES
09/30/15
COMMONWEALTH OF VIRGINIA