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

IN THE MATTER OF:	*	
SAMIR A. HAFEZ, D.V.M.	*	DOCKET NO. 11-75
LICENSE NO. 2096	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 22nd day of December, 2011, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Samir A. Hafez, D.V.M. (Dr. Hafez), License No. 2096. This Consent Agreement resolves the charges filed by the Board on November 21, 2011 in Docket No. 11-75, alleging that Dr. Hafez violated COMAR 15.14.01.10 pertaining to record keeping, and COMAR 15.14.01.07 pertaining to professional judgment and practice, on or about December 3, 2010, by failing to maintain adequate records and failing to provide the minimal standards of care of an approximately ten-month-old female Domestic Shorthair cat, "Sadie," who was presented by Gary and Leslie Brown for a spay. On or about December 8, 2011, Dr. Hafez 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. Hafez waives the right to a hearing and appeal on the charges in Docket No. 11-75. Dr. Hafez has no disciplinary history with the Board and has offered to reimburse the Browns.

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. Hafez, 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 certain regulations adopted under the Veterinary Practice Act, specifically, COMAR 15.14.01.10 pertaining to record keeping, and COMAR 15.14.01.07 pertaining to professional judgment and practice. On or about December 3, 2010, Dr. Hafez failed to record any information regarding the suture material used to close the Brown's female cat, "Sadie's," incision and other basic surgical information. Additionally, Dr. Hafez failed to provide the minimal standards of care expected of a veterinarian in this State when he failed to appropriately complete the spay procedure, appropriately manage the case when the owner contacted him to discuss the cat's symptoms, and failed to appropriately manage anesthesia, intraoperatively and perioperatively.

Taking all the facts and circumstances into consideration, including the severity of the violation and Dr. Hafez's lack of a disciplinary history, and good faith offer to reimburse the owners, 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 22nd day of December, 2011, by the Maryland State Board of Veterinary Medical Examiners, ORDERED that:

a. For the violations of COMAR 15.14.01.10 Record Keeping and COMAR 15.14.07 Professional Judgment and Practice, Dr. Hafez is assessed a civil penalty in the total amount

of $1,800 ($300 for the record keeping violation and $500 for each of three substandard care violations), payment of $1,800 to be made to the Maryland State Board of Veterinary Medical Examiners ("SBVME") within 30 days of the date of the Order.

b. Dr. Hafez's License No. 2096 shall be suspended for one week (stayed). The one-week stay of suspension of the license is contingent upon compliance with the conditions of probation.

c. Dr. Hafez shall serve a period of probation of one year. 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 will result in the stay being lifted, and the Board ordering the veterinarian to comply with the sanction; in this case, suspension of the license for up to one week.

d. As a condition of probation, Dr. Hafez shall complete six credit hours of continuing education (CE) in small animal surgery, six credit hours of CE in anesthesia, and six credit hours of CE in Dr. James Wilson's on-line record-keeping course, 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. Hafez' 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.

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

CONSENT

I, Samir Hafez 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.

12-16-11
Date

Samir Hafez, D.V.M.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Worcester

I HEREBY CERTIFY that on this day of December 16, 2011, before me, a Notary Public of the State and City/County aforesaid, personally appeared Samir Hafez, 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.

Dolores Justice Ward
Notary Public
My Commission expires: 8/2/14

DOLORIS JUSTICE WARD NOTARY PUBLIC WORCESTER COUNTY, MD