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

IN THE MATTER OF:	*	
D. BRADLEY RUSS, D.V.M.	*	DOCKET NO. 12-05
LICENSE NO. 5495	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 25th day of April, 2012, is between the Maryland State Board of Veterinary Medical Examiners (Board) and D. Bradley Russ, D.V.M. (Dr. Russ), License No. 5495. This Consent Agreement resolves the charges filed by the Board on February 21, 2012 in Docket No. 12-05, alleging that Dr. Russ 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 June 16 and 17, 2011, by failing to maintain adequate records and failing to provide the minimal standards of care for a two-year-old female English Labrador, "Lara," who was presented by Dr. Rajni Sharma for cranial cruciate repair surgery. When no response was received from Dr. Russ, the Board issued a memorandum and order of default on March 28, 2012. Thereafter, the parties entered into discussions and were able to reach a resolution. By entering into this Consent Agreement, Dr. Russ waives the right to a hearing and appeal on the charges in Docket No. 12-05. Dr. Russ has no prior disciplinary history 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 *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. Russ, 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 June 16 and 17, 2011, Dr. Russ failed to note in the medical records for Dr. Rajni Sharma's two-year-old female English Labrador, "Lara," a) any interpretation of the blood work done pre-operatively on June 15, 2011; the CBC recorded and run on June 17, 2011, and the glucose run on the evening of June 17, 2011; b) an adequate record of the anesthetic used, by failing to note the inhalant used on June 16, 2011; and c) the volume, concentration, and route of the Cefazolin injection he administered on June 16, 2011. Additionally, on or about June 16 and 17, 2011, Dr. Russ failed to provide the minimal standards of care expected of a veterinarian in this State in the care and treatment of Dr. Sharma's dog, "Lara," when he failed to place an intravenous (IV) catheter and give IV fluids during anesthesia, and during the immediate post-operative period for a patient undergoing an orthopedic procedure; the administration of IV fluids was particularly important because this patient was being given corticosteroids in the days before surgery.

Taking all the facts and circumstances into consideration, including the severity of the violation, Dr. Russ's lack of a disciplinary history with the Board, and Dr. Russ's good faith effort to resolve this matter promptly, 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 ~~18TH~~ 25th JLH day of April, 2012, 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 15.14.01.07 Professional Judgment and Practice, Dr. Russ is assessed a civil penalty in the total amount of $1,400 ($300 for each of three record-keeping violations and $500 for one substandard care violation); payment of $1,400 shall be made to the Maryland State Board of Veterinary Medical Examiners ("SBVME") within **30** days of the date of the Order.

b. Dr. Russ's License No. 5495 shall be suspended for one week (the suspension is stayed). The one-week stay of suspension of the license is contingent upon compliance with the conditions of probation.

c. Dr. Russ 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. Russ shall complete six credit hours of continuing education (CE) in Dr. James Wilson's on-line course, Veterinary Law and Ethics, record-keeping module. 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. Russ'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.

John L. Heizer, DVM

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

CONSENT

I, D. Bradley Russ, 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.

4/18/2012
Date

D B R, D.V.M.

NOTARY

STATE OF MARYLAND

~~CITY~~/COUNTY OF BALTIMORE

I HEREBY CERTIFY that on this day of 18 APRIL, 2012, before me, a Notary Public of the State and City/County aforesaid, personally appeared D. BRADLEY RUSS, 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:

JOSEPH F. GREENBECK, JR. • BALTIMORE COUNTY, MD. • NOTARY ~•~ PUBLIC

July 21, 2015