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

IN THE MATTER OF:	*	
TARRON O. HERRING, D.V.M.	*	DOCKET NO. 12-08
LICENSE NO. 6093	*	

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

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 13th day of March, 2012, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Tarron O. Herring, D.V.M. (Dr. Herring), License No. 6093. This Consent Agreement resolves the charges filed by the Board on February 21, 2012 in Docket No. 12-08, alleging that Dr. Herring 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 May 11, 16, 2011, and June 3, 2011, by failing to maintain adequate records and failing to provide the minimal standards of care of a twelve-year-old male Belgian Sheepdog, "Max," who was presented by Aysha Longshore for a wellness visit on May 11, 2011, and for lethargy, loss of balance, low energy, and low appetite, mild urinary incontinence, and swelling of the stomach on May 16, 2011. Upon receiving the charges from the Board on or about February 23, 2012, Dr. Herring immediately 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. Herring waives the right to a hearing and appeal on the charges in Docket No. 12-08. In 2008, Dr. Herring paid a civil penalty for a licensing registration violation from 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. Herring, 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 May 11, 2011, Dr. Herring failed to note in the medical records any discussion, if any, with Ms. Longshore about the complete blood count he had done, and on June 3, 2011, to properly label radiographs for "Max," with Dr. Herring's name and the name of the hospital, the patient's name, and the date the image was taken. Additionally, on or about May 16, 2011, Dr. Herring failed to provide the minimal standards of care expected of a veterinarian in this State when he failed to recognize that a very low red blood count and very low hematocrit (HCT) done five days earlier, in conjunction with the patient's symptoms, are signs that are consistent with possible internal bleeding and distress, and on June 3, 2011, to correlate the low HCT from May 11, 2011, the presentations on or about May 16 and June 3, 2011, and the radiograph taken on or about June 3, 2011, which showed loss of abdominal detail consistent with internal bleeding; thus, Dr. Herring failed to recognize indications of internal bleeding and failed to pursue additional diagnostics, such as a repeat CBC/HCT or radiographs, or both.

Taking all the facts and circumstances into consideration, including the severity of the violation, Dr. Herring's minor disciplinary history, and Dr. Herring'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 13th day of MARCH, 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. Herring is assessed a civil penalty in the total amount of $1,600 ($300 for each of two record-keeping violations and $500 for each of two substandard care violations); payment of $1,600 shall be made to the Maryland State Board of Veterinary Medical Examiners ("SBVME") in eight monthly payments of $200 per month to begin within **30** days of the date of the Order. The Board acknowledges receipt of the first payment of $200.

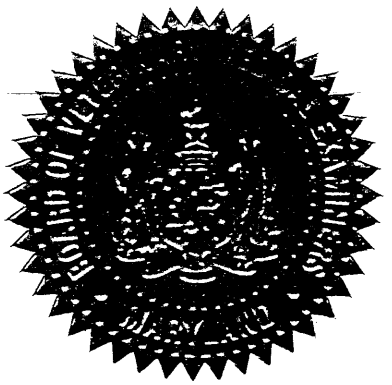
b. Dr. Herring's License No. 6093 shall be suspended for one week (the suspension is stayed). The one-week stay of suspension of the license is contingent upon compliance with the conditions of probation.

c. Dr. Herring 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. Herring shall complete twelve credit hours of continuing education (CE) in internal medicine, 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. Herring'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, Tarron Herring, 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 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.

3/12/12
Date

_____, D.V.M.

NOTARY

STATE OF Maryland

CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this day of March 12, 2012, before me, a Notary Public of the State and City/County aforesaid, personally appeared Tarron Herring, 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.

Pamela J Fetsko
Notary Public
My Commission expires: Dec 10, 2014

PAMELA J. FETSKO
Notary Public
Anne Arundel Co., MD
My Commission Expires 12-10-14