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

IN THE MATTER OF:	*	
DIANA L. SAXTON, D.V.M.	*	DOCKET NO. 12-21B
LICENSE NO. 6335	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 25th day of APRIL, 2012, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Diana L. Saxton, D.V.M. (Dr. Saxton), License No. 6335. This Order confirms the intention of Dr. Saxton to waive the right to contest the charge filed by the Board on March 22, 2012 in Docket No. 12-21B, alleging that Dr. Saxton violated a certain Code of Maryland Regulation (COMAR) under the Maryland Veterinary Practice Act. Specifically, in Docket No. 12-21B, the Board alleged that Dr. Saxton violated COMAR 15.14.01.10 pertaining to record keeping, and COMAR 15.14.01.07 pertaining to professional knowledge and practice, on or about October 10 through 13, 2011, regarding Jane Hershey's nine-year-old neutered male Golden Retriever, "Robbie." On April 24, 2012, Dr. Saxton submitted full payment of the $800 civil penalty assessed by the Board as the only sanction in this matter and, thus, voluntarily waived the right to a hearing and appeal on the charge in Docket No. 12-21B.

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 the

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. Saxton has submitted payment of the $800 civil penalty assessed by the Board in Docket No. 12-21B, and waived the right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Saxton voluntarily agreed to the Board's monetary sanction, while generally and specifically denying liability in this case, but acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that on or about October 10 through 13, 2011, she 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, in that Dr. Saxton failed to note in the medical records for Jane Hershey's nine-year-old neutered male Golden Retriever, "Robbie," biopsying the mass during exploratory surgery, and Dr. Saxton failed to impress upon Ms. Hershey to importance of transferring the patient after surgery to a veterinary hospital with 24-hour monitoring.

Taking all the facts and circumstances into consideration, including the severity of the violation, the veterinarian's lack of any prior disciplinary history with the Board, and the veterinarian's good faith effort to resolve this matter expeditiously, the Board concluded that the most reasonable and appropriate resolution in this matter was a civil penalty only.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 25th day of APRIL, 2012, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of a regulation under the Maryland Veterinary Practice Act; specifically, COMAR 15.14.01.10 Record Keeping, and COMAR 15.14.01.07 Professional Knowledge and Practice, Dr. Saxton is assessed a civil penalty in the amount of $800. The Board acknowledges that the payment of $800 has been received from Dr. Saxton.

Chris H. Runde, DVM

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