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

IN THE MATTER OF:	*	
KRISTA MAGNIFICO, D.V.M.	*	DOCKET NO. 12-32
LICENSE NO. 5897	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 2nd day of May, 2013, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Krista Magnifico, D.V.M. (Dr. Magnifico), License No. 5897. This Consent Agreement resolves a charging document filed by the Board on April 23, 2012 in Docket Number 12-32. The charging document alleged that Dr. Magnifico violated the Maryland Veterinary Practice Act and related Code of Maryland Regulations (COMAR) with respect to veterinary medical services provided to Tina and John Baynes' five-month-old female Cocker Spaniel/Labrador Mix, "Sadie," on November 14, 2011, related to a fractured pelvis as a result of being struck by a motor vehicle. By letter of April 27, 2012, Dr. Magnifico requested a hearing before the Board to dispute the charging document. A Case Resolution Conference was also held on January 24, 2013. Thereafter, the parties were able to reach a resolution. By entering into this Consent Agreement, Dr. Magnifico waives the right to a hearing and appeal on the charging document in Docket Number 12-32.

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 or veterinary practitioner . . . [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, or revoking, a veterinarian's license, respectively. 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. Magnifico, by entering into and signing this Consent Agreement, while generally and specifically denying any 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 she violated COMAR 15.14.01.04 pertaining to her advice and documentation on or about November 14, 2011 with regard to John and Tina Baynes' five-month-old female Cocker Spaniel/Labrador Mix, "Sadie."

In particular, after a review of the medical records and after the parties' Case Resolution Conference, the Board found that Dr. Magnifico provided appropriate veterinary medical care and treatment to "Sadie" in compliance with applicable standards of care. Dr. Magnifico also offered several treatment options on November 14, 2011, including hospitalization, referral to an emergency facility, referral to the patient's primary veterinary facility, referral to a surgeon, and euthanasia. Dr. Magnifico also discussed options of obtaining care credit services, obtaining the assistance of local rescue groups, and options for Ms. Baynes to arrange for "Sadie's" care in the following days, and the option of transferring care and custody. However, the Board concluded that Dr. Magnifico could also have offered cage rest at home for "Sadie," which would have been documented in the medical record by Dr. Magnifico as against her veterinary medical advice and professional judgment. The parties

recognized that while cage rest at home was neither ideal nor recommended, the option was available. The Board also recognized that Ms. Baynes wanted and desired veterinary care and treatment services provided for "Sadie." Surgery was subsequently performed by an outside facility, and surgery was successful.

Taking into account all of the facts and circumstances, including the nature of the violation and mitigating factors, Dr. Magnifico's lack of any disciplinary history with the Board, and Dr. Magnifico's good faith effort to resolve this matter, 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 2nd day of May, 2013, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that:

1. Dr. Magnifico will make a charitable donation to the SPCA of Maryland or the Humane Society in the amount of $1,000.00 within 30 days of the date of this Order.

2. Dr. Magnifico shall serve a period of probation of three 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 further disciplinary action and sanctions.

3. As a condition of probation, Dr. Magnifico shall complete continuing education (CE) in Dr. James Wilson's full on-line Veterinary Law and Ethics course. After completion of the course, 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. Magnifico'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.

4. If Dr. Magnifico completes the period of probation to the satisfaction of the Board, upon the written application of Dr. Magnifico, the Board will promptly file a Modified Order that abrogates the Order in this Consent Agreement related to the violations of COMAR 15.14.01.04. Dr. Magnifico's disciplinary licensing history in the Board's records will indicate that this Order is abrogated and that a Modified Order has been filed.

John L. Heizer, DVM

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

CONSENT

I, Krista Magnifico, 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.

4/23/13
Date

K Magnifico
D.V.M.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Harford

I HEREBY CERTIFY that on this 23 day of April, 2013, before me, a Notary Public of the State and City/County aforesaid, personally appeared Krista Magnifico, D.V.M., and made oath in due form of law that the foregoing Consent Agreement and Order was her voluntary act and deed.

AS WITNESS my hand and notarial seal.

Julann S. Ward
Notary Public

My Commission expires: 21 May 2014

JULANN S. WARD
NOTARY PUBLIC
HARFORD COUNTY
MARYLAND
MY COMMISSION EXPIRES MAY 21, 2014