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

IN THE MATTER OF:	*	
ALFRED H. RAYNE, D.V.M.	*	DOCKET NOS. 12-56
LICENSE NO. 4064	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 24th (7th JLH) day of October (November JLH), 2012, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Alfred H. Rayne, D.V.M. (Dr. Rayne), License No. 4064. This Consent Agreement resolves the charge filed by the Board on October 3, 2012 in Docket Number 12-56, alleging that Dr. Rayne violated COMAR 15.14.01.04, pertaining to professional conduct. The violation allegedly occurred on or about April 4, 2012, and related to the treatment of Katherine Milbourne's five-year-old spayed female Chihuahua Mix, "Tranky." On October 9, 2012, Dr. Rayne, through his office manager, requested to resolve the matter without a hearing. Subsequently, the parties were able to reach a resolution. By entering into this Consent Agreement, Dr. Rayne waives the right to a hearing and appeal on the charge in Docket Number 12-56. Dr. Rayne has no prior disciplinary history with the Board since his licensing in 1992.

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 §§ 2-301through 2-316, 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. Rayne, 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 a certain regulation adopted under the Veterinary Practice Act; specifically, COMAR 15.14.01.04, pertaining to professional conduct, in his unnecessary rough handling and kicking of Katherine Milbourne's five-year-old spayed female Chihuahua Mix, "Tranky," during a routine annual physical examination and vaccinations.

Taking all the facts and circumstances into consideration, including the severity of the violation, Dr. Rayne's lack of disciplinary history with the Board since his licensing in 1992, and Dr. Rayne's good faith effort to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution in this matter included the following sanctions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 24th (7th JLH) day of October (November JLH), 2012, by the Maryland State Board of Veterinary Medical Examiners, ORDERED that:

A. For the violation of COMAR 15.14.01.04 Professional Conduct, Dr. Rayne is assessed a civil penalty in the total amount of $1,500; payment shall be made to the Maryland State Board of Veterinary Medical Examiners ("SBVME") within 30 days of the date of the Order.

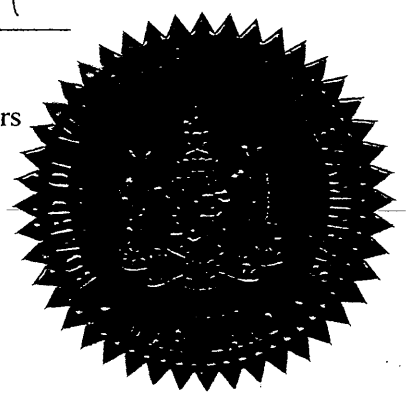
B. Dr. Rayne's License No. 4064 shall be suspended for one week, which suspension is stayed, contingent upon compliance with the conditions of probation.

C. Dr. Rayne 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 of license suspension being lifted, and the Board ordering the veterinarian's license to be suspended for up to one week.

D. As a condition of probation, Dr. Rayne shall complete continuing education (CE) in Dr. James Wilson's complete on-line course, Veterinary Law and Ethics. Within 30 days of completion of the CE, 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. Rayne's name, the number of hours or modules of CE completed, the topics covered, and the dates the CE were obtained. 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 D. Heizer, D.V.M.
Vice President
State Board of Veterinary Medical Examiners



CONSENT

I, Alfred H. Rayne D.V.M., 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.

10/24/12
Date

Alfred H. Rayne, D.V.M.

NOTARY

STATE OF Virginia

CITY/COUNTY OF Northampton

I HEREBY CERTIFY that on this day of Oct 24, 2012, before me, a Notary Public of the State and City/County aforesaid, personally appeared Alfred H. Rayne, 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.

Ethel B. Parks
Notary Public
My Commission expires:
June 30, 2015

ETHEL B. PARKS COMMONWEALTH OF VIRGINIA NOTARY PUBLIC

Commonwealth of Virginia
Ethel B. Parks - Notary Public
Registration # 327725