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

IN THE MATTER OF:	*	
MYSORE P. NAGARAJ, D.V.M.	*	DOCKET NO. 13-15
LICENSE NO. 3499	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 29th day of May, 2013, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Mysore P. Nagaraj, D.V.M. (Dr. Nagaraj), License No. 3499. This Order confirms the intention of Dr. Nagaraj to waive the right to contest the charges filed by the Board on March 19, 2013 in Docket No. 13-15, alleging that Dr. Nagaraj violated a certain Code of Maryland Regulation (COMAR) under the Maryland Veterinary Practice Act. Specifically, in Docket No. 13-15, the Board alleged that Dr. Nagaraj violated COMAR 15.14.01.10 Record Keeping, beginning on or about August 26, 2012 and including various dates that conclude on or about November 4, 2012, in that Dr. Nagaraj failed to note in the patient record for the dog, "Poncho," owned by Stephen and Iretha Wade, the performance of physical examinations, a description of suture patterns, labwork results, and aftercare. On or about May 7, 2013, Dr. Nagaraj submitted full payment of the $900 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 charges in Docket No. 13-15.

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 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 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. Nagaraj has submitted payment of the $900 civil penalty assessed by the Board in Docket No. 13-15, and waived the right to a hearing or appeal of the charges. After having the opportunity to seek advice of legal counsel, Dr. Nagaraj voluntarily agreed to the Board's sanctions, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that beginning on or about August 26, 2012 and including various dates that conclude on or about November 4, 2012, Dr. Nagaraj failed to note in the patient record for the dog, "Poncho," owned by Stephen and Iretha Wade, the performance of physical examinations, a description of suture patterns, labwork results, and aftercare. These deficiencies were violations of a regulation adopted under the Veterinary Practice Act; specifically, COMAR 15.14.01.10 Record Keeping, and occurred at Seabrook Station Animal Hospital, a veterinary hospital owned and operated by Dr. Nagaraj and located at 9453 Lanham Severn Road, in Lanham, Maryland 20706.

Taking all the facts and circumstances into consideration, including the nature of the violations, the veterinarian's history of one minor violation for lack of notice to the Board about a change of address in 2012, 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 combined civil penalty only.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 29th day of May, 2013, 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, Dr. Nagaraj is assessed a civil penalty in the amount of $900. The Board acknowledges that the payment of $900 was received from Dr. Nagaraj on May 7, 2013.

John L. Heizer, DVM

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

