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

IN THE MATTER OF:	*	
ERIN FREY, D.V.M.	*	DOCKET NO. 13-28
LICENSE NO. 5599	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 17th 29th day of DLH 10/29/13 October, 2013, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Erin Frey, D.V.M. (Dr. Frey), License No. 5599. This Consent Agreement resolves the charges filed by the Board on September 9, 2013 in Docket No. 13-28, alleging that Dr. Frey violated Code of Maryland Regulations (COMAR) 15.14.01.07 pertaining to professional judgment and practice and COMAR 15.14.01.10 pertaining to record keeping, beginning on or about October 22 and 23, 2012, concerning the care and treatment of "Sawyer," a two-year-old spayed female Great Pyrenees owned by Penny Wilson and presented for lethargy and inappetance. On or about September 19, 2013, Dr. Frey requested through counsel to resolve the charges informally. By entering into this Consent Agreement, Dr. Frey waives the right to a hearing and appeal on the charges in Docket No. 13-28. Dr. Frey has no prior disciplinary history with the Board and is now practicing in North Carolina.

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 through 2-316, Annotated Code of Maryland and related COMAR 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. Frey, 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 on or about October 22 and 23, 2012 at Greenbriar Veterinary Hospital, located at 3051 Thurston Road, Frederick, Maryland 21704, Dr. Frey violated certain regulations adopted under the Veterinary Practice Act; specifically, COMAR 15.14.01.07, by failing to provide certain additional diagnostics and therapeutics and by providing certain types of medications for Penny Wilson's two-year-old spayed female Great Pyrenees, "Sawyer," which had a high fever and was coughing and gagging; and COMAR 15.14.01.10, by failing to note certain radiographic findings and certain information about dispensed medications in the medical record.

Taking all the facts and circumstances into consideration, including the severity of the violation, Dr. Frey's lack of a disciplinary history with the Board, and her good faith efforts to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution in these matters includes the following sanctions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 29th day of October, 2013, by the Maryland State Board of Veterinary Medical Examiners, ORDERED that: DLH 10/29/13

a. For the violations of COMAR 15.14.01.07 Professional Judgment and Practice and COMAR 15.14.01.10 Record Keeping, Dr. Frey is assessed a civil penalty in the total amount of $650, payable to the "Maryland Department of Agriculture" with the notation "SBVME – 13-28" or, in the alternative, Dr. Frey may make a charitable donation to the Morris Animal Foundation in the amount

of $650. Payment shall be made not later than 30 days from the date of this Order, with documentation from the recipient submitted to the Board within 60 days of the date of this Order.

b. Dr. Frey's License No. 5599 shall be suspended for one week, which suspension is stayed. The stay of suspension of the license is contingent upon compliance with the conditions of probation in this Consent Agreement.

c. Dr. Frey shall serve a period of probation of six months. 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. Within **six** months of the date of this order, Dr. Frey shall complete six credit hours of continuing education (CE); specifically, three credit hours in respiratory medicine and three credit hours in record keeping, as **preapproved** by the Board. Within **30** days of completion of this CE, Dr. Frey 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. Frey'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.

e. Upon successful completion of all conditions of probation under this Consent Agreement, Dr. Frey may petition the Board to terminate any remaining period of probation under this Consent Agreement.

David L. Handel, DVM

David L. Handel, D.V.M.
Vice President
State Board of Veterinary Medical Examiners

CONSENT

I, Erin Frey Pearson, 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.

10/17/2013
Date

Erin Frey, D.V.M.

NOTARY

STATE OF North Carolina

CITY/COUNTY OF Wake

I HEREBY CERTIFY that on this day of 17 October 2013, 2013, before me, a Notary Public of the State and City/County aforesaid, personally appeared Erin Frey Pearson, 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.

Notary Public

JENNIE ANDRADE
NOTARY PUBLIC
WAKE COUNTY, NC

My Commission expires: 03 March 2018