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

IN THE MATTER OF:	*	
BILLY W. BENSON, D.V.M.	*	DOCKET NO. 13-47A
LICENSE NO. 2720	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 22nd day of May, 2013, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Billy W. Benson, D.V.M. (Dr. Benson), License No. 2720. This Order confirms the intention of Dr. Benson to waive the right to contest the charge filed by the Board on May 8, 2013 in Docket No. 13-47A, alleging that Dr. Benson violated a certain Code of Maryland Regulation (COMAR) under the Maryland Veterinary Practice Act. Specifically, in Docket No. 13-47A, the Board alleged that Dr. Benson violated COMAR 15.14.01.10 Record Keeping, at F(2), on or about January 4, 2013 when Dr. Benson's veterinary hospital staff at Advanced Veterinary Complex, Inc. (Hospital), failed to release records for a companion animal to a client, Joanne Schech, upon her request regarding her one-year-old female Chihuahua, "Tiny Tot." On May 17, 2013, Dr. Benson submitted full payment of the $300 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. 13-47A.

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. Benson has submitted payment of the $300 civil penalty assessed by the Board in Docket No. 13-47A, and waived the right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Benson voluntarily agreed to the Board's sanction, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that Dr. Benson's veterinary hospital staff at Advanced Veterinary Complex, Inc. failed to release records for a companion animal to a client, Joanne Schech, upon her request regarding her one-year-old female Chihuahua, "Tiny Tot," on or about January 4, 2013, in violation of COMAR 15.14.01.10 Record Keeping. COMAR 15.14.01.10F(2) requires the veterinarian to release an animal's written record to the owner, if requested, for the reasonable costs of providing the records.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's history of one prior violation in 2000, 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 22nd 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. Benson is assessed a civil penalty in the amount of $300. The Board acknowledges that payment of $300 was received from Dr. Benson on May 17, 2013.

John L. Heizer, DVM

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