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

IN THE MATTER OF:	*	
CHRISTINE M. JANIFER, D.V.M.	*	DOCKET NO. 13-55
LICENSE NO. 6577	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 17th day of October, 2013, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Christine M. Janifer, D.V.M. (Dr. Janifer), License No. 6577. This Order confirms the intention of Dr. Janifer to waive the right to contest the charge filed by the Board on September 9, 2013 in Docket No. 13-55, alleging that Dr. Janifer violated a certain Code of Maryland Regulation (COMAR) under the Maryland Veterinary Practice Act. Specifically, in Docket No. 13-55, the Board alleged that Dr. Janifer violated COMAR 15.14.01.10 pertaining to record keeping, on or about September 7, 2012 in that Dr. Janifer failed to maintain adequate records for "Daisy," a dog owned by Rosemary and Robert Hainey. On or about October 17, 2013, Dr. Janifer 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 charges in Docket No. 13-55. Dr. Janifer has no prior disciplinary history with the Board.

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 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. Janifer has submitted payment of the $300 civil penalty assessed by the Board in Docket No. 13-55, and waived the right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Janifer 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 beginning on or about September 7, 2012 at Banfield, The Pet Hosptial, located at 10464 Campus Way South – Box #8, in Largo, Maryland 20774, Dr. Janifer failed to note in the patient record for the dog, "Daisy," a one-year-old spayed female Pomeranian Mix owned by Rosemary and Robert Hainey, the rationale for administering an antibiotic in the absence of evidence of an infection. This deficiency was a violation of a regulation adopted under the Veterinary Practice Act; specifically, COMAR 15.14.01.10 Record Keeping.

Taking all the facts and circumstances into consideration, including the nature of the violations, the veterinarian's lack of a disciplinary history with the Board, and the veterinarian's good faith effort to resolve this matter promptly, 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 17th day of OCTOBER, 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. Janifer is assessed a civil penalty in the amount of $300. The Board acknowledges that the payment of $300 was received from Dr. Janifer on October 17, 2013.

David L. Handel DVM

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