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

IN THE MATTER OF:	*	
SAMIR A. HAFEZ, D.V.M.	*	DOCKET NO. 13-58
LICENSE NO. 2096	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 20th day of February, 2014, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Samir A. Hafez, D.V.M. (Dr. Hafez), License No. 2096. This Consent Agreement resolves the charges filed by the Board on January 13, 2014 in Docket No. 13-58, alleging that Dr. Hafez violated COMAR 15.14.01.10 Record Keeping on or about January 19, 2013, February 23, 2013, and March 13, 2013, by failing to maintain adequate records for certain companion animals treated at his veterinary hospital, Worcester Animal Clinic (Hospital), located at 1402 Market Street, in Pocomoke City, Maryland 21851. On or about January 30, 2014, Dr. Hafez requested to resolve the charges informally. Thereafter, the parties reached a resolution. By entering into this Consent Agreement, Dr. Hafez waives the right to a hearing and appeal on the charges in Docket No. 13-58. Dr. Hafez has a 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 - 2-316, Annotated Code of Maryland and related Code of Maryland Regulations15.14.01 - 15.14.17. 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

Samir A. Hafez, D.V.M., License No. 2096, 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 certain regulations adopted under the Veterinary Practice Act; specifically, COMAR 15.14.01.10 pertaining to record keeping. On or about January 19, 2013, February 23, 2013, and March 13, 2013, Dr. Hafez failed to record adequate information regarding the treatment of John Scott's dog, "Kyla"; Marcus Nock's dog, "Sensei"; and Mike Hook's cat, "Brutus" and "Cy" Green; respectively.

Taking all the facts and circumstances into consideration, including the severity of the violations, Dr. Hafez's prior disciplinary history with the Board, and his good faith effort to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution in these matters included the following sanctions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 20th day of February, 2014, by the Maryland State Board of Veterinary Medical Examiners, ORDERED that:

a. For the violations of COMAR 15.14.01.10 Record Keeping, Dr. Hafez is assessed a civil penalty in the total amount of $2,400 ($600 for each of four record keeping violations). Payment is to be made to the "Maryland Department of Agriculture" at 50 Harry S. Truman

Parkway, Annapolis, MD 21401 with the notation ("SBVME – 13-58") within 30 days of the date of the Order.

b. Dr. Hafez's License No. 2096 shall be suspended for two weeks (one week stayed). The one-week stay of suspension of the license is contingent upon compliance with the conditions of probation.

c. Dr. Hafez shall serve a period of probation of two years. 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. As a condition of probation, Dr. Hafez shall complete Dr. James Wilson's online Veterinary Law and Ethics Course and twelve credit hours of continuing education (CE) in anesthesia, as **pre-approved** by the Board. Not later than six months from the date of this Order, 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 shall include Dr. Hafez' 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.

Chris H. Runde, DVM

Chris H. Runde, D.V.M.
President
State Board of Veterinary Medical Examiners

CONSENT

I, Samir A. Hafez, D.V.M., License No. 2096, 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.

Samir A. Hafez, D.V.M.

Date 2-11-14

NOTARY

STATE OF Maryland

CITY/COUNTY OF Worcester

I HEREBY CERTIFY that on this 11th day of February, 2014, before me, a Notary Public of the State and City/County aforesaid, personally appeared Samir A. Hafez, 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.

Dolaris Justice Ward
Notary Public.

My commission expires: 8/2/14

DOLORIS JUSTICE WARD NOTARY PUBLIC WORCESTER CO., MD.