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

IN THE MATTER OF:	*	
SHERMAN O. CANAPP, D.V.M.	*	
LICENSE NO. 5540	*	DOCKET NO. 13-64B
DEBRA A. CANAPP, D.V.M.	*	
LICENSE NO. 5555	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 27th day of March, 2013, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Sherman O. Canapp, D.V.M. (Dr. S. Canapp), License No. 5540, and Debra A. Canapp, D.V.M. (Dr. D. Canapp), License No. 5555. This Order confirms the intentions of Dr. S. Canapp and Dr. D. Canapp to waive their rights to contest the charge filed by the Board on March 11, 2013 in Docket No. 13-64B, alleging that Dr. S. Canapp and Dr. D. Canapp violated the Veterinary Practice Act and a certain related Code of Maryland Regulation (COMAR). Specifically, in Docket No. 13-64B, the Board alleged that Dr. S. Canapp and Dr. D. Canapp violated COMAR 15.14.11.03J Violations, on or about August 20, 2012 and September 14, 2012, by permitting Dr. Janice V. Hsieh to practice veterinary medicine at their veterinary hospital, specifically, Veterinary Orthopedic & Sports Medicine, without a current registration from the Board for Fiscal Year (FY) 2013. On or about March 26, 2013, Dr. S. Canapp and Dr. D. Canapp submitted full payment of the civil penalty assessed by the Board as the only sanction in this matter, and thus voluntarily waived their right to a hearing and appeal on the charge in Docket No. 13-64B.

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. S. Canapp and Dr. D. Canapp have submitted payment of the $150 civil penalty assessed by the Board in Docket No. 13-64B, and waived their right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. S. Canapp and Dr. D. Canapp 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 they did violate COMAR 15.14.11.03J Violations, by permitting Dr. Janice V. Hsieh to practice veterinary medicine without a current registration from the Board for FY 2013, at their veterinary hospital, Veterinary Orthopedic & Sports Medicine, located at 10975 Guilford Road, located in Annapolis Junction, Maryland 20701, on or about August 2012 and September 14, 2012.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarians' lack of disciplinary history with the Board, and the veterinarians' 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 27th day of March, 2013, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of COMAR 15.14.11.03J, Dr. S. Canapp and Dr. D. Canapp are assessed a single civil penalty in the amount of $150. The Board acknowledges that payment of $150 was received from Drs. Canapp on March 26, 2013.

Chris H. Runde, DVM

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