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

IN THE MATTER OF:	*	
A. LEONARD PINEAU, VMD	*	DOCKET NO. 14-54
LICENSE NO. 1762	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 3rd day of August, 2015, is between the Maryland State Board of Veterinary Medical Examiners (Board) and A. Leonard Pineau, VMD (Dr. Pineau), License No. 1762. This Consent Agreement resolves the charges filed by the Board on February 20, 2015, in Docket No. 14-54, alleging that Dr. Pineau violated certain Code of Maryland Regulations (COMAR), including COMAR 15.14.01.07 pertaining to professional judgment and practice and COMAR 15.14.01.10 pertaining to record keeping, on or about September 4, 2013. The Board alleged that Dr. Pineau failed to perform a physical examination prior to surgery and failed to obtain consent for surgery or, in the alternative, Dr. Pineau failed to document the physical examination and consent, thus failing to maintain adequate medical records relating to his care and treatment of Anna Marie Jamrosz's nine-year-old spayed female Labrador Retriever, "Dizzy." Dr. Pineau did not request a hearing to contest the Board's charges. The parties initiated discussions and were able to reach a resolution. By entering into this Consent Agreement, Dr. Pineau waives the right to appeal the charges in Docket No. 14-54. Dr. Pineau 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 (Agric.), Sections 2-301 through 2-316, Annotated Code of Maryland and related Code of Maryland Regulations (COMAR) 15.14.01 through 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. Section 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. Section 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 Government Article, Section 10-1001(b); COMAR 15.14.11 Civil Penalty Standards for Veterinarians.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Leonard Pineau, VMD (Dr. Pineau), License No. 1762, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case and vehemently denying liability for a violation of COMAR 15.14.01.07 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 15.14.01.07 pertaining to professional judgment and practice and COMAR 15.14.01.10 pertaining to record keeping. The Board alleged that on or about September 4, 2013, at Aardmore Veterinary Hospital, located at 3131 Loch Raven Road in Baltimore, MD 21218, in Docket No. 14-54, Dr. Pineau performed surgery without a physical examination within 12 hours prior to surgery, or, in the alternative, Dr. Pineau failed to document the physical examination, thus failing to maintain adequate medical records relating to his care and treatment of Anna Marie Jamrosz's nine-year-old spayed female Labrador Retriever, "Dizzy." In addition, the Board alleged that Dr. Pineau violated COMAR 15.14.01.10 pertaining to record keeping on or about August 28, 2013, when he failed to identify both which side of the animal was radiographed and the client/patient information, and he failed to record whether or not the stifle was stable at postoperative rechecks ending on October 13, 2013.

Taking all the facts and circumstances into consideration, including the nature of the violations, Dr. Pineau's lack of disciplinary history, and Dr. Pineau's good faith effort to resolve this matter, the Board concluded that the most reasonable and appropriate resolution in this matter included the following sanctions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 3rd day of August, 2015, by the Maryland State Board of Veterinary Medical Examiners, ORDERED that in Docket No. 14-54:

a. For the violations of COMAR 15.14.01.07 Professional Judgment and Practice, and COMAR 15.14.01.10 Record Keeping, Dr. Pineau is assessed a civil penalty in the total amount of $800 ($500 and $300), with payment by paper check, payable to the "Maryland Department of Agriculture" with the notation "SBVME –

14-54" sent to the State Board of Veterinary Medical Examiners (SBVME) at 50 Harry S. Truman Parkway, Room 102, Annapolis, MD 21401 within **30 days of the date of the Order**.

b. Dr. Pineau 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 may result in further sanctions.

c. Within four months of the date of this order, Dr. Pineau shall complete six credit hours of continuing education (CE) in small animal orthopedic medicine as **preapproved** by the Board. Within **30** days of completion of this CE, Dr. Pineau shall forward to the Board documentation, completed by the CE provider, showing proof of completion of the CE credits required under this Order. Proof from the CE provider shall include Dr. Pineau's name, the number of CE hours 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.

David L. Handel, DVM
President
State Board of Veterinary Medical Examiners

CONSENT

I, A. LEONARD PINEAU V.M.D, 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.

7/16/15
Date

_____, VMD

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF HARFORD

I HEREBY CERTIFY that on this 16TH day of JULY, 2015, before me, a Notary Public of the State and City/County aforesaid, personally appeared A. Leonard Pineau, VMD, 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.

_____
Notary Public
My Commission expires: OCTOBER 1ST, 2016

JOHN D HETRICK
Notary Public
Harford County
Maryland
My Commission Expires Oct. 01, 2016