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

IN THE MATTER OF:	*	
BARBARA A. BELL, DVM	*	DOCKET NO. 14-57A
LICENSE NO. 5782	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 7th day of AUGUST, 2015, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Barbara A. Bell, DVM (Dr. Bell), License No. 5782. This Order confirms the intention of Dr. Bell to waive the right to contest the charge filed by the Board on November 14, 2014 in Docket No. 14-57A, alleging that Dr. Bell violated a certain Code of Maryland Regulation (COMAR); specifically, COMAR 15.14.01.07 relating to professional judgment and practice on or about January 31 and February 2, 2014 at Bayside Animal Hospital, Inc. (Hospital), located at 2933 Ocean Gateway, in Cambridge, Maryland 21613. On or about JULY 23, 2015, Dr. Bell agreed to pay a $500 first offense civil penalty to resolve this matter. Dr. Bell 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 Sections 2-301 - 2-316, Annotated Code of Maryland and related COMAR regulations 15.14.01 - 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., 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. Art. 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 the history of prior violations, as well as the Board's regulatory civil penalty standards. Md. Code Ann., State Gov't Art., Section 10-1001(b); COMAR 15.14.11 Civil Penalty Standards for Veterinarians.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Barbara A. Bell, DVM (Dr. Bell), License No. 5782, while generally and specifically denying liability in this matter, has agreed to pay a first offense civil penalty of $500 assessed by the Board in Docket No. 14-57A, and waived her right to a hearing or appeal of the charge in order to resolve this matter. After having the opportunity to seek advice of legal counsel, Dr. Bell acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she did violate COMAR 15.14.01.07 relating to professional judgment and practice, on or about January 31, 2014 by failing to provide additional monitoring or transfer of Libby Nagel's nine-year-old female Siamese cat, "Roxie," to a hospital with overnight supervision after the cat received erroneous overdoses of medications administered by a non-registered veterinary technician that day at Bayside Animal Hospital, Inc., located at 2933 Ocean Gateway, in Cambridge, Maryland 21613. Dr. Bell has no prior disciplinary history with the Board.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of 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 7th day of AUGUST, 2015, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of COMAR 15.14.01.07 Professional Judgment and Practice, Dr. Bell is assessed a first offense civil penalty of $500. Payment shall be made by paper check within 180 days of the date of this Order to "Maryland Department of Agriculture," 50 Harry S. Truman Parkway, Room 102, Annapolis, MD 21401, with the notation "SBVME – 14-57A."

Heather M. Hendler, VMD

Heather M. Hendler, ~~DVM~~ VMD
Vice President
Maryland State Board of Veterinary Medical Examiners

