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

IN THE MATTER OF:	*	
MICHAEL J. CHOVANES, VMD	*	DOCKET NO. 15-06
LICENSE NO. 2316	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 6th day of MAY, 2015, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Michael J. Chovanes, VMD (Dr. Chovanes), License No. 2316. This Order confirms the intention of Dr. Chovanes to waive the right to contest the charge filed by the Board on July 9, 2014 in Docket No. 15-06, alleging that Dr. Chovanes violated Section 2-313(1) of the Veterinary Practice Act and a certain related Code of Maryland Regulation (COMAR). Specifically, in Docket No. 15-06, the Board initially alleged that Dr. Chovanes violated COMAR 15.14.01.11 Annual Registration, on or about September 2010 through May 2014, by practicing veterinary medicine at the Fasig-Tipton Timonium Show and Sale in Maryland without a valid registration for Fiscal Years 2011 through 2014 from the Board. On July 19, 2014, Dr. Chovanes requested a hearing to dispute the allegations. After entering into discussion, the parties were able to reach a resolution. The Board agreed on March 26, 2015 to reduce the charges to reflect the failure to register for Fiscal Year 2014 and the writing of prescriptions for horses in Maryland on or about May 13, 14, and 18, 2014 at the Fasig-Tipton Timonium Show and Sale in Maryland. On or about APRIL 23, 2015, Dr. Chovanes submitted payment of the civil penalty in the amount of $1,500 as the only sanction in this matter, and thus voluntarily waived the right to a hearing and appeal on the original charge in Docket No. 15-06.

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 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 a veterinarian's license. 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 the 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

Michael J. Chovanes, VMD (Dr. Chovanes), License No. 2316, has submitted payment of the $1,500 civil penalty assessed by the Board in Docket No. 15-06, and waived his prior request for a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Chovanes 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 he did violate Section 2-313 of the Veterinary Practice Act and a regulation adopted under the Veterinary Practice Act; specifically, COMAR 15.14.01.11 Annual Registration by practicing veterinary medicine at the Fasig-Tipton Timonium Show and Sale in Maryland on or about May 13, 14, and 18, 2014 without a valid registration for the 2014 fiscal year from the Board.

Taking all the facts and circumstances into consideration, including the severity of the violation and the veterinarian's lack of prior violations with the Board, 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 6th day of May, 2015, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of the Veterinary Practice Act and COMAR 15.14.01.11 Annual Registration, Dr.

Chovanes is assessed a civil penalty in the amount of $1,500 the Board acknowledges that payment of $1,500 was received from Dr. Chovanes on April 23, 2015.

David L. Handel, DVM

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