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

IN THE MATTER OF:	*	
ANN M. KROKEN, VMD	*	DOCKET NO. 15-26
LICENSE NO. 5770	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 7th day of May, 2015, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Ann M. Kroken, VMD (Dr. Kroken), License No. 5770. This Order confirms the intention of Dr. Kroken to waive the right to contest the charge filed by the Board on March 17, 2015, in Docket No. 15-26, alleging that Dr. Kroken violated certain Code of Maryland Regulations (COMAR); specifically, COMAR 15.14.01.07, relating to professional judgment and practice, or, in the alternative, COMAR 15.14.01.10, relating to record keeping, in the care and treatment of Bernard and Mary Pagliaro's seven-year-old female Black Labrador, "Lady Belle," presented for spaying on or about August 21, 2014 at Somerset Regional Animal Hospital, located at 11279 Stewart Neck Road, in Princess Anne, Maryland 21853. On or about April 9, 2015, Dr. Kroken agreed to pay the $300 civil penalty to resolve this matter. Dr. Kroken 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

Ann M. Kroken, VMD (Dr. Kroken), License No. 5770, while generally and specifically denying liability in the matter involving COMAR 15.14.01.07, or, in the alternative, COMAR 15.14.01.10, has offered to submit payment of $300 in civil penalties assessed by the Board in Docket No. 15-26, 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. Kroken acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she did violate COMAR 15.14.01.10 relating to record keeping, on or about August 21, 2014, by failing to adequately record a physical examination of Bernard and Mary Pagliaro's seven-year-old female Black Labrador, "Lady Belle," prior to surgery on or about August 21, 2014 at Somerset Regional Animal Hospital, located at 11279 Stewart Neck Road, in Princess Anne, Maryland 21853. Dr. Kroken 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 MAY, 2015, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of COMAR 15.14.01.10 Record Keeping, Dr. Kroken is assessed a civil penalty in the total amount of $300. The Board acknowledges that payment of $300 was received from Dr. Kroken on April 9, 2015.

Heather M. Hendler, VMD

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Vice President
Maryland State Board of Veterinary Medical Examiners