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

IN THE MATTER OF THE COMPLAINT OF	*	
THE STATE BOARD OF VETERINARY MEDICAL	*	
EXAMINERS AGAINST	*	
CECILIA GARRETT, D.V.M.	*	DOCKET NO. 97-031
LICENSE NO. 2327	*	

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DECISION AND ORDER

The State Board of Veterinary Medical Examiners (Board) charged that Cecilia Garrett, D.V.M., License No. 2327, violated certain laws and regulations governing the practice of veterinary medicine in Maryland in her treatment of "Fluffy," a thirteen year old female cockapoo owned by Ms. Sandra Binko. The Board charged that Dr. Garrett violated COMAR 15.14.01.10 (record-keeping requirements) and COMAR 15.14.01.08 (when consultation or referral is warranted). COMAR 15.14.01.08, in its most pertinent part, provides: "A veterinarian should ... [seek] through consultation, assistance of others when it appears that the quality of veterinary service may be enhanced by consultation" More specifically, the Board charged Dr. Garrett as follows:

> On or about April 22, 1997, in failing to include in your treatment record of Ms. Sandra Binko's dog, Fluffy, a short history of the dog's condition as it pertains to the animal's medical status, you have violated COMAR 15.14.01.10A(5).
>
> On or about April 22, 1997, in failing to indicate in your treatment record the grade of luxation that you observed in Fluffy's right stifle and whether the patella was luxated medially or laterally, you have violated COMAR 15.14.01.10A(6).
>
> On or about May 28, 1997, in failing to indicate in your treatment record whether it was Fluffy's right or left stifle upon which you operated, you have violated COMAR 15.14.01.10A(8).
>
> On or about May 28, 1997, in failing to indicate in your treatment record the grade of luxation that you observed in Fluffy's stifle, you have violated COMAR 15.14.01.10A(8).

On or about May 28, 1997, in failing to indicate in your treatment record the treatment (surgical procedure) that you employed to correct the luxation that you observed in Fluffy's stifle, you have violated COMAR 15.14.01.10A(7).

On or about June 5, 1997, in failing to indicate in your treatment record the treatment (surgical procedure) that you employed to correct the luxation that you observed in Fluffy's left stifle, you have violated COMAR 15.14.01.10A(7).

On or about June 16, 1997, in failing to indicate in your treatment record, the grade of luxation that you observed in Fluffy's right stifle, you have violated COMAR 15.14.01.10A(8).

On or about June 16, 1997, in failing to indicate in your treatment record the treatment (surgical procedure) that you employed to correct the luxation that you observed, you have violated COMAR 15.14.01.10A(8)

On or about June 16, 1997, in performing a third surgical procedure within a 60-day period to correct a patella luxation in Fluffy's right stifle without having first sought or recommended an orthopedic consultation or referral, you have violated COMAR 15.14.01.08.

On April 1, 1998, Dr. Garrett received the "Notice of Agency Action" detailing this charge by certified mail. In that notice, the Board informed Dr. Garrett that she could request a hearing on the charge or alternatively, accept the proposed sanction that it noted, namely: (1) That her license to practice veterinary medicine in this State be suspended for two weeks but that this suspension be stayed; (2) That she pay a civil penalty in the amount of $500.00; and (3) That she be placed on probation for a period of one year under the following terms and conditions:

1. She obey all laws and regulations governing the practice of veterinary medicine in this state.

2. She pay the $500.00 civil penalty within 45 days from receipt of the Board's order.

On April 30, 1998, the Board received Dr. Garrett's response to its notice and a check payable to the Board in the amount of five hundred dollars ($500.00). Dr. Garrett did not request a hearing on the charge.

The Board finds that Dr. Garrett has chosen not to contest the factual allegations against her and that the facts set forth in the Statement of Facts would constitute a violation of COMAR 15.14.01.08 and COMAR 15.14.01.10 as charged.

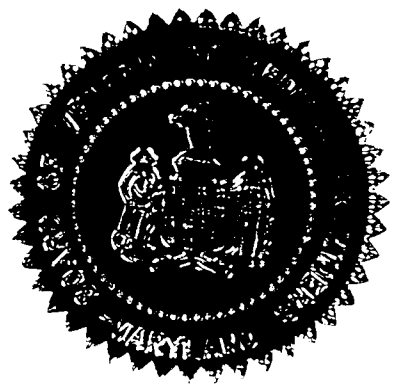
ORDER

Based on the foregoing determination, it is this 30th of April, 1998, by the State Board of Veterinary Medical Examiners:

ORDERED that Dr. Garrett pay a **CIVIL PENALTY** in the amount of five hundred dollars ($500.00) (the Board acknowledges Dr. Garrett's payment of this civil penalty).

ORDERED that Dr. Garrett's license to practice veterinary medicine in this State be and is hereby **SUSPENDED** for a period of two weeks; but that this suspension be and is hereby **STAYED**; and it is further

ORDERED that Dr. Garrett be and is hereby placed on **PROBATION** for a period of one (1) year under the following **TERM AND CONDITION**, namely, that Dr. Garrett obey all laws and regulations governing the practice of veterinary medicine in this State.



Donald M. Carman, D.V.M.

Donald M. Carman, D.V.M.
President
State Board of Veterinary
Medical Examiners

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