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	*	
CHARLES SHORTALL, D.V.M.	*	DOCKET NO. 99-024
LICENSE NO. 1259	*	

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CONSENT AGREEMENT

This Agreement, dated this 7th of June, 2000, is between the State Board of Veterinary Medical Examiners ("Board") and Charles Shortall, D.V.M., License No. 1259. The Board has charged that Dr. Shortall has violated certain laws and regulations governing the practice of veterinary medicine in this State (the "Veterinary Practice Act"). Under the Veterinary Practice Act, the Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [f]ails to comply with Board ... regulations after receiving a license" (Md. Code Ann., Agric. Art. §2-310 (8)); and in lieu of, or in addition to, suspending a veterinarian's license, the Board may impose a civil penalty of not more than $5,000 (Md. Code Ann., Agric. Art., §2-310.1).

The Board has filed charges against Dr. Shortall alleging that he failed to comply with the record-keeping requirements for companion animals provided under COMAR 15.14.01.10 in his treatment of Zach, a male Great Dane owned by Dana and Joseph Mazzella. More specifically, in its charging document, the Board charged Dr. Shortall as follows:

1. On or about June 23, 1999, Dr. Shortall diagnosed that a polyp he had removed from Zach's colon was malignant, but he made no record of this diagnosis in the animal's treatment record; and in so doing, he failed to comply with the record-keeping requirements for companion animals provided under COMAR 15.14.01.10; and

2. On or about June 23, 1999, Dr. Shortall anesthetized an animal that he was treating, but did not record the amount of anesthetic that he used; and in so doing, he failed to comply with the record-keeping requirements for companion

animals provided under COMAR 15.14.01.10.

On May 1, 2000, Dr. Shortall received notice of the charge by certified mail, and has chosen not to contest it.

FINDINGS OF FACT

Pursuant to the stipulation entered into between the Administrative Prosecutor, Thomas F. Filbert, Assistant Attorney General, and Dr. Shortall, the Board's factual findings in this matter are as follows:

On or about March 2, 1999, Dr. Shortall undertook the care of Zach, a male Great Dane owned by Dana and Joseph Mazzella. On presentation, Dr. Shortall recorded the following as the dog's chief complaint: "Dripping red blood after bowel movements." After examining Zach and noting that the dog's anal glands appeared "O.K.," Dr. Shortall diagnosed that the dog had hookworms, and prescribed medication to treat this condition.

During the next 3-4 month period, the owners presented Zach to Dr. Shortall on several different occasions with the same complaint that their dog, following a bowel movement, would bleed from its rectum.

On or about June 22, 1999, Dr. Shortall rechecked Zach's rectum. Dr. Shortall recorded that Zach's owners reported that the dog's rectum was "prolapsed ? and bleeds" after bowel movements. Dr. Shortall indicated that Zach should be brought back the next day so that he could anesthetize the dog and examine its colon for polyps.

On or about June 23, 1999, Dr. Shortall examined Zach's colon. Dr. Shortall anesthetized the dog, but did not record the amount of anesthetic that he used. Dr. Shortall found a polyp and cauterized it. Dr. Shortall determined that the polyp was malignant. Dr. Shortall made this diagnosis based apparently, in part, on the polyp's growth. Dr. Shortall did not perform a biopsy. When the owners asked why he did not perform a biopsy, Dr. Shortall indicated that it would have cost them additional money. At discharge, in response to Ms. Mazzella's request for a copy of Zach's treatment record, Dr. Shortall wrote a note on office stationery indicating that he had "removed adenocarcinoma from [the dog's] colon." Dr. Shortall never recorded his diagnosis that the polyp was malignant in the patient's treatment record.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that Dr. Shortall failed to comply with the record-keeping requirements for companion

animals provided under COMAR 15.14.01.10 in his treatment of Zach, a male Great Dane owned by Dana and Joseph Mazzella.

Charles Shortall, D.V.M.
Respondent

6-1-01
Date

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

6-7-2001
Date

CONSENT

I, Charles Shortall, D.V.M., acknowledge that I have had an opportunity to consult with counsel before entering into and signing this document. By this Consent, I hereby acknowledge that the Board, by a preponderance of the evidence, could prove the Findings of Fact and Conclusions of Law contained herein. Accordingly, in order to resolve these matters, I agree to accept and submit to the foregoing Consent Agreement, consisting of three (3) pages.

I acknowledge the validity of this Consent Agreement as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the laws of the State of Maryland. I also affirm that I am waiving my right to appeal from this Consent Agreement.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Agreement.

I sign this Consent Agreement without reservation as my voluntary act and deed, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

6-1-01
Date

Charles Shortall, D.V.M.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 1st day of June, 2000, before me, a Notary Public of the State and City/County aforesaid, personally appeared CHARLES SHORTALL, D.V.M., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Christine M. Carr
Notary Public

My Commission Expires: 8/2/01

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ORDER

Having determined that Charles Shortall, D.V.M., failed to comply with the record-keeping requirements for companion animals provided under COMAR 15.14.01.10 in his treatment of Zach, a male Great Dane owned by Dana and Joseph Mazzella, it is this 7th of June, 2000, by the State Board of Veterinary Medical Examiners, **ORDERED:**

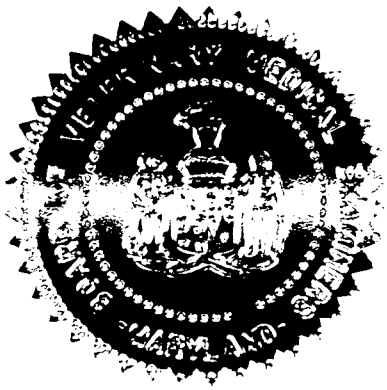
(1) That Dr. Shortall pay a **civil penalty** in the amount of one thousand dollars ($1000), but that the payment of four hundred dollars ($400) of this amount is stayed; and

(2) That beginning the date this Order is signed, Dr. Shortall is on **probation** for a period of one year, under the following terms and conditions:

(a) That he pay the civil penalty in a timely manner;

(b) That he obey all laws and regulations governing the practice of veterinary medicine in this State, including, but not limited to, the record-keeping requirements of COMAR 15.14.01.10; and

(c) That he immediately institute new record-keeping procedures that meet the requirements of COMAR 15.14.01.10, providing the Board on or before the third Thursday of each month, for a period of six months, a copy of the treatment record for one animal presented to him that month.



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