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

IN THE MATTER OF:	*	
RICHARD H. GARCIA, DVM LICENSE NO. 3186	*	DOCKET NO. 22-35
BOONSBORO VETERINARY HOSPITAL HOSPITAL LICENSE NO. 21-007	*	

* * * * * * * * * * * * *

CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 19th day of January, 2022, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Richard H. Garcia, DVM ("Dr. Garcia") (License No. 3186), the owner and responsible veterinarian at Boonsboro Veterinary Hospital ("Hospital") (License No 21-007).

This Order confirms the intention of Dr. Garcia to resolve Docket No. 22-35 without the issuance of formal charges. Before agreeing to this Order, Dr. Garcia was advised in writing of his due process rights in this matter, including the right to receive formal notice of charges, request a hearing, retain legal counsel, and all other rights as set forth in Agric. § 2-311. By telephone conversation with Board counsel on January 18, 2022, and as later confirmed by email, Dr. Garcia agreed to the terms and conditions of this Civil Penalty Final Order, including the findings that he violated the Maryland Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 - 2-316, ("Veterinary Practice Act") and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17.

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 and related COMAR regulations. 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. § 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. Agric. § 2-310.1. In setting the amount of a civil penalty, the Board shall consider the severity of these violations, the good faith of the violator, and the history of prior violations, as well as the Board's civil penalty standards. Md. Code Ann., State Gov't Art., § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. Garcia, after having the opportunity to seek the advice of legal counsel, voluntarily waived his right to formal charges and a hearing and agreed to pay the civil penalty of $300. In so doing, Dr. Garcia acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he violated COMAR 15.14.01.12C (Expired Medications) as follows:

1. Dr. Garcia is a veterinarian who has been licensed to practice in Maryland since 1987. Dr. Garcia is the owner and responsible veterinarian at a veterinary hospital known as Boonsboro Veterinary Hospital ("Hospital") (License No. 21-007) located at 6734 Old National Pike, Boonsboro, MD 21713. Dr. Garcia has no disciplinary history with the Board.

2. On September 2, 2021, during an annual inspection of the Hospital, Board Inspector, Ellen James ("Inspector James"), found at least ten (10) expired medications in the Hospital's working stock of drugs.

3. Inspector James issued a Veterinary Hospital Inspection Report reflecting her inspection findings on September 2, 2021, and a COMAR Violation Sheet reflecting the expired medication violation found.

4. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to an animal, and COMAR 15.14.01.12-3C requires that expired medications be packaged and kept separate and apart from unexpired medications until disposal of such medications. Dr. Garcia violated this regulation by allowing expired medications to be stored with non-expired medications in the working stock of the Hospital he owns and at which he serves as the responsible veterinarian.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of prior discipline, 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 19th day of January, 2022, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED:**

(a) That for the violation of Md. Code Ann., Agric. § 2-310(8) and COMAR 15.14.01.12-3C, Richard H. Garcia, DVM is assessed a civil penalty of $300; and

(b) The civil penalty shall be paid within thirty (30) days from the date of this Order by check payable to the Maryland Department of Agriculture ("MDA") with the notation ("SBVME 22-35") and mailed to MDA at the address below.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



Elizabeth Callahan, DVM
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture
50 Harry S. Truman Parkway, Room 102
Annapolis, Maryland 21401
Telephone: 410.841.5862