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

IN THE MATTER OF:	*	
AARON WEISSBERG, D.V.M.	*	DOCKET NO. 02-070
LICENSE NO. 2551	*	

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

CONSENT AGREEMENT

This Agreement, dated this 23rd day of October 2003, is between the State Board of Veterinary Medical Examiners ("Board") and Aaron Weissberg, D.V.M., License No. 2551. The Agreement concerns the charges that the Board filed against Dr. Weissberg, alleging that he violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to his treatment of "Misty," a four month-old, female German Shepard, owned by Ms. Betty Tucker-Sabb.

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).

More specifically, in this matter, the Board charged Dr. Weissberg as follows:

(1) Given that the record of the pre-anesthetic drugs administered to Misty is ambiguous (to wit: The pre-anesthetic drugs purportedly administered to Misty in the patient's record differed from those purportedly administered to the dog in the anesthetic log), his record for this animal does not accurately reflect her treatment, a violation of COMAR 15.14.01.10; and

(2) He amended the anesthetic log pertaining to the pre-anesthetic drugs he administered to Misty (to wit: he subsequently added that he administered 1 cc of Acepromazine and 1 cc of Valium), but he failed to date and initial this amendment, a violation of COMAR 15.14.01.10C.

In exchange for Dr. Weissberg's agreement not to contest these charges, and in light of his unblemished record, the Board agrees to limit the sanction to be imposed against Dr. Weissberg in this matter, to wit: a Three Hundred Dollar Civil Penalty.

FINDINGS OF FACT

Dr. Weissberg, by entering into and signing this document, stipulates to, and acknowledges that the Board, by a preponderance of the evidence, could prove the following Findings of Fact:

1. Dr. Weissberg is a licensed veterinarian in this State, and has been at all times relative to the charges filed against him in this matter.

2. Dr. Weissberg owns the Community Animal Hospital, located at 9035 Liberty Road, Randallstown, MD 21133, and has owned this facility at all times relevant to these charges.

3. On or about February 12, 2002, Dr. Weissberg undertook the care of Misty, a four month-old female German Shephard owned by Betty Tucker-Sabb. On that date, Dr. Weissberg performed an ovario-hysterectomy upon the dog.

4. Dr. Weissberg prepared a written record of the ovario-hysterectomy that he performed upon Misty. The pre-anesthetic drugs purportedly administered to Misty in the patient's record differed from those purportedly administered to the dog in the anesthetic log. In the patient's record, Dr. Weissberg indicated that he administered the following pre-anesthetic drugs to Misty: "Induction: Biotal 5 cc to effect, 0.5 cc Atropine S.Q." In the anesthetic log, however, Dr. Weissberg indicated that he administered 1 cc of Acepromazine and 1 cc of Valium. In addition, the anesthetic log had been amended to reflect that Misty received 1 cc of Acepromazine and 1 cc of Valium, but the amendment was not dated and initialed.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following

Conclusions of Law:

1. Given that the record of the pre-anesthetic drugs administered to Misty is ambiguous (to wit: The pre-anesthetic drugs purportedly administered to Misty in the patient's record differed from those purportedly administered to the dog in the anesthetic log), Dr. Weissberg's record for this animal does not accurately reflect her treatment, a violation of COMAR 15.14.01.10; and

2. Dr. Weissberg amended the anesthetic log pertaining to the pre-anesthetic drugs he administered to Misty (to wit: Dr. Weissberg subsequently added that he administered 1 cc of Acepromazine and 1 cc of Valium), but he failed to date and initial this amendment, a violation of COMAR 15.14.01.10C.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Weissberg violated COMAR 15.14.01.10, it is this 23rd day of October, 2003, by the State Board of Veterinary Medical Examiners, **ORDERED** that Dr. Weissberg pay a **CIVIL PENALTY** in the amount of Three Hundred Dollars.

10/23/03
Date

John Paul O'Mara, D.V.M.
President
State Board of Veterinary
Medical Examiners

CONSENT

I, Aaron Weissberg, D.V.M., acknowledge that I 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 4 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 after having an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

10-8-03
Date

A. Weissberg
Aaron Weissberg, D.V.M.
Respondent

NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 8th day of October, 2003, before me, a Notary Public of the State and City/County aforesaid, personally appeared Aaron Weissberg, D.V.M., and made oath in due form of law that the foregoing Consent Agreement was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Michelle Sharaby
Notary Public

My Commission expires: Dec 1 2005

MICHELLE SHARABY NOTARY PUBLIC CITY OF BALTIMORE MARYLAND

Michelle Sharaby, Notary Public
City of Baltimore
State of Maryland
My Commission Expires Dec. 1, 2005