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

IN THE MATTER OF:	*	
MUHAMMED MEHER, D.V.M.	*	DOCKET NO. 04-004
LICENSE NO. 4455	*	

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CONSENT AGREEMENT

This Consent Agreement, dated this 27th day of January, 2005, is between the State Board of Veterinary Medical Examiners ("Board") and Muhammed Meher, D.V.M., License No. 4455 ("Dr. Meher"). The Agreement concerns the complaint that Nicholas Crosby filed against Dr. Meher pertaining to his treatment of Sofia, a one-year old Sheltie.

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).

In this matter, the Board charged that Dr. Meher's care of Sofia was substandard, a violation of COMAR 15.14.01.07, and that he failed to comply with the record-keeping requirements provided under COMAR 15.14.01.10.

FINDINGS OF FACT

The Board has made the following Findings of Fact:

1. At all times relevant to the charges, Dr. Meher was, and is, a veterinarian licensed to practice veterinary medicine in the State of Maryland.

2. On or about June 9, 2003, Nicholas Crosby presented his dog, Sofia, a one-year old

Sheltie, to Dr. Meher, the owner of Cloverly Animal Hospital, for emergency care; to wit: to repair the luxation that Sofia had suffered to her left hip in a dog fight.

3. On examination, Dr. Meher noted the following in the patient's record: "[L]ameness (non-wt.-bearing) L R leg." Dr. Meher also noted Sofia's weight, that being: "19 lbs." Dr. Meher, however, noted no other information in the patient's record concerning the dog's physical condition at the beginning of custody, including, but not limited to, the dog's vital signs.

4. Dr. Meher radiographed Sofia and made the following diagnosis: "Craniodorsal luxation."

5. Dr. Meher performed a closed reduction to repair the dog's hip. Dr. Meher noted in the patient's record that he administered pentothal intravenously, but did not record the amount of medication administered.

6. Responding to the owner's complaint, Dr. Meher stated that he radiographed Sofia following reduction and found the dog's pelvis to be normal. Dr. Meher, however, made no mention of this in the patient's record. Dr. Meher also stated in his response to the complaint that he applied an Ehmer sling, and radiographed Sofia again, and once more found a normal reduction of the luxated joint. Although Dr. Meher noted in the patient's record that he "[a]pplied [a] bandage," he did not specify that he had applied an Ehmer sling; nor did he note that he had once more radiographed Sofia, and found her pelvis to be normal.

7. Dr. Meher then discharged Sofia to her owner. In responding to the owners' January 28, 2004 written complaint, Dr. Meher stated that he had provided them instructions "to avoid getting [the dog's] bandages wet," and "to contact [him] should [the dog] become lethargic or ... if [they] observed a foul smell from the bandage, excessive licking, or if [the dog's] toes became cold to the touch." The patient's record on this matter,

however, simply notes the following: "[E]xplained complications"; "call, if any problems." Dr. Meher further noted that the bandage was to be kept on for ten days. Dr. Meher did not establish a re-examination protocol (to wit: that the dog be re-examined every 3-4 days) to ensure that the luxation remained reduced, and that the sling was functioning properly, and not causing cutaneous or vascular injury to the leg.

8. On or about June 13, 2003, after observing that Sofia was biting her foot, Mr. Crosby presented the dog to Dr. Meher for further examination. Dr. Meher removed the bandage, diagnosed "dermatitis (foot)," and prescribed antibiotics for treatment. In responding to the owners' January 2004 written complaint, Dr. Meher stated that Sofia was putting weight on the leg, and that her hip joint felt normal on palpation. Dr. Meher, however, made no mention of this in the patient's record.

9. On or about June 14, 2003, Mr. Crosby presented Sofia to Dr. Victoria Hampshire for emergency care, with the following complaint: "Left hind foot has self mutilation subsequent to removal cast." Under "Abnormal Findings" in the patient's record, Dr. Hampshire made the following notation: "Gangrenous necrosis left hind foot." Later that day, Sofia's left hind leg (proximal third of femur) was amputated.

CONCLUSIONS OF LAW

The Board has made the following Conclusions of Law:

1. In failing to record certain pertinent information concerning Sofia's condition at the beginning of custody (to wit: the dog's temperature, pulse rate, *etc.*), Dr. Meher failed to comply with the record-keeping requirements for practicing veterinarians in this State, a violation of COMAR 15.14.01.10A(6) (a veterinarian shall record the animal's physical condition at the beginning of custody).

2. In failing to record the amount of pentothal that he administered intravenously to Sofia when he anesthetized her, Dr. Meher failed to comply with the record-keeping requirements for practicing veterinarians in this State, a violation of COMAR 15.14.01.10A(7) (a veterinarian shall record the amount of any medication administered an animal).

3. In failing to record that he radiographed Sofia post-reduction, and found the dog's pelvis to be normal, and that he radiographed the dog again after applying the Ehmer sling and found a normal reduction of the luxated joint, Dr. Meher failed to comply with the record-keeping requirements for practicing veterinarians in this State, a violation of COMAR 15.14.01.10A(8) (a veterinarian shall record the progress of the case).

4. Dr. Meher's post-reduction care of Sofia failed to conform to those minimal standards of care and treatment that are customary among veterinarians in this State, a violation of COMAR 15.14.01.07, because he failed to establish a re-examination protocol when the dog initially was discharged on June 9, 2003 (to wit: that the dog be re-examined every 3-4 days) (such a re-examination protocol was needed under these circumstances to ensure that the luxation remained reduced, that the sling was functioning properly, and that the sling was not causing cutaneous or vascular injury to the leg).

5. In failing to record the discharge instructions he provided the owners in the patient's record (*e.g.*, that the owners should "avoid getting [the dog's] bandages wet," and "contact [him] should [the dog] become lethargic or ... if [they] observed a foul smell from the bandage, excessive licking, or if [the dog's] toes became cold to the touch)," Dr. Meher failed to comply with the record-keeping requirements for practicing veterinarians in this State, a violation of COMAR 15.14.01.10A(6) (a veterinarian shall record the progress and disposition of a case).

6. In failing to note in the patient's record that Sofia was putting weight on the leg, and

that her hip joint felt normal on palpation after the owners brought their dog back to him for further examination, Dr. Meher failed to comply with the record-keeping requirements for practicing veterinarians in this State, a violation of COMAR 15.14.01.10A(6) (a veterinarian shall record the progress and disposition of a case).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Muhammed Meher, D.V.M., violated COMAR 15.14.01.07, it is this 27th day of January, 2005, by the State Board of Veterinary Medical Examiners,

ORDERED: That Dr. Meher pay a civil penalty in the amount of One Thousand Two Hundred Fifty Dollars ($1,250.00) within 45 days from the date of this Order.

1.27.05
Date

Chris H. Runde, D.V.M.
President
State Board of Veterinary
Medical Examiners

CONSENT

I, Muhammed Meher, 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 could produce evidence supporting 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 5 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.

01-26-05
Date

Muhammed Meher, D.V.M.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 26th day of January, 2005, before me, a Notary Public of the State and City/County aforesaid, personally appeared Muhammed Meher, 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.

Notary Public

My Commission expires: 3/1/06