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

IN THE MATTER OF:	*	
JEFFREY L. MILLER, D.V.M.	*	DOCKET NO. 04-007
LICENSE NO. 2217	*	

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CONSENT AGREEMENT

This Agreement, dated this 18th day of November, 2004, is between the State Board of Veterinary Medical Examiners ("Board") and Jeffrey L. Miller, D.V.M., License No. 2217 ("Dr. Miller"). The Agreement concerns the charges that the Board filed against Dr. Miller, alleging that he violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to the treatment he provided to the following patients: 1.) "Emily" Conley, an eight-year old Cocker Spaniel; 2.) "Pooh-Pooh" Krenzler, a ten-year old Domestic Shorthair; and 3.) "Uni" Gray, a two-year old Jack Russell Terrier.

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's charges against Dr. Miller included the following:

1.) That he euthanized "Emily," an eight-year old Cocker Spaniel, and "Pooh-Pooh," a ten-year old Domestic Short Hair and, in each case, failed to record in the patient's record the particular euthanasia solution, and the amount thereof, that he administered, a violation of COMAR 15.14.01.10A(7) (a veterinarian shall record the treatment provided an animal and if medication is given, the amount and frequency); and

2.) That he treated "Uni," a two-year old Jack Russell Terrier (that, on presentation, could not stand and may have suffered seizures), and either: (a) failed to thoroughly examine the patient to properly assess the animal's physical condition at the beginning of custody, a violation of COMAR 15.14.01.07 (a veterinarian's standard treatment of an emergency patient includes a physical examination of the animal); or (b) physically examined the animal, but failed to record this information in the patient's record, a violation of COMAR 15.14.01.10A(6) (a veterinarian shall record a short history of the animal's physical condition at the beginning of custody and the initial diagnosis, if any).

FINDINGS OF FACT

Dr. Miller, by entering into and signing this document, acknowledges that the Board could produce evidence establishing the following Findings of Fact:

1.) Dr. Miller is a licensed veterinarian in this State, and was at all times relevant to these charges.

2.) Dr. Miller owns the Charles County Veterinary Hospital, located at 11759 Central Avenue, Waldorf, MD 20601, and has owned this facility at all times relevant to these charges.

3.) On or about June 6, 2003, Dr. Miller euthanized "Emily," an eight-year old Cocker Spaniel owned by Sharon Conley, but failed to record in the patient's record the particular euthanasia solution, and the amount thereof, that he administered. Moreover, although Dr. Miller maintained a separate euthanasia log, he did not record this particular procedure in this log.

4.) On or about July 2, 2003, Dr. Miller euthanized "Pooh-Pooh," a ten-year old Domestic Short Hair owned by Karen Krenzler, but failed to record in the patient's record the particular euthanasia solution, and the amount thereof, that he administered. Moreover, although Dr. Miller maintained a separate euthanasia log, he did not record this particular procedure in this log.

5.) On or about July 3, 2003, Dr. Miller treated "Uni," a two-year old Jack Russell Terrier owned by Lenoria and John Gray. When Uni was presented, he could not stand and was shaking. In addition, the owners advised that Uni had suffered seizures. Dr. Miller recorded Uni's temperature, that being: 100.3°F. Dr. Miller did not record any additional information in the patient's record pertaining to the dog's condition at the beginning of custody.

6.) Dr. Miller asserts that he thoroughly examined Uni when the dog was initially presented for care, but failed to record his findings in the patient's record. For the purposes of this Agreement, the Board accepts Dr. Miller's assertion as true.

CONCLUSIONS OF LAW

Based upon these Findings of Fact, the Board makes the following Conclusions of Law:

1.) On or about June 6, 2003, Dr. Miller euthanized "Emily," an eight-year old Cocker Spaniel, but failed to record in the patient's record the particular euthanasia solution, and the amount thereof, that he administered, a violation of COMAR 15.14.01.10A(7) (a veterinarian shall record the treatment provided an animal and if medication is given, the amount and frequency).

2. On or about July 2, 2003, Dr. Miller euthanized "Pooh-Pooh," a ten-year old Domestic Short Hair, but failed to record in the patient's record the particular euthanasia solution, and the amount thereof, that he administered, a violation of COMAR 15.14.01.10A(7) (a veterinarian shall record the treatment provided an animal and if medication is given, the amount and frequency).

3. On or about July 3, 2003, Dr. Miller was presented with an emergency patient (to wit: "Uni," a two-year old Jack Russell Terrier that could not stand, and may have suffered seizures). Dr. Miller examined the patient to properly assess the animal's physical condition at the beginning of custody. For this reason, the care he provided the animal

did not violate COMAR 15.14.01.07 (a veterinarian's standard treatment of an emergency patient includes a physical examination of the animal). Dr. Miller, however, failed to record his findings in the patient's record, a violation of COMAR 15.14.01.10A (6) (a veterinarian shall record a short history of the animal's physical condition at the beginning of custody and the initial diagnosis, if any).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Jeffrey L. Miller, D.V.M., License No. 2217, violated the record-keeping requirements of the Veterinary Practice Act, it is this __ day of _____, 2004, by the State Board of Veterinary Medical Examiners, **ORDERED**:

1.) That Dr. Miller is issued a civil penalty in the amount of One Thousand Five Hundred Dollars ($1,500.00), but that payment of Five Hundred Dollars ($500.00) is stayed;

2.) That Dr. Miller is placed on probation for a period of one year, beginning the date this Consent Agreement is signed, under the following terms and conditions:

a.) That he obey all laws and regulations governing the practice of veterinary medicine in this State; and

b.) That he pay the civil penalty within thirty (30) days from the date this Consent Agreement is signed; and

3.) That the remaining charge, alleging that Dr. Miller violated COMAR 15.14.01.07, is dismissed.

11/18/04
Date

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

CONSENT

I, Jeffrey L Miller, 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.

11/16/04
Date

Jeffrey L. Miller, D.V.M.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Charles

I HEREBY CERTIFY that on this 16 day of November, 2004, before me, a Notary Public of the State and City/County aforesaid, personally appeared Jeffrey L. Miller, 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.

Mary Beth Kijek

Notary Public

My Commission expires: MARY BETH KIJEK NOTARY PUBLIC STATE OF MARYLAND My Commission Expires January 28, 2005