COPY

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

IN THE MATTER OF:	*	
DANIEL D. PECK, D.V.M.	*	DOCKET NO. 04-058
LICENSE NO. 4839	*	

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

CONSENT ORDER

This Agreement, dated this 11th day of May, 2005, is between the State Board of Veterinary Medical Examiners ("Board") and Daniel D. Peck, D.V.M., License No. 4839. The Agreement concerns the charges that the Board filed against Dr. Peck, alleging that he violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to his treatment of "Shelby," a 1 ½ year old female Pug owned by Ms. Stacy Ashley. Specifically, the Board charged that Dr. Peck, among other things, failed to comply with the record-keeping requirements specified under the Act by: (1) failing to record the findings of the pre-surgical physical examination he performed upon Shelby in the patient's record; and (2) subsequently amending the patient's record, but not dating and initialing the amendment.

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. Agric. Art., §2-310(8), Code Ann.); and in lieu of, or in addition to, suspending a veterinarian's license, the Board may impose a civil penalty (Md. Agric. Art., §2-310.1, Code Ann.).

FINDINGS OF FACT

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

1.) At all times relevant to the charges, Dr. Peck was, and is, licensed to practice

veterinary medicine in the State of Maryland; and owned and operated the Eastern Shore Animal Hospital located at 6327 Church Hill Road, Chestertown, Maryland.

2.) On or about July 14, 2003, Dr. Peck undertook the care of "Shelby," a 1 ½ year old female Pug owned by Stacy Ashley. The dog's chief complaint on presentation was a lump on her left front leg.

3.) Dr. Peck examined the lump, and it appeared to him to be a histocytoma. Dr. Peck recommended surgery to remove the lump. Dr. Peck also performed an ovario-hysterectomy upon the dog. To perform these procedures, Dr. Peck administered an anesthetic agent to Shelby (to wit: a combination of Ketamine, Rompun, Acepromizine), but failed to note in the patient's record the dosages given.

4.) Before anesthetizing Shelby and performing these procedures, Dr. Peck assessed the dog's physical condition, but failed to record his findings in the patient's record.

5.) Following surgery, Dr. Peck administered Flocillin to Shelby, but failed to note in the patient's record the amount given.

6.) Ms. Ashley states that Dr. Peck performed the ovario-hysterectomy on Shelby without her permission. Dr. Peck states otherwise, and amended the patient's record to include the following information: "[C]alled owner, permission given by father and Stacy." Dr. Peck failed to initial and date this entry, signifying that it was an amendment.

CONCLUSIONS OF LAW

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

1.) On or about July 14, 2003, Dr. Peck anesthetized and performed an invasive

surgery on a 1 ½ year old female Pug. Dr. Peck assessed the animal's physical condition before undertaking this procedure. For this reason, Dr. Peck's treatment did not violate the standard of care articulated in COMAR 15.14.01.07. However, because Dr. Peck did not record the findings of the animal's pre-surgical physical condition in the patient's record, he failed to comply with the record-keeping requirements specified in COMAR 15.14.01.10(6) (a veterinarian shall record a short history of the animal's physical condition at the beginning of custody).

2.) Dr. Peck administered anesthesia to Shelby, but failed to record the amount of medication that he administered, a violation of COMAR 15.14.01.10A(7) (if medication is given to an animal, a veterinarian shall record the amount and frequency).

3.) Dr. Peck administered Flocillin to Shelby, but failed to record the amount of medication that he administered, a violation of COMAR 15.14.01.10A(7) (if medication is given to an animal, a veterinarian shall record the amount and frequency).

4.) Dr. Peck amended the patient's record to include certain additional information (to wit: That he had called the owner and received permission to perform an ovario-hysterectomy upon the patient), but failed to initial and date this entry, signifying that it was an amendment, a violation of COMAR 15.14.01.10C (requiring a veterinarian to date and initial amendments to a patient's record).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Peck's treatment of the Pug was not substandard, but that he violated the record-keeping requirements specified in COMAR 15.14.01.10, it is this 11th day of May, 2005, by the State Board of Veterinary Medical Examiners, **ORDERED**:

(1) That Dr. Peck is assessed a civil penalty in the amount of One Thousand

Three Hundred Dollars ($1,300), but that Three Hundred Dollars ($300) of this amount is stayed; and that within 30 days from the date of this fullu executed Consent Agreement, Dr. Peck pay the portion of the civil penalty not stayed (that being, One Thousand Dollars ($1,000)) to the State Board of Veterinary Medical Examiners; and

(2) That Dr. Peck is placed on probation for a period of six months, under the following terms and conditions

(a) 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 for companion animals;

(b) That on June 3, 2005, he submit to the Board for its review a copy of a patient record for one animal he treated in May; that on July 1, 2005, he do the same for one animal he treated in June; and that once more on August 5, 2005, he do the same for an animal he treated in July; and

(c) That one time during this probationary period, his facility will be inspected by a Board Inspector who, among other duties, will randomly select for the Board's review the patient records of three animals treated during this period.

May 11, 2005
Date



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

CONSENT

I, Daniel D. Peck, 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 Order, consisting of four pages.

I acknowledge the validity of this Consent Order 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 Order.

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

I sign this Consent Order 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 Order.

5-3-05
Date

Daniel D. Peck, D.V.M.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Kent

I HEREBY CERTIFY that on this 3rd day of May, 2005, before me, a Notary Public of the State and City/County aforesaid, personally appeared Daniel D. Peck, 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: Feb. 1, 2006