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

IN THE MATTER OF:	*	
VICTORIA CARILLO, D.V.M.	*	DOCKET NO. 01-031
LICENSE NO. 4686	*	

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

CONSENT AGREEMENT

This Agreement, dated this 17 day of June, 2003, is between the State Board of Veterinary Medical Examiners ("Board") and Victoria Carillo, D.V.M., License No. 4686 ("Dr. Carillo"). The Agreement concerns the charges that the Board filed against Dr. Carillo, alleging that she violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to her treatment of "Spanky," a 14-year old male Maine Coon cat, owned by Barbara Sarkozy.

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. Carillo included the following:

(1) That her initial care of an emergency patient fell below the minimal standard of care customary of veterinarians in this State, a violation of COMAR 15.14.01.07, because she (a) only superficially cleansed a wound that the patient had suffered to its abdomen, and (b) failed to thoroughly examine the patient to properly assess its physical condition at the beginning of custody (a veterinarian's treatment of an emergency patient includes a thorough physical examination of the animal);

(2) Alternatively, if Dr. Carillo did conduct a thorough examination of this

emergency patient, that she did not record sufficient information in the patient's record showing that she had properly assessed its physical condition at the beginning of custody, a violation of COMAR 15.14.01.10A(6); and

(3) That she failed to accurately note in the record of a patient presented to her for emergency care a short history of the animal's condition as it pertained to the animal's medical status, a violation of COMAR 15.14.01.10A(5).

FINDINGS OF FACT

Dr. Carillo, by entering into and signing this document, acknowledges that the Board has made the following Findings of Fact:

1. At all times relevant to the charges, Dr. Carillo was, and is, a veterinarian licensed to practice veterinary medicine in the State of Maryland; and practiced veterinary medicine at two veterinary hospitals owned by William Benson, D.V.M., to wit: (a) Reisterstown 24-Hour Veterinary Complex, located at 501 East Main Street, Reisterstown, Maryland; and (b) New Town Veterinary Complex, Inc., located at 9706-B Groggs Mill Drive, Owings Mills, Maryland.

2. On or about June 8, 1998, "Spanky," a 14-year old male Maine Coon cat, owned by Barbara Sarkozy, was presented to Dr. Carillo for emergency care. At that time, Dr. Carillo or other hospital personnel recorded the following short history of Spanky's condition as it pertained to the animal's medical status: "emer" [emergency] "HBC" [hit by car]. Ms. Sarkozy, however, denies telling Dr. Carillo or any other hospital personnel that Spanky had been hit by a car.

3. Dr. Carillo asserts that she thoroughly examined Spanky when the cat was initially presented for emergency care, which included an examination of Spanky's bladder and vital signs (*e.g.*, the cat's rectal temperature, lung sounds, and pulse rate). For the purposes of this Agreement, the Board accepts Dr. Carillo's assertion as true. The record that Dr. Carillo made of this examination, however, does not clearly reflect this

fact. Instead, the patient's record simply reflects the following information concerning Spanky's physical condition at the beginning of custody: Spanky was "pale," "shocky"; his "CRT [capillary refill time was] 1.5 - 2 sec"; his chest was noted to be "tachycardia" [presumably, the heart upon ausculation was tachycardic]; and his left rear leg had "several wounds."

4. When initially treating Spanky, Dr. Carillo asserts that she properly cleansed a wound that the cat had suffered to its abdomen. Two days later, Dr. Carillo observed maggots in the wound, at which time she took appropriate treatment steps, such as: (a) shaving Spanky's abdomen, (b) performing a debridement, (c) removing the maggots, and (d) flushing the wound. When asked by the owner why such steps were not taken when Spanky initially was presented for treatment, Dr. Carillo indicated that there was no indication that such steps were necessary at that time. The fact that Dr. Carillo observed maggots in the abdominal wound two days after she had initially cleansed it does not necessarily mean such cleansing was only superficial.

CONCLUSIONS OF LAW

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

1. On or about June 8, 1998, Dr. Carillo was presented with an emergency patient, to wit: "Spanky," a 14-year old male Maine Coon cat, owned by Barbara Sarkozy. Having accepted as true Dr. Carillo's assertion that she thoroughly examined the cat on presentation, but finding that the patient's record does not clearly reflect this fact (to wit: there are no entries in the patient's record showing that Dr. Carillo checked the animal's bladder or its vital signs, *e.g.*, its rectal temperature, lung sounds, and pulse rate), the Board: (a) concludes that Dr. Carillo failed to record sufficient information in the patient's record showing that she had properly assessed Spanky's physical condition at the beginning of custody, a violation of COMAR 15.14.01.10A(6); and (b) must dismiss the alternative charge filed against her, alleging that the initial examination she

performed on Spanky fell below the minimal standard of care customary among veterinarians in this State, a violation of COMAR 15.14.01.07.

2. The Board concludes that, on or about June 8, 1998, Dr. Carillo failed to accurately note in the record of a patient presented to her for emergency care a short history of the animal's condition as it pertained to the animal's medical status, a violation of COMAR 15.14.01.10A(5).

3. On or about June 10, 1998, two days after cleansing an abdominal wound that Spanky had suffered, Dr. Carillo observed maggots in the wound. Having determined that the presence of maggots in this wound two days later does not necessarily mean that her initial treatment of the wound was done only superficially, and given Dr. Carillo's assertion that she had properly cleansed the wound, the Board must dismiss the remaining charge against Dr. Carillo, alleging that her initial cleansing of this wound fell below the minimal standard of care customary among veterinarians in this State.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Victoria Carillo, D.V.M., License No. 4686, violated the record-keeping requirements of the Veterinary Practice Act, it is this 17 day of June, 2003, by the State Board of Veterinary Medical Examiners, **ORDERED**: That Dr. Carillo pay a civil penalty in the amount of $150.00.

June 17, 2003
Date

~~Donald M. Carman, D.V.M.~~ John P. O'Mara, DVM
President
State Board of Veterinary
Medical Examiners

CONSENT

I, Victoria Carillo, 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 has made 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.

6/3/03
Date

Victoria Carillo, D.V.M.,
Respondent

NOTARY

STATE OF New York

CITY/COUNTY OF Suffolk

I HEREBY CERTIFY that on this 3 day of June, 2003, before me, a Notary Public of the State and City/County aforesaid, personally appeared Victoria Carillo, D.V.M., and made oath in due form of law that the foregoing Consent Agreement was her voluntary act and deed.

AS WITNESS my hand and notarial seal.

Jill Saltarelli

Notary Public

My Commission expires: 7/15/04

JILL SALTARELLI
Notary Public, State of New York
No. 01SA5062979
Qualified in Suffolk County
Commission Expires July 15, 2004