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

IN THE MATTER OF:	*	
ROBERT E. CODY, D.V.M.	*	DOCKET NO. 02-031
LICENSE NO. 1883	*	

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

CONSENT AGREEMENT

This Consent Agreement, dated this 27th day of March, 2003, is between the State Board of Veterinary Medical Examiners ("Board") and Robert E. Cody, D.V.M., License No. 1883. The Agreement concerns the charges that the Board filed against Dr. Cody, stemming from his treatment of "Phoenix," a five year-old male, black Bouvier/Labrador mix, owned by Cindy Jackson, to wit: the surgical and post-surgical care that he provided the dog, whose right hind leg was fractured.

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. Cody as follows:

1.) In devising a fixation technique that did not provide (and was not designed to provide) stable fixation of all three fragments of the dog's fractured leg, Dr. Cody 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 (minimally, the fixation technique should have stabilized all three fragments).

2.) In leaving the inter-medullary pin protruding from Phoenix' skin while attempting to repair the dog's fractured leg, which action unnecessarily increased the risk of contaminating the fracture (by creating a direct pathway for descending infection -- through contamination -- down the medullary canal), Dr. Cody 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.

3.) In not recording his evaluation of post-surgical radiographs taken of Phoenix' leg, Dr. Cody failed to comply with the record-keeping requirements specified under COMAR 15.14.01.10A(8) (which requires a veterinarian to record the progress of companion animals the veterinarian is treating).

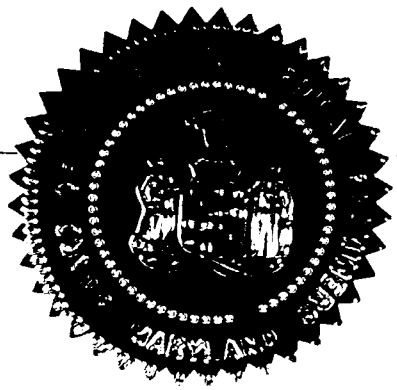
4.) Dr. Cody's post-surgical care of Phoenix failed to conform to those minimal standards of care and treatment that are customary among veterinarians in this State, a violation of COMAR 15.14.01.07, because: (a) he removed the implants that he had inserted to help establish a bridging callus in Phoenix' injured leg, despite radiographic evidence that such healing had not yet occurred; (b) he failed to remove the sequestrum that had developed between the two major bone fragments in the Phoenix' injured leg, despite radiographic evidence of its existence; and (c) he failed to provide any fixation to address the delayed union of the dog's fractured leg.

To resolve the disciplinary action that the Board filed against Dr. Cody in this matter, the parties agree as follows:

1.) Upon receipt of the agreed-upon Release of Claims instrument executed by Ms. Jackson, Dr. Cody shall promptly reimburse her Five Thousand, Sixty-Three Dollars and Twenty-Six Cents ($5,063.26), which figure represents the veterinary fees she incurred in this matter; and

2.) Upon proof that Dr. Cody has reimburse Ms. Jackson this money, and in recognition of Dr. Cody's good record with the Board and Ms. Jackson's agreement to dispose of her complaint in this manner, the Board shall dismiss the aforementioned charges it filed against him, substituting in their place a Letter of Admonishment, critiquing the care he provided Phoenix, and in particular, the initial surgery that he performed to repair the dog's fractured right hind leg.

3/27/03
Date



Donald M. Carman, D.V.M.
President
State Board of Veterinary
Medical Examiners

CONSENT

I, Robert E. Cody, 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 had grounds to file this disciplinary action against me. In recognition of this fact and order to resolve this matter, I agree to accept and submit to the foregoing Consent Order, consisting of 4 pages.

I acknowledge the validity of this Consent Order and I am waiving my right to 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, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Order.

3/19/03
Date

Robert E. Cody, D.V.M.
Respondent

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF WASHINGTON

I HEREBY CERTIFY that on this 19th day of March, 2003, before me, a Notary Public of the State and City/County aforesaid, personally appeared Robert E. Cody, 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 Michelle L Trumpower

My Commission expires: April 1, 2003

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ORDER OF DISMISSAL

Having received proof that Robert E. Cody, D.V.M., has reimbursed the complainant, and in so doing fulfilled the terms of the March 27, 2003 Consent Agreement entered into in this matter, the State Board of Veterinary Medical Examiners, on this 31st day of March, 2003, hereby **ORDERS**:

That the disciplinary action filed against him in this matter is **DISMISSED**.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Donald M. Carman, D.V.M.

Donald M. Carman, D.V.M., President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture
50 Harry S. Truman Parkway
Annapolis, Maryland 21401