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

IN THE MATTER OF:	*	
DONALD M. ROTHGEB, D.V.M.	*	DOCKET NO. 02-066
LICENSE NO. 1415	*	

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

CONSENT ORDER

This Agreement, dated this 26th day of December, 2002, is between the State Board of Veterinary Medical Examiners ("Board") and Donald M. Rothgeb, D.V.M., License No. 1415. The Agreement concerns the charges that the Board filed against Dr. Rothgeb, alleging that he violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), stemming from disciplinary action taken against him by the South Carolina Board of Veterinary Medical Examiners.

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 that Dr. Rothgeb was disciplined by the South Carolina Board of Veterinary Medical Examiners for acts that would be grounds for disciplinary action in this State, a violation of Md. Agric. Art., §2-310(11).

FINDINGS OF FACT

Dr. Rothgeb, by entering into and signing this document, stipulates to, and acknowledges that the Board, by a preponderance of the evidence, could prove the following Findings of Fact:

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

2. On or about June 20, 2002, the South Carolina Board of Veterinary Medical Examiners disciplined Dr. Rothgeb. Attachment 1 (*In the Matter of: Donald Rothgeb, D.V.M.*, "Final Order" of the South Carolina Board). More specifically, the South Carolina Board, based on a Stipulation of Facts Agreement it entered into with Dr. Rothgeb, concluded that Dr. Rothgeb, while serving as a contract veterinarian for Pet Med Express, Inc.:

a.) "engaged in unprofessional conduct in the practice of veterinary medicine";

b.) "failed to establish a proper veterinarian/client/patient relationship ... [because] he failed to see and examine ... [certain animals whose prescription medications were filled by Pet Med] before issuing [the] prescriptions, and he failed to be available for a follow-up visit in case of an adverse reaction to the prescribed medication"; and

c.) "prescribed federal legend drugs, to wit: Heartgard and Sentinal, without establishing a proper veterinarian/client/patient relationship."

3. Each of the acts for which the South Carolina Board disciplined Dr. Rothgeb constitute grounds for disciplinary action in Maryland, to wit: violations of COMAR 15.14.01.04 ("Professional Conduct") and COMAR 15.14.01.07 ("Professional Judgment and Practice").

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law: On or about June 20, 2002, Dr. Rothgeb was disciplined by the South Carolina Board of Veterinary Medical Examiners for acts that would be grounds for disciplinary action in this State, a violation of Md. Agric. Art., §2-310(11).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Rothgeb violated Md. Agric. Art., §2-310(11), it is this 26th day of December,

2002, by the State Board of Veterinary Medical Examiners, **ORDERED**: That Dr. Donald M. Rothgeb pay a civil penalty in the amount of five hundred dollars ($500.00). The Veterinary Board acknowledges that Dr. Rothgeb has paid in full the civil penalty ($500.00) it imposed in this matter.

12/26/02
Date



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

CONSENT

I, Donald M. Rothgeb, 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 4 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.

12/16/02
Date

Donald M. Rothgeb, D.V.M.
Respondent

NOTARY

STATE OF S. Carolina
CITY/COUNTY OF Georgetown

I HEREBY CERTIFY that on this 16 day of December 2002, before me, a Notary Public of the State and City/County aforesaid, personally appeared Donald M. Rothgeb, 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: 2-2-11