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

IN THE MATTER OF:	*	
LAWRENCE M. BLANKEN, D.V.M.	*	DOCKET NO.: 03-022
LICENSE NO. 1094	*	

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CONSENT AGREEMENT

This Agreement, dated this 16th day of January, 2006, is between the State Board of Veterinary Medical Examiners ("Board") and Lawrence M. Blanken, D.V.M., License No. 1094. The Agreement concerns the charges that the Board filed against Dr. Blanken, alleging that he violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to his treatment record for "Lady," a nine year-old female Rottweiler, owned by Mr. Douglas Sizemore.

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).

In this matter, the Board charged that Dr. Blanken did not comply with the record-keeping requirements for veterinarians in this State, a violation of COMAR 15.14.01.10. Alternatively, the Board charged that if Dr. Blanken failed to assess Lady's vital signs before performing invasive surgery upon the dog, his examination fell below the minimal standards required of a veterinarian in this State (before performing invasive surgery upon a patient, a veterinarian must examine the animal's vital signs), a violation of COMAR 15.14.01.07.

FINDINGS OF FACT

Dr. Blanken, 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. Blanken was, and is, a veterinarian licensed to practice veterinary medicine in the State of Maryland, and owned the Catonsville Animal Hospital, located at 1707 Frederick Road, Catonsville, Maryland.

2. On or about April 29, 2003, Dr. Blanken undertook the care of Lady, a nine year-old female Rottweiler, owned by Douglas Sizemore, to wit: Having diagnosed that Lady was suffering from an infected uterus (pyometra), Dr. Blanken performed an ovario-hysterectomy upon the dog.

3. Although Dr. Blanken noted in the patient's record that he examined Lady, he recorded very little information about the results of his examination (other than providing the dog's weight, and stating that she was obese and suffering from pyometra). More specifically, although Dr. Blanken assessed Lady's vital signs at the beginning of custody, he made no record of it (to wit: he did not record the dog's respiratory rate, temperature, capillary refill time, *etc.*).

4. Although Dr. Blanken noted in the patient's record that he anesthetized Lady before performing the ovaio-hysterectomy upon the dog, he failed to identify the particular anesthetic agent (and amount) that was used. In addition, although Dr. Blanken, in responding to the complaint, noted that he removed five pounds of tissue and purulent exudate from the dog when he performed this procedure, he failed to record this fact in the patient's record. Indeed, Dr. Blanken failed to record any information about this procedure in the patient's record.

5. On or about May 2, 2003, Dr. Blanken examined Lady during a post-operative recheck. Although Dr. Blanken removed a loose staple from the surgical site, and noted a slight discharge (presumably from the dog's vagina), he did not note this information in the patient's record. In addition, although Dr. Blanken prescribed Rimadyl (75 mg.) to Lady, he failed to note the amount and frequency in the patient's record that the dog was to receive.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law:

1. On or about April 29, 2003, before performing an ovario-hysterectomy on a nine year-old female Rottweiler, Dr. Blanken examined the dog, but recorded insufficient information about the results of his examination (to wit: although Dr. Blanken provided the dog's weight, and stated that she was obese and suffering from pyometra, he did not record the animal's vital signs, such as her temperature, respiratory rate, and capillary refill time), and in so doing failed to comply with the record-keeping requirements specified in COMAR 15.14.01.10A(6) (a veterinarian shall record the animal's physical condition at the beginning of custody).

2. While noting in the patient's record that he anesthetized Lady before performing the ovaio-hysterectomy upon the dog, Dr. Blanken failed to identify the particular anesthetic agent (and amount) that was used, and in so doing failed to comply with the record-keeping requirements specified in COMAR 15.14.01.10A(7) (a veterinarian shall record any medication given) and COMAR 15.14.01.10A(9) (if an anesthetic agent is administered, a veterinarian shall keep an anesthetic log).

3. Dr. Blanken failed to record any information about the ovario-hysterectomy he performed upon Lady in the patient's record, including the fact that he removed five pounds of tissue and purulent exudate from the dog when he performed this procedure, and in so doing failed to comply with the record keeping requirements of COMAR 15.14.01.10A(9) (if surgery is performed, a veterinarian shall keep a surgical log).

4. Although Dr. Blanken removed a loose staple from the surgical site and noted a slight discharge (presumably from the dog's vagina) during the post-operative recheck, he did not note this information in the patient's record, and in so doing failed to comply with the record-keeping requirements of COMAR 15.14.01.10A(8) (a veterinarian shall record the progress of the case).

5. Although Dr. Blanken prescribed Rimadyl (75 mg.) to Lady, he did not note in the patient's record the amount and frequency that the dog was to receive, and in so doing failed to comply with the record-keeping requirements specified in COMAR 15.14.01.10A(7) (a veterinarian shall record the amount and frequency of any medication prescribed).

6. Because Dr. Blanken did assess Lady's vital signs before performing invasive surgery upon the dog, his examination met the minimal standards required of a veterinarian in this State (before performing invasive surgery upon a patient, a veterinarian must examine the animal's vital signs), as required under COMAR 15.14.01.07.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Blanken violated COMAR15.14.01.10, it is this 8th day of June, 2004, by the State Board of Veterinary Medical Examiners, **ORDERED** that Dr. Blanken pay a civil penalty in the amount of five hundred dollars ($500).

June 8, 2004
Date

John Paul O'Mara, D.V.M.
President
State Board of Veterinary
Medical Examiners

CONSENT

I, Lawrence M. Blanken, 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 four 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.

12/16/03
Date

Lawrence M. Blanken, D.V.M.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF Howard

I HEREBY CERTIFY that on this 16 day of December, 2003, before me, a Notary Public of the State and City/County aforesaid, personally appeared Lawrence M. Blanken, 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.

Notary Public

My Commission expires: _____

BRAM D. O. BERLIN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires June 4, 2006