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

IN THE MATTER OF:	*	
W. CONRAD FILSINGER, D.V.M.	*	DOCKET NO. 04-018
LICENSE NO. 1234	*	

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

CONSENT AGREEMENT

This Consent Agreement, dated this 1st day of January, 2005, is between the State Board of Veterinary Medical Examiners ("Board") and W. Conrad Filsinger, D.V.M., License No. 1234. The Agreement concerns the complaint that Ms. Patty Dewalt filed against Dr. Filsinger, alleging, among other things, that she presented her dog, "Walker," an eight-year old Gordon Setter, to Dr. Filsinger for grooming, and that, to perform this task, he administered an anesthetic agent to the dog (that being, a Ketaset/Xylazine combination), without her permission.

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, among other things, that Dr. Filsinger failed to conform to those minimal standards of care and treatment which are customary among veterinarians in this State, a violation of COMAR 15.14.01.07, by failing to physically examine Walker before administering the Ketaset/Xylazine combination to gauge the risk this drug combination posed to him.

FINDINGS OF FACT

Dr. Filsinger, 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. Filsinger was, and is, a veterinarian licensed to practice veterinary medicine in the State of Maryland.

2. On or about March 3, 2004, Patty Dewalt presented her dog, Walker, an eight-year old Gordon Setter, to Dr. Filsinger, the owner of Potomac Valley Animal Hospital, for grooming. Ms. Dewalt was new to the area, and had never taken her dog to Dr. Filsinger or his facility.

3. When Ms. Dewalt presented her dog, she informed Dr. Filsinger that Walker did not like his hindquarters brushed. Dr. Filsinger advised that if Walker bites, he would sedate the dog.

4. In the patient's record, Dr. Filsinger noted that Walker did not allow "combing near his back area" and had "tried to bite." Dr. Filsinger also noted that he "had to sedate" Walker, and that he administered the following drug combination to the dog: "Ketaset 1 cc IM (100 mg/ml) + Xylazine 20 mg IM." Ketaset is a rapid acting agent whose pharmacologic action is characterized by profound analgesia, immobilization, normal pharyngeal-laryngeal reflexes, mild cardiac stimulation, and respiratory depression. Xylazine is an a-2 agonist, providing analgesia and sedation. Xylazine may induce profound cardiovascular changes (*e.g.*, bradycardia, second-degree heart block, and hypotension, following a brief period of hypertension). Therefore, the combination of Ketamine/Xylazine may be associated with significant cardiovascular and respiratory side effects.

5. Dr. Filsinger estimated Walker's weight to be approximately 100-110 pounds. Dr. Filsinger did not physically examine Walker before administering this drug combination to the dog. In addition, Dr. Filsinger did not contact the owner to provide her the option of granting or declining permission to perform bloodwork on Walker to further gauge the risk this drug combination posed to her dog.

CONCLUSIONS OF LAW

1. In failing to physically examine Walker before administering the Ketaset/Xylazine combination to gauge the risk this drug combination posed to him, particularly given that Walker was an older dog, and had not been previously seen in his practice, Dr. Filsinger's care fell below the minimal standard expected of a practitioner in this State, a violation of COMAR 15.14.01.07.

2. In failing to contact the owner to provide her the option of granting or declining permission to perform bloodwork on Walker before administering the Ketaset/Xylazine combination to further gauge the risk this drug combination posed, particularly given that Walker was an older dog, and had not been previously seen in his practice, Dr. Filsinger's care fell below the minimal standard expected of a practitioner in this State, a violation of COMAR 15.14.01.07.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that W. Conrad Filsinger, D.V.M. violated COMAR 15.14.01.07, it is this 1st day of September, 2005, by the State Board of Veterinary Medical Examiners,

ORDERED: That Dr. Filsinger pay a civil penalty in the amount of five hundred dollars ($500.00) (the Board acknowledges that Dr. Filsinger already has paid this penalty).

9/1/05
Date

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

CONSENT

I, W. Conrad Filsinger, 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 three 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.

1-20-05
Date

W. Conrad Filsinger, D.V.M.
Respondent

NOTARY

STATE OF MD

CITY/COUNTY OF Allegany

I HEREBY CERTIFY that on this 20 day of January, 2005, before me, a Notary Public of the State and City/County aforesaid, personally appeared W. Conrad Filsinger, 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.

Claudette T. Phillips
Notary Public

My Commission expires: _____

Claudette T. Phillips
Notary Public, Allegany County, MD
My Commission Expires May 1, 2006

CLAUDETTE T. PHILLIPS NOTARY PUBLIC ALLEGANY COUNTY, MD