**STATE OF MARYLAND**
**DEPARTMENT OF AGRICLTURE**
**BEFORE THE STATE BOARD OF VETERINARY MEDICAL EXAMINERS**

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| IN THE MATTER OF: | * | |
| JASON I. ORENSTEIN, DVM<br>LICENSE NO. 4849 | * | DOCKET NO. 22-18 |
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## CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 15th day of April, 2022, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Jason I. Orenstein, DVM ("Dr. Orenstein"), License No. 4849. This case arises from a complaint filed with the Board in which it was alleged that Dr. Orenstein violated the Maryland Veterinary Practice Act, Agriculture Article, Sections 2-301 - 2-316, Annotated Code of Maryland, ("Veterinary Practice Act") and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17 as set forth herein.

On March 21, 2022, Dr. Orenstein, through his legal counsel, agreed to resolve this matter without the need for formal charges. By signing this agreement, Dr. Orenstein agrees to waive his right to formal charges in Docket No. 22-18 and further agrees to the terms and conditions set forth herein.

Under State law, the Board is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians charged with violating provisions of the Veterinary Practice Act and related COMAR regulations. As part of its authority, the Board "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee . . . if the veterinarian or veterinary practitioner . . . [f]ails to comply with Board rules and regulations after receiving a license[.]" Md. Code Ann., Agric. § 2-310(8). In addition, the Board may impose a civil penalty of not more than $5,000 for a first offense, or $10,000 for a second or subsequent offense in lieu of or in addition to suspending or revoking a veterinarian's license, respectively. Md. Code Ann., Agric. § 2-310.1. In setting the amount of a civil penalty, the Board shall consider the severity of the violation, the good faith of the violator, and the history of prior

violations as well as the Board's regulatory civil penalty standards. Md. Code Ann., State Gov't § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

Jason I. Orenstein, DVM, License No. 4849 ("Dr. Orenstein"), after having the opportunity to seek advice of legal counsel, agrees to the provisions of this Consent Agreement and acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he violated Md. Code Ann., Agric. § 2-310(8) and related regulations, specifically COMAR 15.14.01.18 (Animal Boarding by a Veterinarian), as follows:

1. At all times relevant to this matter, Dr. Orenstein was a veterinarian licensed to practice in the State of Maryland, where he has been licensed since 1997. Dr. Orenstein has a prior disciplinary history with the Board in the form of a Consent Agreement entered in Docket No. 19-87, for a record keeping violation. This Consent Agreement is attached as Exhibit A.

2. At the time of the incident described in these charges, Dr. Orenstein was the owner and responsible veterinarian at Animal World LLC, d/b/a Gambrills Veterinary Center ("Hospital") (License No. 02-057), located at 1078 Maryland Route 3 South, Gambrills, Maryland 21054. In addition to veterinary services, the Hospital provides boarding and daycare services.

3. On July 23, 2021, Alonda McDuffie ("Ms. McDuffie") and her fiancé, Curtis Privott ("Mr. Privott"), took their 11-month-old intact male Rottweiler, Dolla, to the Hospital for boarding.

4. On Sunday, July 25, 2021, at 4:50 p.m., Ms. McDuffie received a call from the Hospital stating that Dolla had "been in an incident and had been attacked by 2 pit bulls and he sustained minor injuries on the head and the neck area." Later that day, Dr. Orenstein called Dolla's owners to ask for consent to sedate Dolla in order to clean and treat Dolla's wounds. Ms. McDuffie and Mr. Privott granted Dr. Orenstein consent to sedate Dolla to clean and treat his wounds. Dr. Orenstein cleaned and treated Dolla's wounds and also started Dolla on antibiotics.

5. Dolla was picked up from the Hospital on Monday, July 26, 2021, around 9 a.m. Later that day, Ms. McDuffie and Mr. Privott called the Hospital and asked to speak to Dr. Orenstein in person.

6. Arrangements were made for Ms. McDuffie and Mr. Privott to meet with Dr. Orenstein and two former kennel attendants, Manuel Retore ("Mr. Retore") and Kendall Chaney ("Ms. Chaney"), who were present

when the incident occurred. When Ms. McDuffie and Mr. Privott requested to see video footage of the area in which the incident occurred, they were informed that there were no cameras in that specific area. Dr. Orenstein told them that Hospital protocols had not been followed by his employees, resulting in dogs that were not supposed to be let outdoors at the same time being left unattended.

7. Dr. Orenstein and the staff apologized to Ms. McDuffie and Mr. Privott and offered them complimentary veterinary follow-up visits for Dolla. Ms. McDuffie elected not to bring Dolla back to the Hospital for these complimentary follow-up visits. Dr. Orenstein accepted responsibility for the incident and covered Dolla's medical bills.

8. On July 28, 2021, Mr. Privott took Dolla to Dogs & Cats Veterinary Referral of Bowie (DCVR) (License No. 16-00221) for a follow-up visit. Dolla was sedated to clip and clean his wounds, was given carprofen and gabapentin for pain, plus continued antibiotic. Dolla has since recovered.

9. Ms. McDuffie and Mr. Privott later filed a complaint with the SBVME alleging that the Hospital and its staff had failed to protect Dolla by allowing two other unsupervised dogs into the facility courtyard at the same time as Dolla.

10. The Board opened a case and conducted an investigation. After review of the case, the Board found that Dr. Orenstein did not satisfy COMAR 15.14.01.18 (Animal Boarding by a Veterinarian), which provides that:

> A veterinarian who operates an animal boarding business in connection with a veterinary hospital is responsible for:
>
> A. Caring for boarded animals;
> B. Training staff on the care of boarded animals;
> C. Instructing staff to report to the veterinarian on duty if a boarded animal is sick or injured; and
> D. Arranging for the veterinary care of any sick or injured boarded animal.

11. Dr. Orenstein did not comply with COMAR 15.14.01.18 when he did not properly supervise protocols in place to ensure that the Hospital courtyard was empty when dogs were let out into the yard by staff. Although the Board did not find a violation in a previous Consent Agreement involving another dog that was attacked while boarding at the Hospital, the at-issue incident underscores the need to make improvements in protocols, training, and communication, which Dr. Orenstein has agreed to do.

Taking the facts and circumstances into consideration, including the nature of the violation(s), the veterinarian's disciplinary history, his acceptance of responsibility and good faith cooperation in resolving this matter, the Board concluded that the most reasonable and appropriate resolution includes the sanctions set forth below.

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 15th day of April, 2022, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for violation of Md. Code Ann., Agric. § 2-310(8), and COMAR 15.14.01.18 (Animal Boarding by Veterinarians):

a) Jason I. Orenstein, DVM (License No. 4849) is assessed a civil penalty of $600;

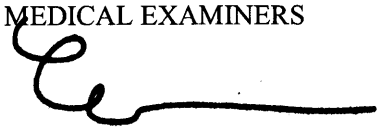
b) Dr. Orenstein shall pay the civil penalty within thirty (30) days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 22-18" sent to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401;

c) As an additional condition of this Consent Agreement, Dr. Orenstein shall submit to the Board, in writing within thirty (30) days of this Consent Agreement being signed, (1) a written protocol for releasing boarded pets into the courtyard and for ensuring that the courtyard is empty when a boarded animal intended to be released individually is released into the courtyard, and (2) a plan for how Dr. Orenstein will improve staff training so that these improved protocols are implemented. The written response should outline how training and communication by staff will be improved to ensure that dogs released into the courtyard are safe and supervised;

d) The Board shall review the materials submitted by Dr. Orenstein within thirty (30) days after submission and provide feedback, if necessary. The requirements for submission of protocols and plans for training will be satisfied upon Board approval of the submission(s); and

e) This is a public order.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



/NEB

Elizabeth Callahan, DVM
President

## CONSENT

I, Jason I. Orenstein, D.V.M., acknowledge that I have had an opportunity to consult with counsel before entering into this Consent Agreement. By this Consent, I hereby acknowledge the legal authority and jurisdiction of the Board over this matter to issue and enforce this Consent Agreement. To resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of 6 pages. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

