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

IN THE MATTER OF:	*	
BETH ANN MILLER 233 Windrift Ln. Meyersdale, PA 15552	*	DOCKET NO. 22-68

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

CEASE AND DESIST ORDER

The State of Maryland Board of Veterinary Medical Examiners ("SBVME" or "Board") hereby issues this Cease and Desist Order ("Order") to Beth Ann Miller ("Ms. Miller"), a veterinary technician licensed in Ohio. Ms. Miller does not hold a veterinary technician registration in Maryland. The Board takes this action pursuant to its authority under the Veterinary Practice Act ("the Practice Act"), Md. Code Ann., Agric. §§ 2-301, *et seq.*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon information received by and made known to the Board, the Board has reason to believe that the following facts are true:

1. Ms. Miller is a resident of Pennsylvania who resides at 233 Windrift Lane, Meyersdale, Pennsylvania. At times relevant to this action, Ms. Miller was teaching a veterinary assistant course at Garrett College at the Garrett College Career Technology Training Center ("Garrett College") in Accident, MD.

2. On January 16, 2022, the SBVME received a complaint from Stacey Hershman ("Mrs. Hershmann"), the manager at HART for Animals Inc. ("HFA"), a non-profit 501(c)(3) animal rescue and adoption organization, which is also located in Accident, MD. Mrs. Hershman was formerly an instructor at Garrett College.

3. In her complaint, Mrs. Hershman stated that she received information from a student at Garrett College that Ms. Miller had castrated five stray cats in the last week of November 2021 or the first week of December 2021 without appropriate anesthesia as part of the class Ms. Miller was teaching at the college. Mrs. Hershman stated that the student who told her about these events wished to remain anonymous because they did not want to get Ms. Miller in trouble.

4. According to her complaint, the student told Mrs. Hershman that Ms. Miller brought five young male cats to class and performed neuter surgeries on them while the students observed. No veterinarian was present. The student told Mrs. Hershman that the only anesthetic used on the cats was acepromazine and that Ms. Miller did not administer any pain medication following the surgery. Mrs. Hershman also reported that, according to the student, Ms. Miller told the class that the cats had been vaccinated for rabies and offered to allow the students to take them home if they wanted them. Mrs. Hershman alleged in her complaint that one student in the class took a cat home and was given a rabies certificate for the cat.

5. In addition to filing a complaint with the Board, Mrs. Hershmann reported the incident to Garrett County Animal Control ("GCAC"). No action was taken by GCAC.

6. After receiving the complaint, the Board opened a case and conducted an investigation. The case was assigned to Board Investigator Ellen James ("Ms. James"). Ms. James first checked the SBVME's records to see whether Ms. Miller was registered as a veterinary technician in Maryland. She found that Ms. Miller was not registered in Maryland. *See* Affidavit of Ellen James, attached as Exhibit A, and incorporated by reference. Ms. James also found that Ms. Miller formerly held a registered veterinary technician's license in Pennsylvania, but it has lapsed. Ms. Miller did have a current veterinary technician license in Ohio (License #4050) at the time of the events described in this order. *Id.*

7. On February 3, 2022, Ms. James spoke by telephone with the Program Manager of the Veterinary Assistant course at Garrett College. The Program Manager stated that she was aware Ms. Miller had castrated one cat during class. The Program Manager did not know that Ms. Miller was not registered in Maryland as a veterinary technician, nor was she aware that it is unlawful for a non-veterinarian to perform this type of surgery in this State.

8. On April 7, 2022, after receiving Ms. Miller's contact information from staff at Garrett College, Ms. James spoke with Ms. Miller by telephone about the allegations in the complaint. Ms. Miller admitted that while teaching the veterinary assistant course at Garrett College, she castrated four or five male cats between six months and one year of age. According to Ms. Miller, the cats involved were her own barn cats from her farm in

Pennsylvania, each of which had received a rabies vaccine and certificate from a Pennsylvania veterinarian who worked with a friend of Ms. Miller's who runs a rescue. Ms. Miller did not know the name of the veterinarian.

9. When asked how she performed the castrations, Ms. Miller stated that she injected the cats with acepromazine, .05 milligrams per kilogram, and had the students restrain the cats during the surgeries. Ms. Miller confirmed that following the castrations, she offered the cats up for adoption by the students. One student took a cat home. Ms. Miller took the remaining cats back to her farm. Ms. Miller was not aware she was in violation of the Veterinary Practice Act when she performed the procedures on animals she owned.

10. Acepromazine is a prescription medication usually used to tranquilize animals during examinations or treatments. The medication can also be used along with other agents, as part of a surgical anesthesia protocol. However, the use of acepromazine alone does not satisfy the applicable standard of care, because it is insufficient to adequately anesthetize a cat for castration, resulting in unnecessary pain to the animal.

11. When asked how she came into possession of the acepromazine used during the castrations, Ms. Miller stated that she had it on hand for use on her cattle.

12. During the conversation with Ms. Miller, Ms. James explained that only licensed veterinarians may perform surgical procedures, including castrations, in Maryland. She advised Ms. Miller not to perform any other castrations or surgeries while teaching or elsewhere. Ms. Miller indicated that she did not realized she could not castrate her own animals, and promised to stop immediately. Since the time of that conversation, there is no evidence that Ms. Miller has engaged in any further unauthorized practice in Maryland.

13. The Board derives its authority from the Practice Act, Md. Code Ann., Agric. §§ 2-301, *et seq*. The Practice Act defines the practice of veterinary medicine, in part, to include any person who "[d]iagnoses, advises, prescribes, or **administers a drug**, medicine, biological product, appliance, application, or treatment of any nature, for the prevention, cure, or relief of a wound, fracture, bodily injury, or disease of an animal" or **"[p]erforms a surgical operation**, including cosmetic surgery, upon any animal." Agric. § 2-301(f)(1) & (2) (emphasis added). In addition, one who "[o]ffers, undertakes, or holds himself out as being able to diagnose, treat, operate, vaccinate or prescribe for any animal disease, pain, injury, deformity, or physical condition" is also practicing veterinary medicine under the Act. Agric. § 2-301(f)(6).

14. The Act further provides that a person may not practice veterinary medicine unless the person is licensed, registered, and authorized to engage in the practice under the Act. *See* Agric. § 2 -313(a)(2)(i).

15. The undisputed facts of this case demonstrate that Ms. Miller, who is not a veterinarian, licensed or otherwise, was practicing veterinary medicine without a license in November or December 2021 when she performed castration surgery on several cats while teaching a course at Garrett College, in violation of Section 2-313(a)(2) of the Practice Act. *See* Agric. § 2-313(a)(2)(i). Not only should castration surgery be performed under general anesthesia by a licensed veterinarian, but the animal should also be given pain medication after the surgery. Ms. Miller's unauthorized practice and failure to administer anesthesia during the procedure likely led to unnecessary suffering on the part of the cats.

16. Section 2-313.2 of the Agriculture Article provides the Board with the authority to issue a cease and desist order against an unlicensed person who practices veterinary medicine in violation of § 2-313(a) of the Act. Given undisputed evidence that Ms. Miller practiced veterinary medicine in the State of Maryland without a license by performing castration surgery on at least four cats while teaching at Garrett College, ordering her to cease and desist from further unauthorized practice is necessary to protect the health, safety, and welfare of animals and the public to assure that this does not happen again.

17. Before the Board issued this order, Ms. Miller was advised in writing regarding her right to due process in this Board action, including her right to retain counsel and to request and receive a full evidentiary hearing. She was also given a draft of this Order for review and comment.

18. In telephone conversations with Board counsel and by email in January 2023, Ms. Miller waived her right to due process and agreed to the entry of this Cease and Desist Order. She accepted full responsibility for her actions and apologized for her mistake. She has also revised the curriculum for the course she teachers and now uses animal parts purchased from a butcher for demonstration and practice.

ORDER

Based upon the foregoing and pursuant to Md. Code Ann., Agric. § 2-313.2, it is hereby:

ORDERED that Beth Ann Miller, an unlicensed individual, cease and desist from further actions that constitute the practice of veterinary medicine in Maryland in violation(s) of the Veterinary Practice Act, Md.

Code Ann., Agric. §§ 2-301, *et seq.*, including, but not limited to, performing surgery on any animal, including animals she owns; and it is further

ORDERED that Beth Ann Miller, having been advised of her due process rights, including the right to counsel and to request an evidentiary hearing on the merits of this Cease and Desist Order has waived such rights; and it is further

ORDERED that her waiver of rights notwithstanding, Beth Ann Miller may request an evidentiary hearing on the merits of this Cease and Desist Order within ten (10) days; and it is further

ORDERED that if Beth Ann Miller does not request an evidentiary hearing within ten (10) days, this Cease and Desist Order shall become final and take effect on **February 6, 2023**; and is further

ORDERED that this Cease and Desist Order is a public document.

WITNESS the hand and seal of the State Board of Veterinary Medical Examiners, State of Maryland, this 27th day of January 2023.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Elizabeth Callahan, DVM
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture
50 Harry S. Truman Parkway, Room 102
Annapolis, Maryland 21401
Telephone: 410.841.5862

Exhibit A

AFFIDAVIT OF ELLEN JAMES

I, Ellen James, hereby swear and affirm under the penalties of perjury, that I am over the age of eighteen (18) and am competent to testify as follows:

1. I am employed by the State of Maryland, Maryland Department of Agriculture ("MDA") as an inspector for the State Board of Veterinary Medical Examiners ("SBVME") and the Maryland Horse Industry Board.

2. My work for the SBVME includes investigating complaints received from members of the public. In this capacity, I was assigned to investigate SBVME Docket No. 22-68, which was initiated by a complaint filed on January 16, 2022, by Stacey Hershman ("Mrs. Hershman"), the manager at HART For Animals Inc. in Accident, Maryland.

3. In her complaint, Mrs. Hershman stated that five cats were castrated without appropriate anesthesia on or about the last week of November or the first week of December 2021. According to Mrs. Hershman, the castrations occurred while Ms. Miller was teaching a veterinary assistant course for Garrett College at the Garrett College Career Technology Training Center ("Garrett College") in Accident, MD. No veterinarian was present at that time.

4. Mrs. Hershman stated in the complaint that she was told about the cat castrations by a student taking the veterinary assistant course taught by Ms. Miller. The student wished to remain anonymous and did not give permission to Mrs. Hershman to use their name, as they did not want to get Ms. Miller into trouble.

5. The student told Mrs. Hershman that the only anesthetic used on the cats was acepromazine, and there was no pain medication given. Mrs. Hershman also stated that, according to the student, Ms. Miller told the class that the cats had received rabies vaccinations and that the students could take the cats home if they wanted them. Mrs. Hershman stated that one of the students took a cat home, along with a rabies certificate for the cat. Mrs. Hershman has not seen the rabies certificate so does not know who gave the rabies vaccine.

6. While investigating this case, I discovered that Ms. Miller is not licensed as a registered veterinary technician in Maryland, as Mrs. Hershman had assumed. Ms. Miller formerly held a registered veterinary technician's license in Pennsylvania, but it has lapsed. As of February 2022, Ms. Miller did have a veterinary technician license in Ohio (License No. 4050), at the time of my investigation, which she continues to hold.

7. Mrs. Hershman told me she also reported Ms. Miller to Garrett County Animal Control.

8. On February 3, 2022, I spoke by telephone with the Program Manager ("Program Manager") of the Veterinary Assistant course at Garrett College. The Program Manager stated that she knew Ms. Miller had castrated one cat during class. She did not realize that Ms. Miller was not licensed as a veterinary technician in Maryland or that veterinary technicians cannot castrate cats in Maryland.

9. On March 31, 2022, I emailed the Program Manager and asked that she send me Ms. Miller's contact information. I also asked whether Garrett College had a licensed veterinarian overseeing the veterinary assistant course.

10. On April 6, 2022, I received an email response. The Program Manager stated that Garrett College no longer had a veterinarian on staff because they had changed from offering a veterinary technician course to offering a veterinary assistant course. She also provided a contact number for Ms. Miller.

11. On April 7, 2022, I spoke with Ms. Miller by telephone. Ms. Miller stated that, while teaching the veterinary assistant course, she castrated four or five male cats between six months and one year of age. The cats were Ms. Miller's barn cats from her farm in Pennsylvania, and they had each received a rabies vaccine and certificate from a Pennsylvania veterinarian who worked with a friend of Ms. Miller's who runs a rescue. Ms. Miller could not recall the name of the veterinarian. Ms. Miller said she injected the cats with acepromazine, .05 milligrams per kilogram, and had the students restrain the cats during the surgeries. Ms. Miller had the acepromazine on hand to use on the cattle at her farm. Ms. Miller confirmed that after the castrations, she offered the cats for adoption to the students, and one student took a cat home.

12. According to Ms. Miller, she took the other cats back to her farm.

13. I explained to Ms. Miller that only veterinarians licensed and registered in Maryland are permitted to perform surgery in this State. I advised her not to castrate any additional cats in Maryland or do any other forms of surgery while teaching her class. Ms. Miller stated that she would not perform any other surgical procedures.

VERIFICATION

I HEREBY swear and affirm under the penalties of perjury that the contents of this Affidavit are true and correct and based upon personal knowledge.

Dated: January 27, 2023

Ellen James/CPS
Ellen James