

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

IN THE MATTER OF: *
DEL RAY ANIMAL HOSPITAL * **DOCKET NO. 17-29**
LICENSE NO. 15-080
DR. DIANNE FERRIS, DVM *
LICENSE NO. 2386 *
* * * * * * * * * * *

CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order") dated this 21st day April, 2017, is issued by the Maryland State Board of Veterinary Medical Examiners ("SBVME" or "the Board") against Dr. Dianne Ferris, DVM ("Dr. Ferris") (License No. 2386) and Del Ray Animal Hospital (License no. 15-080). Dr. Ferris is the owner and responsible veterinarian at Del Ray Animal Hospital, 9301 Old Georgetown Road, Bethesda, MD 20814. This Order confirms the intention of Dr. Ferris to waive the right to contest the charge filed by the SBVME against her on February 28, 2017, Docket No. 17-29, alleging that Dr. Ferris violated the 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. Specifically, in Docket No. 17-29, the Board alleged that Dr. Ferris violated COMAR 15.14.01.12-3 by failing to package and keep expired drugs separate and apart from unexpired medications. By telephone call to the Board on or about March 14, 2017, Dr. Ferris voluntarily waived the right to a hearing and appeal on the charge in Docket No. 17-29. Confirming this waiver, Dr. Ferris submitted a check for \$300.00 to pay the civil penalty in this matter.

Under Maryland law, the SBVME 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 the provisions of the Veterinary Practice Act and related COMAR regulations. As part of its authority, the SBVME "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 rules and

regulations after receiving a license[.]” Md. Code Ann., Agric. Art., § 2-310(8). The Board also may impose a civil penalty of not more than \$5,000 for the 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. Art. § 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 Art. § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

Dr. Ferris, DVM, License No. 2386, has submitted payment of the \$300,000 civil penalty assessed by the Board in Docket No. 17-29 and waived her right to a hearing or an appeal of the charge. At the time of the incident described in this Order, Dr. Ferris was the owner and responsible veterinarian of a veterinary hospital known as Del Ray Animal Hospital (“Hospital”). The Hospital is licensed by the Board as License No. 15-080. After having the opportunity to seek advice of legal counsel, Dr. Ferris acknowledges that the Board has sufficient evidence to find, as fact, and conclude, as a matter of law, that she violated the Agriculture Article, Section 2-310(8), Md. Code Ann. and a related regulation, specifically COMAR 15.14.01.12-3C (Expired Medications), as set forth below:

1. During inspections on or about July 22, 2013, and April 6, 2015, the SBVME inspected Del Ray Animal Hospital and, on each occasion, the Board’s inspector found expired medications kept with unexpired medications in the hospital’s working stock. In addition, on both occasions, Hospital staff was warned to remove all expired medication from the working stock.

2. On a December 13, 2016, the SBVME again inspected Del Ray Hospital. At that time, the Board’s inspector again found expired medications kept with unexpired medications in the hospital’s working stock, including the following medications:

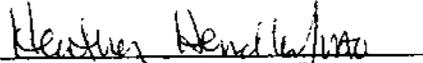
<u>Item</u>	<u>Expiration Date</u>
Bordatella vaccines	3/2/16
Fel-o-Guard vaccines	9/25/16
Duramune Max vaccines	10/1/16
Duramune 5-CVK vaccines	11/18/16
Caprofen Injectable 50 mg/ml 20 ml	11/20/16

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's disciplinary history with the Board, and the veterinarian's good faith effort to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution in this matter was a civil penalty only.

ORDER

Based on the findings of fact and conclusions of law set forth herein, it is this 27th day of April, 2017, hereby **ORDERED** by the Maryland State Board of Veterinary Medical Examiners that for the violation of Agriculture Article, Section 2-310(8), Md. Code Ann., and COMAR 15.14.01.12-3C (Expired Medications), Dianne Ferris, D.V.M. is assessed a civil penalty in the amount of \$300.00. The Board acknowledges receipt of the payment of \$300.00 from Dr. Ferris on March 24, 2017.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS


Heather M. Hendler, VMD
Vice President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture