

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

IN THE MATTER OF:

\*

BALRAM ARYAL, D.V.M.  
(LICENSE NO. 2309)

\*

DOCKET NO. 18-58

\*

\* \* \* \* \*

**CONSENT AGREEMENT AND ORDER**

This Consent Agreement and Order ("Consent Agreement"), dated this 29<sup>th</sup> day of April, 2019, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Balram Aryal, DVM ("Dr. Aryal"), License No. 2309. This Consent Agreement resolves the charges filed by the SBVME on or about March 21, 2019 in Docket No. 18-58 alleging that Dr. Aryal violated the Veterinary Practice Act and related Code of Maryland Regulations ("COMAR") as set forth herein.

By letter dated April 1, 2019, Dr. Aryal acknowledged receipt of the charges and accompanying notice of agency action, his waiver of his right to a hearing, and his agreement to enter into this Consent Agreement to resolve this case. By entering into this Consent Agreement, Dr. Aryal waives the right to a hearing on the charging document in Docket Number 18-58 and agrees to the resolution set forth herein.

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 adopted pursuant to this law. 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 may also 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. 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 any 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 FACT AND CONCLUSIONS OF LAW**

Balram Aryal, D.V.M., by entering into and signing this Consent Agreement, agrees to the provisions of this Consent Agreement, acknowledging that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Aryal COMAR 15.14.01.10A (Record Keeping), as follows:

1. At all times relevant to these charges, Dr. Aryal was a veterinarian licensed to practice in the State of Maryland, where he has been licensed since 1981. Dr. Aryal has no prior disciplinary history with the Board.
2. On or about September 29, 2017, "Honey," a 13-year-old spayed American Staffordshire terrier owned by R.D. Smith, Jr. ("Mr. Smith" or "Owner") was seen by Dr. Aryal at the veterinary hospital he owns and at which he serves as responsible veterinarian, namely, Al-Lynn Small Animal Clinic (License No. 16-002) ("Hospital"), located at 6904 Allentown Road, Camp Springs, MD 20748. The purpose of Honey's visit was to receive a rabies vaccination.
3. According to Honey's owner, on that date, the veterinary hospital was very busy, causing Mr. Smith and Honey to wait past the scheduled time for Honey's appointment. Honey, who was prone to barking, was barking in the waiting room. A member of the Hospital's staff requested that Mr. Smith and Honey move to an area in the back of the Hospital away from other patients.
4. After Mr. Smith and Honey were moved to the area in the back of the Hospital, Dr. Aryal appeared to administer the rabies vaccine. According to Mr. Smith, the vaccine was administered quickly and in an inappropriate manner, causing harm to Honey which resulted in a decline in her health. Honey passed away on January 13, 2018, most likely due to cancer. Honey was examined by other veterinary practitioners between the date of the rabies vaccination and the date she passed.

5. After Honey's death, Mr. Smith filed a complaint with the Board arising from the care Dr. Aryal provided to Honey on the date the rabies vaccination was administered. The Board reviewed the case, including the complaint, Dr. Aryal's response, and all medical records related to Dr. Aryal's treatment of Honey. Having done so, the Board found no violation of the applicable standard of care in the administration of the rabies vaccine and that the rabies vaccine did not cause or contribute to health problems Honey later experienced.

6. However, in reviewing Dr. Aryal's medical records, the Board found numerous deficiencies. To start, Dr. Aryal's records are difficult to read, because some information related to a particular visit is reflected in the transcribed portion of the records, while other information related to the same visit, is included in the "Patient Chart" portion of the records. Because a reviewer must look at two different parts of the records to understand the progress and disposition of the case, important facts are not easily accessible.

7. In addition, for some dates of treatment, even if multiple parts of Dr. Aryal's records are considered and read together, the record is deficient. For example, in records related to a dental cleaning Honey received on November 22, 2016, Dr. Aryal failed to include record that a physical examination performed within 24 hours of administering anesthesia, failed to prepare an adequate anesthesia log, failed to describe the procedure performed, and failed to record the temperature of the dog.

8. Similarly, the transcribed records from Dr. Aryal's treatment of Honey on September 9, 2016 and July 10, 2017 have limited, if any information, including the results of any physical examination performed, the conditions observed or diagnosed, or treatments performed. For example, Dr. Aryal's records for September 9, 2016 indicate that a physical examination was performed, but contain no other information about the findings of that examination. As an additional example, the transcribed medical records from July 10, 2017 specify findings of a physical examination but do not reflect any client concerns or any diagnosis.

9. COMAR 15.14.01.10A governs record keeping for companion animals, and states that for each animal treated, a veterinarian shall prepare a legibly written record that accurately and thoroughly

reflects the treatment provided. Among other things, the records must contain a statement of the animal's physical condition at the beginning of custody and the initial diagnosis (COMAR 15.14.01.10A(6)), as well as the treatment provided and if medication is given, the amount in milligrams and volume and concentration of substance used, as well as the frequency and route of administration (COMAR 15.14.01.10A(8)). In addition, COMAR 15.14.01.10A(9) requires that the records reflect the progress and disposition of the case, while COMAR 15.14.01.10A(10) requires inclusion of a surgery log and anesthesia log, if surgery is performed.

Taking the facts and circumstances into consideration, including the nature of the violation, Dr. Aryal's lack of formal disciplinary history involving standard of care and record keeping, Dr. Aryal's representation that he is taking action to overhaul the protocols in place at his hospital, and his good faith efforts to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution includes the measures set forth below.

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21<sup>st</sup> day of April, 2019, by the State Board of Veterinary Medical Examiners, ORDERED that for violation of COMAR 15.14.01.10A (Record Keeping):

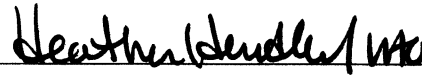
- (a) Dr. Aryal is assessed a civil penalty of \$1,500.00, \$1000.00 stayed, payable within thirty (30) days from the date of this Consent Agreement to the "Maryland Department of Agriculture" with the notation "SBVME – 18-58;"
- (b) Dr. Aryal shall serve a period of twelve months of probation, which begins on the date this Consent Agreement is issued by the Board. While on probation, the veterinarian shall obey all laws and regulations governing the practice of veterinary medicine in this State and the conditions of this Consent Agreement. During the period of probation, the veterinarian shall promptly comply with any requests by the Board for medical records for purposes of allowing review and

compliance with record keeping standards. Violation of probation means that the veterinarian is charged and the Board ultimately concludes that the veterinarian violated the Veterinary Practice Act, related regulations, or the terms of this Consent Agreement based on acts which occurred during the period of probation. If any violation of probation is found, following notice and opportunity to be heard, the Board may take additional disciplinary action including, but not limited to, lifting the stay on the stayed portion of the civil penalty;

(c) As an additional condition of probation, Dr. Aryal shall complete six hours of continuing education ("CE"), which shall consist of the Veterinary Medical Records online course offered by Dr. Lance Roasa, DVM, JD and Dr. James F. Wilson, DVM, JD, at [www.drip.net](http://www.drip.net). The CE shall be completed and verification of completion provided to the Board within three (3) months from the date of this Order. To verify completion of all required CE, Dr. Aryal's CE records may be subject to audit by the Board at any time. Proof from the CE provider shall include Dr. Aryal's name, the number of hours of CE completed, the topics covered, and the dates the CE were given. This CE will **not** be counted towards the 18 credit hours of CE required annually for re-registration of the veterinary license and the Board may audit CE records for relevant years to verify full completion of the CE required annually for all veterinary practitioners as well as the CE provided for in this Consent Agreement. To ensure compliance with the CE requirements of this Consent Agreement and with the regular requirements for all veterinary practitioners, Dr. Aryal's CE records may be subject to audit in this and future years.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this  
29<sup>th</sup> day of April, 2019.

STATE BOARD OF VETERINARY  
MEDICAL EXAMINERS



Heather Hendler, VMD

Vice- 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

**CONSENT**

I, Balram Aryal, 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 and to issue and enforce this Consent Agreement. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of \_\_\_ 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.

4/25/2019  
Date

Balram Aryal  
Balram Aryal, D.V.M.

**NOTARY**

STATE OF Maryland  
CITY/COUNTY OF Prince George's

I HEREBY CERTIFY that on this 25 of April, 2019 before me, a Notary Public of the City/County aforesaid, personally appeared Balram Aryal, 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.

Amrik Singh Nagi  
Notary Public  
My commission expires: 09/17/2020

**Amrik Singh Nagi**  
Notary Public  
Prince George's County, MD  
My Commission Expires Sep 17, 2020

**RECEIVED**  
APR 26 2019  
BY: TH