

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

IN THE MATTER OF:

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**SAFI CHAND, DVM
LICENSE NO. 6193**

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DOCKET NO. 18-66A

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (“Consent Agreement”), dated this 21st day of January, 2021, is between the State Board of Veterinary Medical Examiners (“SBVME” or “Board”) and Safi Chand, D.V.M. (“Dr. Chand”), License No. 6193. This Consent Agreement resolves the charges filed by the SBVME on or about May 28 , 2020 in Docket No. 18-66A, alleging that Dr. Chand violated the Veterinary Practice Act, Agriculture Article, §§ 2-301 – 2-316, Annotated Code of Maryland, and related Code of Maryland Regulations (“COMAR”) 15.14.01 – 15.14.17 set forth herein.

By email dated May 31, 2020, Dr. Chand, through legal counsel, notified the Board of his request for a hearing on the charges. Thereafter, the parties engaged in settlement discussions. By email dated October 16, 2020, Dr. Chand’s counsel advised that his client has decided to waive his right to a hearing on the charges in Docket No. 18-66A and further agreed to the terms and conditions of this Consent Agreement, including payment of the civil penalties and completion of continuing education.

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

Safi Chand, D.V.M., License Number 6193, by entering into and signing this Consent Agreement, having had the opportunity to seek advice of counsel, agrees to the provisions of this Consent Agreement, while generally and specifically denying liability in this case, acknowledges that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Chand violated COMAR 15.14.01.07 (Professional Judgment and Practice), COMAR 15.14.01.10A (Record Keeping), and COMAR 15.14.01.07 (Professional Judgment) as set forth herein:

1. Dr. Chand is a veterinarian licensed to practice in the State of Maryland, where he has been licensed since 2007. Dr. Chand was, at the time of the incidents described herein, the owner and responsible veterinarian at New Market Veterinary Clinic, PC, d/b/a New Market Veterinary Hospital ("Hospital")(License No. 10-059), located at 10609 Old National Pike, New Market, MD 21774.
2. This case involves veterinary care and treatment provided to Sylvester, a 3-year old male domestic shorthair cat owned by Terry Kehne ("Owner" or "Ms. Kehne"). Sylvester was treated at the Hospital beginning in 2013 by various veterinarians, including Doricela Jansen, DVM (License No. 4016) and Dr. Chand. The Owner brought Sylvester to the Hospital on May 4, 2016 seeking care for a laceration and a dislocated left hind leg. The Owner believes that the injury occurred when Sylvester became entangled in some barbed wire.
3. On May 4, 2016, Dr. Jansen examined Sylvester for his left rear leg injury. She found a laceration on the cranial aspect of Sylvester's left tibiotarsal joint with marked swelling. Dr. Jansen administered subcutaneous fluids, injections of Metacam (a pain reliever), Convenia and oral Buprenex. Dr. Jansen

recommended keeping Sylvester in the Hospital overnight to stabilize him before taking radiographs and closing the laceration. The Owner consented to this treatment plan.

4. The next day, May 5, 2016, Dr. Jansen informed the owner that examination and radiographs were not possible without sedation. The Owner consented to sedation, radiographs, and laceration repair, which Dr. Jansen performed. The radiographs showed a luxation at the tibiotarsal joint, with anterior and lateral displacement of the first metatarsal bone. Dr. Jansen proposed that the laceration be closed and that the swelling be allowed to subside before reducing the luxation and applying a splint or bandage. The Owner agreed and Dr. Jansen closed the laceration. Dr. Jansen discharged Sylvester later that day. She advised the Owner to keep Sylvester confined for 2 weeks and to bring him back for a recheck in one week. Dr. Jansen also dispensed Buprenex for pain management.

5. Dr. Jansen next examined Sylvester on May 12, 2016. During this visit, the Owner reported that Sylvester had started to place some weight on the injured limb (toe-touching). Sylvester had run out of pain medication and, according to the Owner, had been eating and drinking normally. While some of the swelling of the distal limb had subsided, there was still appreciable swelling noted over the tibiotarsal area. The sutures were still in place. According to the medical record, Dr. Jansen discussed several options for addressing Sylvester's leg, including manual repair of the dislocated leg, leaving the leg as it was, or performing surgery.

6. On May 20, 2016, Sylvester returned to the Hospital with a pet sitter for suture removal, again seeing Dr. Jansen. Dr. Jansen noted that swelling in the limb and tibiotarsal area. Dr. Jansen advised taking another radiograph, which again required sedation. Based on the Owner's report that Sylvester had been acting lethargic, Dr. Jansen recommended blood work, and the Owner consented. Radiographs taken did not reveal any new lesions.

7. Sylvester's blood work results showed abnormalities. Specifically, there was a decrease in neutrophils, lymphocytes, monocytes, platelets, chloride, and alkaline phosphatase. Blood glucose was elevated. Dr. Jansen recommended urinalysis to check for glucosuria. After a sample was dropped off on May 23, 2016, testing showed that urine glucose was negative.

8. On May 24, 2016, Dr. Jansen consulted with an orthopedic surgeon on Sylvester's case. The orthopedic surgeon reviewed Sylvester's radiographs, finding medial and cranial displacement at the tibeotarsal joint but no apparent fracture of the medial malleolus. The orthopedic surgeon opined that manual reduction of the luxation was an option, but fibrous tissue present could complicate the approach. If manual reduction was unsuccessful, surgical repair might be necessary. The surgeon also recommended that a brace, rather than a splint, be used for at least two weeks post luxation repair.

9. On May 26, 2016, the Owner consulted Dr. Chand, who recommended manual reduction and monitoring for Sylvester.

10. The Owner continued to have concerns about whether a manual reduction was the best choice for Sylvester given the length of time that had elapsed since the initial injury. She contacted Dr. Jansen and Dr. Chand by telephone several times to discuss treatment options. These discussions included consideration of manual repair of the dislocated leg, taking no action, or performing surgery. During one of these conversations, which took place on May 25, 2016, the Owner expressed concern that the formation of fibrous tissue would interfere with the reduction. She asked whether surgery would be a better option than reduction. Dr. Chand assured her that manual reduction and monitoring were the best way to proceed.

11. With the Owner's consent, on June 2, 2016, Dr. Chand performed a manual reduction and bandaged and splinted Sylvester's leg. The Owner left Sylvester at the Hospital in the early morning, but was not able to obtain updated information about his condition until she personally went to the Hospital at 5:00 p.m. When she arrived, Dr. Chand came out to speak with her and said that while the procedure was a success, he had split Sylvester's skin while performing the reduction. Dr. Chand provided the Owner with very little information, and did not discuss or warn about potential complications of the procedure, including the risk of infection.

12. Following that procedure, the Owner took Sylvester to the Hospital for several follow-up visits, including one visit with Dr. Chand on June 9, 2016, when Dr. Chand briefly checked Sylvester's bandage. Dr. Chand said that the bandage seemed fine and dry.

13. On June 20, 2016, at approximately 8:30 a.m., the Owner dropped Sylvester off at the Hospital for sedation and removal of the bandage and splint. The Owner asked that Dr. Chand see Sylvester as early in the day as possible, noting that the cat tends to become stressed and sick very easily. During the day, the Owner contacted the Hospital to check on Sylvester and to see if the procedure had been performed. She received no updates from staff. Finally, at 6:00 p.m. Dr. Chand called the Owner, informed her that he had not been able to perform Sylvester's procedure during the day, and asked to keep Sylvester overnight. The Owner declined overnight care, so Dr. Chand promised to have Sylvester done by 7:00 p.m. that day. When the Owner arrived at the Hospital, Dr. Chand informed her that the removed skin looked good, but swelling remained. Dr. Chand did not prescribe any treatment, but scheduled Sylvester for a dry bandage check in one week.

14. The Owner did not keep the dry bandage check appointment because she was upset about the delays in treatment and concerned about Sylvester's level of stress. Sylvester seemed to be feeling better, and the bandage over the splint was clean and dry. A splint change at the Hospital remained scheduled for July 6, 2016.

15. On July 5, 2016, Sylvester was "screaming and flipping his body around to try to get at the leg in the splint." The Owner removed Sylvester's bandage and splint and observed that it looked like Sylvester's leg was "rotting off."

16. The Owner immediately called another veterinary practice, Taylorsville Veterinary Clinic ("TVC") (License No. 06-028), seeking to schedule an emergency visit. TVC was able to accommodate the Owner's request, and a TVC veterinarian examined Sylvester that day. Upon examination, TVC diagnosed Sylvester with cellulitis and possibly a bone/joint infection or fracture. After treating and hospitalizing Sylvester, TVC took radiographs and recommended that the Owner take Sylvester to an orthopedic surgeon for a consultation.

17. On July 7, 2016, the Owner took Sylvester to Dr. Hooman Pooya ("Dr. Pooya") (License No. 5970) at Greenbriar Veterinary Hospital & Pet Resort ("GVH") (License No. 10-072) for an orthopedic consult.

Dr. Pooya examined Sylvester and discussed the pros and cons of surgical repair versus amputation with Ms. Kehne. Ms. Kehne opted to have Sylvester's left hind leg amputated.

18. Subsequently, on July 12, 2016, Dr. Pooya amputated Sylvester's left hind leg. Sylvester recovered from his amputation surgery but still has ambulatory issues.

19. Thereafter, on May 23, 2018, Ms. Kehne filed a complaint with the Board alleging, among other things, that Dr. Chand provided substandard care in his treatment of Sylvester.

20. The Board opened a case and investigated the complaint. Its investigation included review of the medical records. The Board determined that Dr. Chand provided substandard care to Sylvester, had significant deficiencies in his record keeping, and engaged in unprofessional conduct.

21. COMAR 15.14.01.07A (Professional Judgment and Practice) provides that: "[a] veterinarian, when caring for and treating a patient, shall conform to those minimum standards of care and treatment which are customary among veterinarians in this State." Dr. Chand failed to satisfy the applicable standard in his care and treatment of Sylvester when he performed the reduction with excessive force, which resulted in Sylvester's skin splitting open. Proper stabilization of the joint would not require so much pressure or force that it would cause the skin to tear.

22. The impact of this failure was compounded by the fact that Dr. Chand did not take post-reduction radiographs, which a reasonable veterinarian would have taken under the circumstances to ascertain the status of the joint following the reduction.

23. In addition, prior to performing the reduction, Dr. Chand failed to explain adequately to the Owner the risks of the procedure.

24. Dr. Chand's record keeping also had multiple significant deficiencies. COMAR 15.14.01.10A (Record Keeping) requires, for a companion animal, that a veterinarian prepare a legibly written record that accurately and thoroughly reflects the treatment provided, including the progress and disposition of the case. Dr. Chand failed to satisfy that standard in a number of ways, including by failing to document that he conducted a physical examination not more than 12 hours prior to administration of anesthesia and failing to document client communications. Dr. Chand's assessments and notes required to document the

progress and disposition were badly lacking in detail, both for treatment prior to May of 2016 and after. In addition, Dr. Chand failed to specify medication information in his notes. COMAR 15.14.01.10A(8)(a) requires that if medication is given, the amount of the medication in milligrams or the volume and concentration of the substance used must be specified in the record and parts (b) & (c) require that the frequency and route of administration be specified. Dr. Chand's medical records do not include the amount in milligrams or concentrations of certain medications given, including "TKX" and Buprinex administered on June 2, 2016. Finally, Dr. Chand's records do not mention whether he considered post-reduction radiographs or, if he considered them, why he decided not to take them.

25. In responses given as part of the Board investigation, Dr. Chand alleged that he and Dr. Jansen repeatedly recommended that the Owner consult an orthopedic surgeon. However, Dr. Chand did not document these recommendations adequately in the record. Dr. Chand's staff arranged for a courtesy consultation with a surgeon, but Dr. Chand's allegation that the Owner declined to pay for such a consult is not documented.

26. Dr. Chand also violated COMAR 15.14.01.04 (Professional Conduct) in his interactions with the Owner. COMAR 15.14.01.14A requires a veterinarian "... to act in relation to the public, the veterinarian's colleagues, and their patients, and the allied professions so as to merit their full confidence and respect." Part B of the regulation prohibits a veterinarian from acting in an immoral or unprofessional manner in the practice of veterinary medicine. Dr. Chand violated these standards of professional conduct when, during his communications with the Owner after she had complained about the care provided, he asked whether a fellow veterinarian who performed surgery on Sylvester, had provided financial reimbursement to the Owner for any reason.

Taking the facts and circumstances into consideration, including the nature of the violations, the veterinarian's disciplinary history, his acceptance of responsibility and his good faith efforts to resolve 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 21st day of January, 2021, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For violating COMAR 15.14.01.07 (Professional Judgment and Practice) in his care and treatment of Sylvester, a 3-year old male domestic shorthair cat owned by Terry Kehne, Dr. Chand shall pay a civil penalty of \$3000, stayed;
- (b) For violating COMAR 15.14.01.10A (Record Keeping) by failing to prepare medical records which reflect necessary information related to the progress and disposition of the case, Dr. Chand shall pay a civil penalty of \$3000;
- (c) For violating COMAR 15.14.01.04 (Professional Conduct), by asking whether a fellow veterinarian provided financial compensation to a pet owner in the course of their professional relationship, Dr. Chand shall pay a civil penalty of \$500;

The non-stayed portion of the civil penalty (\$3,500) shall be paid by Dr. Chand within six months of the date of this Consent Order, by check payable to the Maryland Department of Agriculture with the notation "SBVME – 18-66A;"

- (d) Dr. Chand shall serve a period of probation of one year, beginning the date this Consent Agreement is signed. 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. The veterinarian shall promptly respond to document requests from the Board for copies of medical records for Board review to ensure compliance with Board regulations, and submit to inspections or other record requests to review compliance. 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 during the period of probation. Violation of probation may result in the imposition of additional sanctions,

including suspension or revocation of the veterinary license and lifting the stay on the stayed portion of the civil penalty; and

(e) As an additional condition of probation, Dr. Chand shall complete continuing education (“CE”), consisting of the Medical Record Keeping for Veterinarians online course (six CE hours) offered by Dr. James Wilson and Dr. Lance Roasa via www.drip.vet. The CE shall be completed and verification of completion provided to the Board within six months from the date of this Order. To verify completion of all required CE, Dr. Chand’s CE records may be subject to audit by the Board at any time. Proof from the CE provider shall include Dr. Chand’s name, the number of hours of CE completed, the topics covered, and the dates the CE was given. This CE **will not count** 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 Order.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this
21st day of January 2021.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Elizabeth Callahan/CDS

Elizabeth Callahan, DVM
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Safi Chand, DVM, 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. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of ten pages, including this Consent. 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.

1/2/2021
Date



Safi Chand, DVM