

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

**IN THE MATTER OF:** \*  
**TANNIS A. JOHNSON, D.V.M.** \* **DOCKET NO. 19-09**  
**LICENSE NO. 4391** \*

\* \* \* \* \*

**CONSENT AGREEMENT AND ORDER**

This Consent Agreement and Order (“Consent Agreement”), dated this 21st day of May 2020, is between the State Board of Veterinary Medical Examiners (“SBVME” or “Board”) and Tannis A. Johnson, D.V.M. (“Dr. Johnson”), License No. 4391. This Consent Agreement resolves the charges filed by the SBVME on or about December 16, 2019 in Docket No. 19-09, alleging that Dr. Johnson 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 February 12, 2020, and as later confirmed in a telephone call to Board counsel on February 13, 2020, Dr. Johnson notified the Board of her decision to waive her right to a hearing on the charges in Docket No. 19-09. However, she asked the Board to consider her written explanation of facts relevant to the charges, as well as corrective actions she took after the events giving rise to the charges. Dr. Johnson submitted a written response to the Board on March 7, 2020. Following discussions between Dr. Johnson and the Board, Dr. Johnson agreed to the terms and conditions of this Consent Agreement.

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**

Tannis A. Johnson, D.V.M., License Number 4391, 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, acknowledging that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Johnson violated COMAR 15.14.01.07 (Professional Judgment and Practice) and COMAR 15.14.01.10A (Record Keeping) as set forth herein:

1. Dr. Johnson is a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 1994. Dr. Johnson was, at the time of the incidents described herein, a veterinarian at APAW Veterinary Hospital and Wellness Care Center ("Hospital")(License No. 16-028), located at 7601 Good Luck Road, Lanham, MD 20706.
2. On May 12, 2018, Lisa Whitaker ("Ms. Whitaker" or "Owner") took her ten-year old Bichon mix, Angel, to the Hospital because Angel had yellow discharge from the vulva.
3. Dr. Johnson, Angel's regular veterinarian at the Hospital, was Angel's treating veterinarian at this time. According to the medical record, Dr. Johnson examined Angel, ordered urinalysis to be sent to an outside laboratory, and performed a bladder ultrasound, which was normal. She prescribed an antibiotic (Clavamox). Dr. Johnson also noted the presence of tartar on Angel's teeth, loose teeth, and gingivitis. However, the medical record does not reflect that Dr. Johnson performed a full medical examination, in that only four systems or categories out of the fourteen contained in the standard medical examination form are marked.

4. The urinalysis results came back to the Hospital the next day, May 13, 2018. The results indicated that Angel had high glucose levels (3+) and 2+ ketone, which suggested that the dog was diabetic. Despite concerning diagnostic results suggesting a serious medical condition like diabetes that requires further medical treatment, there is no evidence in the medical record that Dr. Johnson ever reviewed the lab work, interpreted the results, or contacted the owner to discuss them and to develop a treatment plan.

5. In fact, according to the medical record, Dr. Johnson and other Hospital veterinarians did not take any further action until after Ms. Whitaker called the Hospital on May 23, 2018 seeking an appointment because Angel had been rubbing her eyes and had eye discharge. The Hospital scheduled Angel for an appointment on May 26, 2018.

6. On May 26, 2018, Ms. Whitaker brought Angel back to the Hospital because of Angel's swollen eyes. According to the medical record, Angel, whose weight was twelve and a half pounds at the time of the May 12, 2018 examination, had lost more than a pound in just 2 weeks. During this visit, Dr. Johnson discussed a treatment plan for Angel to address her diabetes. This was the first time Ms. Whitaker received information about Angel's diabetic status, even though the results of urinalysis were available more than 10 days earlier.

7. 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. Johnson failed to satisfy the applicable standard in her care and treatment of Angel by failing to conduct a thorough physical examination on May 12, 2018, failing to review the results of diagnostic testing performed on May 12, 2018 in a timely manner, and failing to communicate with Angel's owner about the results of diagnostic testing in a timely manner. The substandard care provided by Dr. Johnson lead to a delay in treating Angel's diabetes.

8. In addition, Dr. Johnson's record keeping was deficient. 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. Johnson failed to satisfy that standard by failing to include factual detail in the record of the physical examination

she performed on May 12, 2018, and failing to document whether she had received and reviewed the results of diagnostic testing.

9. Since the events giving rise to the charges in this case, Dr. Johnson has implemented standard protocols to prevent delays in reviewing and acting upon diagnostic tests. The delay between May 12 and May 26 was a direct result of an administrative error. The Hospital now has a designated file organizer specifically for lab results. This separates the charts that have received lab results from the other medical charts on the doctor's desk making it easier for the doctors to recognize when new lab results are available. The improved Hospital process expedites the turnaround time for client discussion.

Taking all facts and circumstances into consideration, including the nature of the violations, the veterinarian's lack of a disciplinary history, her acceptance of responsibility and prompt action to implement protocols to avoid similar problems in the future, and her good faith efforts to resolve this matter, the Board concluded that the most reasonable and appropriate resolution includes the findings and sanctions set forth below.

### **ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 21st day of May, 2020, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For violating COMAR 15.14.01.07 (Professional Judgment and Practice), in her care and treatment of Angel, a ten-year-old Bichon mix owned by Lisa Whitaker, by failing to conduct a thorough physical examination on May 12, 2018, failing to review the results of diagnostic testing performed on May 12, 2018 in a timely manner, and failing to communicate with Angel's owner about the results of diagnostic testing in a timely manner, Dr. Johnson shall pay a civil penalty of \$300;
- (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. Johnson shall pay a civil penalty of \$300;

(c) The total civil penalty (\$600) shall be paid by Dr. Johnson within six months of the date of this Consent Agreement by check payable to the Maryland Department of Agriculture with the notation “SBVME – 19-09;”

(d) Dr. Johnson shall serve a period of probation of six (6) months from the date of this Consent Agreement. 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

(e) As an additional condition of probation, Dr. Johnson shall complete continuing education (“CE”), consisting of the entire Veterinary Law and Ethics online course offered by Dr. James Wilson and Dr. Lance Roasa via [www.drip.vet](http://www.drip.vet). The CE shall be completed and verification of completion provided to the Board within six (6) months from the date of this Consent Agreement. Proof from the CE provider shall include Dr. Johnson’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 annual CE requirements and the CE provided for in this Consent Order.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this  
21<sup>st</sup> day of May, 2020.

STATE BOARD OF VETERINARY  
MEDICAL EXAMINERS

*Heather Hendler / vao*

Heather Hendler, V.M.D.

Vice-President

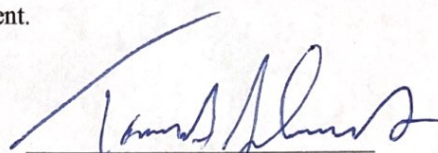
State Board of Veterinary Medical Examiners

Maryland Department of Agriculture

CONSENT

I, Tannis A. Johnson, 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. 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.

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Tannis A. Johnson, D.V.M.