

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

IN THE MATTER OF: *

KEISHA HAYWARD, DVM * DOCKET NO. 19-17A

LICENSE NO. 5750 *

* * * * *

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (“Consent Agreement”), dated this 8th day of January, 2021, is between the State Board of Veterinary Medical Examiners (“SBVME” or “Board”) and Keisha Hayward, DVM (“Dr. Hayward”), License No. 5750. This Consent Agreement resolves the charge filed by the SBVME on or about December 16, 2019 in Docket No. 19-17A, alleging that Dr. Hayward 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. Following receipt of the charges, Dr. Hayward retained counsel and through counsel, requested a hearing.

Thereafter, the parties engaged in discussion to explore ways to resolve the case. By email dated December 20, 2020, from her counsel, Dr. Hayward notified the Board of her decision to waive her right to a hearing on the charges 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

Keisha Hayward, D.V.M., License Number 5750, by entering into and signing this Consent Agreement, having had the opportunity to seek advice of counsel, while generally and specifically denying liability, agrees to the provisions of this Consent Agreement, acknowledging that the SBVME has sufficient evidence to find that Dr. Hayward violated COMAR 15.14.01.10A (Record Keeping) as set forth herein:

1. At all times relevant to these charges, Dr. Hayward was a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 2004. Dr. Hayward has no prior disciplinary history with the Board.

2. At all times relevant to these charges, Dr. Hayward was the responsible veterinarian at Falls Road Animal Hospital, Inc. ("Hospital"), License No. 03-012, located at 6314 Falls Road, Baltimore, MD 21209. On August 6, 2018, Jasper, a 5-year-old Shih Tzu owned by Anne Mudge ("Owner" or "Ms. Mudge"), was taken to the Hospital to receive care after having been attacked by another dog Ms. Mudge had recently adopted.

3. At the time of arrival, Dr. Kristen Szendrey, D.V.M. ("Dr. Szendrey"), License No. 7895, became Jasper's attending veterinarian. Dr. Szendrey observed that Jasper had multiple deep puncture wounds on his left front shoulder, as well as a laceration on his right hip. Dr. Szendrey noted that Jasper demonstrated normal vital signs and appeared stable, although in pain, with no signs of hemorrhages.

4. After her examination of Jasper, Dr. Szendrey discussed Jasper's clinical status with Ms. Mudge and recommended hospitalization with a full workup, including thoracic radiographs, pre-operative blood work, a bacterial culture, and laceration repair under anesthesia. Ms. Mudge approved Jasper's

treatment plan and financial estimate. Dr. Szendrey did not recommend a complete blood count (“CBC”) or packed cell volume (“PCV”) to assess whether the dog was anemic or the extent of blood loss related to the wounds sustained in the attack. Dr. Szendrey conducted the testing and procedures proposed

5. Dr. Szendrey administered fluids and anesthetized Jasper for his procedure. Once Jasper was sedated, Dr. Szendrey detected a heart murmur that was not auscultated during the initial examination. Dr. Szendrey reversed the anesthesia. Jasper was then intubated and placed on isoflurane for the rest of the procedure. While exploring Jasper’s wounds, Dr. Szendrey found large subcutaneous pockets. She debrided the area and placed drains to facilitate drainage and wound healing. Other puncture wounds were sutured. Jasper’s vitals remained stable throughout the procedure. Jasper’s surgery was completed at approximately 2:00 a.m.

6. According Dr. Szendrey’s records, Jasper “recovered uneventfully” and showed no signs of distress. Jasper remained hospitalized during the overnight hours. Dr. Szendrey’s shift ended at 6:00 a.m. At the end of Dr. Szendrey’s shift, she left the Hospital and Dr. Hayward assumed responsibility for Jasper’s care.

7. At approximately 9:00 a.m. on August 7, 2018, Ms. Mudge arrived at the Hospital to pick up Jasper and take him home. When she arrived, Ms. Mudge found Jasper to be in poor physical condition and in a great deal of pain. Ms. Mudge expressed her concerns to an ICU veterinary technician, who then consulted with Dr. Hayward. The technician observed that Jasper had increased respiratory rate and effort and remained laterally recumbent. Dr. Hayward dispensed Tramadol for Jasper’s pain and determined that Jasper was “stable and could go home,” without discussing Jasper’s condition with Ms. Mudge or discussing whether it might be advisable for Jasper to remain hospitalized for observation given his condition.

8. According to Ms. Mudge, Jasper was in pain during the ride home. Shortly after arriving home, Jasper died.

9. Ms. Mudge subsequently filed a complaint with the Board alleging that the Hospital and its veterinarians provided substandard care to Jasper by, among other things, releasing Jasper before he was stable enough to leave the Hospital.

10. The Board investigated the complaint and reviewed all relevant medical records. The Board was not able to conclude, based on the evidence, that substandard care on the part of Dr. Hayward caused Jasper's death.

11. However, according to the medical record, Dr. Hayward did not perform a physical examination of Jasper when she started her shift at 5:30 a.m., nor did she perform a physical examination of Jasper prior to his discharge. However, Dr. Hayward in statement to the Board, indicated that she did conduct a full examination of Jasper prior to his release, but details of the examination were not reflected in the record.

12. While Ms. Mudge and the veterinary technician on duty noted that Jasper was non-ambulatory and in poor condition at the time Jasper was released from the Hospital, no observations of condition, physical examination, or other documentation by Dr. Hayward appear in the medical record. The medical record does not reflect that Dr. Hayward conducted any post-operative checks (such as hospital sheets) or monitoring of Jasper from the time she assumed responsibility for Jasper's care until she discharged Jasper.

13. By failing to fully document her assessment of Jasper's condition before discharge, including obtaining vital signs and assessing whether Jasper was reasonably comfortable and ambulatory, Dr. Hayward violated the Board's record keeping regulations, specifically COMAR 15.14.01.10A(9) (Medical Records), governing companion animals.

Taking the 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 improvements to her practice, including completion of continuing education, and her 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, it is this 8th day of January, 2021, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) 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. Hayward shall pay a civil penalty of \$2000;
- (b) The civil penalty shall be paid by Dr. Hayward within six months of the date of this Consent Order, by check payable to the Maryland Department of Agriculture with the notation "SBVME – 19-17A;" and
- (c) Dr. Hayward shall complete eleven (11) hours of continuing education ("CE"), pre-approved by the Board. Six of the credit hours shall consist of the Medical Record Keeping for Veterinarians course offered online 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 (6) months from the date of this Order. To verify completion of all required CE, Dr. Hayward's CE records may be subject to audit by the Board at any time. Proof from the CE provider shall include Dr. Hayward'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. If Dr. Hayward fails to complete this CE as required, she may be subject to additional charges, subject to notice and an opportunity to be heard.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 8th day of January, 2021.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Karena Joung/CDS

Karena Joung, DVM
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Keisha Hayward, 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 nine 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.

Date: 1/8/21

Keisha Hayward D.V.M.
Keisha Hayward, D.V.M.