

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

IN THE MATTER OF: \*

JULIE E. BECKER, DVM \* DOCKET NO. 20-11B

LICENSE NO. 7636 \*

\* \* \* \* \*

**CONSENT AGREEMENT AND ORDER**

This Consent Agreement and Order (“Consent Agreement”), dated this 25th day of February, 2021, is between the State Board of Veterinary Medical Examiners (“SBVME” or “Board”) and Julie E. Becker, DVM (“Dr. Becker”), License No. 7636. This Consent Agreement resolves the charge filed by the SBVME on or about September 23, 2019 in Docket No. 20-11B, alleging that Dr. Becker 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. Becker retained counsel and through counsel, requested a hearing.

Thereafter, the parties engaged in discussion to explore ways to resolve the case, including participation in a resolution conference on November 19, 2020. By email to Board counsel dated January 26, 2021, from her counsel, Dr. Becker 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 OF LAW**

Julie E. Becker, D.V.M., License Number 7636, 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 as fact and to conclude as a matter of law that Dr. Becker violated COMAR 15.14.01.07A (Professional Judgment and Practice) as set forth herein:

1. Dr. Becker is a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 2016. Dr. Becker was, at the time of the events described herein, an associate veterinarian at Waldorf Emergency Care ("Hospital") (License No. 08-00223) located at 3485 Rockefeller Court, Waldorf, MD 20602. Dr. Becker has no prior disciplinary history with the Board.
2. On June 22, 2019 at approximately 4:00 a.m., Dominick Henson ("Owner" or "Mr. Henson") took his 2-year-old female Pit Bull Terrier, Sassy, to the Hospital for whelping complications.
3. According to Mr. Henson, Sassy appeared to be in active labor since the early hours of June 22, 2019. Sassy pushed for an hour and a half, but a puppy appeared to be stuck. Upon presentation to the Hospital, the puppy was partially exposed from Sassy's vagina.
4. Kenneth E. Fox, DVM ("Dr. Fox") (License Number 4835), the owner and responsible veterinarian of the Hospital, became Sassy's first attending veterinarian and examined Sassy. According to the medical record, Dr. Fox found that the partially exposed puppy was deceased upon arrival. Dr. Fox recommended bloodwork and radiographs to confirm the number of puppies. Mr. Henson consented, and Dr. Fox

performed bloodwork and radiographs. Radiographs showed approximately seven additional puppies. Dr. Fox recommended a Cesarean section (“C-section”). A consent form and estimate were provided to Mr. Henson, who signed them and agreed to the treatment recommended. When he signed the consent form, Mr. Henson said he believed that Dr. Fox would perform a C-section.

5. At approximately 7:30 a.m. on June 22, 2019, Dr. Fox transferred Sassy’s case to Dr. Becker. According to the medical record, Sassy labored on her own and successfully delivered one puppy. At this point, Dr. Becker made the decision not to perform a C-section, but instead allowed Sassy to birth naturally while in the Hospital under supervision. According to Dr. Becker, she assessed fetal heartrates throughout the day and there was no indication of fetal distress.

6. Hospital staff kept treatment sheets that detailed Sassy’s whelping activity throughout the day. By 4:00 p.m., Sassy had delivered four live puppies, but then became too aggressive for Dr. Becker and the staff at the Hospital to handle safely.

7. Dr. Becker called Mr. Henson to explain that Sassy had been able to deliver four live puppies on her own without much assistance. However, due to Sassy’s aggressive nature, Dr. Becker recommended sending Sassy home to finish birthing in a stress-free environment.

8. Additionally, Dr. Becker discussed abnormal birthing behaviors and signs of dystocia (i.e., difficulty birthing) with Mr. Henson. Further, Dr. Becker explained to Mr. Henson that a C-section carries risks, including hemorrhage, death to bitch and pups, infection, and should only be done if needed to save the bitch and/or puppies.

9. Before Sassy was discharged, recheck radiographs were taken at 5:30 p.m., which confirmed four remaining puppies. Dr. Becker noted that one of the four puppies was manually removed from the birth canal in the tail-first position, but was deceased with no audible respiratory rate or heartrate.

10. After removal of this additional dead puppy, Dr. Becker again spoke with Mr. Henson over the phone, stating that three puppies remained in Sassy’s uterus and that Sassy was ready to be discharged for observation at home.

11. On the evening of June 22, 2019, at approximately 11:00 p.m., Mr. Henson called the Hospital because Sassy had delivered only one of the three remaining puppies, which was deceased, since being discharged. A veterinary assistant veterinary from the Hospital spoke to Mr. Henson and suggested that he bring Sassy back to the Hospital for a C-section. The Hospital's medical record states that Mr. Henson elected to continue to observe Sassy at home, where she continued to labor and delivered the rest of the puppies. On June 25, 2019, Sassy returned to the Hospital with a 24-hour history of inappetence and blood-tinged discharge from her vulva after passing her tenth and last puppy, according to Mr. Henson. Dr. Becker was the attending veterinarian at that time and performed an examination of Sassy. Dr. Becker noted that Sassy presented with blood tinged and purulent discharge from her vulva and swollen mammary glands.

12. Based upon Dr. Becker's physical exam findings, she was concerned that Sassy had a pyometra. The medical record prepared by Dr. Becker details the conversation that Dr. Becker had with Mr. Henson about Sassy's condition. Mr. Henson reportedly was upset that Sassy was still sick, and that Dr. Fox never performed a C-section.

13. Dr. Becker recommended surgery to address Sassy's pyometra as well as an ovariohysterectomy. Sassy's case was transferred to another veterinarian at the Hospital. Recheck bloodwork confirmed an elevated white blood cell count, and radiographs confirmed a fluid filled structure in caudal abdomen, with no visible puppies. Later that day, on June 25, 2019, the other Hospital veterinarian performed an ovariohysterectomy ("OVH") on Sassy. Sassy recovered uneventfully and was discharged on June 26, 2019.

14. Mr. Henson later filed a complaint with the Board arising from the care Sassy received at the Hospital.

15. The Board conducted an investigation and determined that Dr. Becker provided substandard care in her treatment of Sassy.

16. 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. Becker failed to satisfy the applicable standard in her care

and treatment of Sassy by failing to recognize dystocia or to institute medical or surgical treatment in a timely manner, and for failing to perform a C-Section even after she recognized dystocia. When a dog has been straining for more than two hours with no puppy, some intervention, either surgical or medical, is warranted. Dr. Becker allowed the dog to labor for more than ten hours without taking appropriate action.

Taking the facts and circumstances into consideration, including the nature of the violation, 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 findings of fact and conclusions of law, it is this 25<sup>th</sup> day of February, 2021, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For violating COMAR 15.14.01.07A (Professional Judgment and Practice), by failing to recognize dystocia and failing to institute medical management or surgical treatment in a timely manner, including failing to perform a C-section or any medical management even after she recognized the dystocia, Dr. Becker shall pay a civil penalty of \$500, stayed;
- (b) The civil penalty shall remain stayed and need not be paid by Dr. Becker if the additional terms and conditions of this Consent Agreement are satisfied. If Dr. Becker fails to satisfy the terms and conditions of this Consent Agreement within three months from the date of this Order, the civil penalty will become immediately due, and must be paid by check payable to the Maryland Department of Agriculture with the notation "SBVME – 20-11B;" and
- (c) Dr. Becker shall complete three (3) hours of continuing education ("CE") that has been pre-approved by the Board in dystocia management. The CE shall be completed, and verification of completion provided to the Board, within three (3) months from the date of this Consent Agreement. To verify completion of the required CE, Dr. Becker's CE records may be subject to

audit by the Board at any time. Proof from the CE provider shall include Dr. Becker'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. 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. Becker fails to complete this CE as required, the civil penalty will be unstayed as set forth above, and she may face additional charges for violation of a Board order, subject to notice and an opportunity to be heard.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 25<sup>th</sup> day of February, 2021.

STATE BOARD OF VETERINARY  
MEDICAL EXAMINERS

*Elizabeth Callahan/CDS*

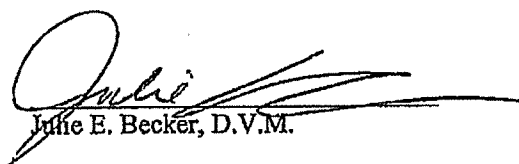
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Elizabeth Callahan, DVM  
President  
State Board of Veterinary Medical Examiners  
Maryland Department of Agriculture

CONSENT

I, Julie E. Becker, 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, 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: 2/25/21

  
Julie E. Becker, D.V.M.