

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

IN THE MATTER OF:

*

ANGELA M. TUCKERMAN, D.V.M.

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DOCKET NO. 20-72

LICENSE NO. 5912

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (“Consent Agreement”), dated this 5th day of April, 2021, is between the State Board of Veterinary Medical Examiners (“SBVME” or “Board”) and Angela M. Tuckerman, D.V.M. (“Dr. Tuckerman”), License No. 5912. This Consent Agreement resolves the charges filed by the SBVME on or about January 22, 2021 in Docket No. 20-72, alleging that Dr. Tuckerman 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 January 24, 2021, Dr. Tuckerman notified the Board of her decision to waive her right to a hearing on the charges in Docket No. 20-72 and further agreed to the terms and conditions of this Consent Agreement, including payment of the civil penalty 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

Angela M. Tuckerman, D.V.M., License Number 5912, 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. Tuckerman violated COMAR 15.14.01.10A (Record Keeping) as set forth herein:

1. Dr. Tuckerman is a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 2005. Dr. Tuckerman was, at the time of the events described herein, an associate veterinarian at Aardmore Veterinariaum, (“Hospital”)(License No. 30-001), located at 3130 Loch Raven Road, Baltimore, MD 20218.

2. On February 1, 2020, Herman Kelly (“Owner” or “Mr. Kelly”) took his 3-year-old male Rottweiler, Sam, who had been acutely lame for two days, to the Hospital, where Dr. Tuckerman became his treating veterinarian.

3. According to Dr. Tuckerman, the Owner reported that Sam was limping on his right hind leg, but he did not think that any trauma had occurred. The Owner also reported that Sam had a decreased appetite.

4. Dr. Tuckerman examined Sam and did not detect any limping. However, Sam appeared ataxic and was dragging both hind legs (left rear more than right rear) with decreased conscious proprioception (“CP”). Dr. Tuckerman noted that Sam had some swelling in the tarsal area of both hind feet. Dr. Tuckerman stated that due to Sam’s size, the orthopedic exam was challenging, and she recommended that the Owner bring Sam back on a different date to be sedated and have radiographs performed.

5. Dr. Tuckerman discussed the possibilities of orthopedic injuries, soft tissue injuries, and neurologic conditions. According to Dr. Tuckerman, the Owner expressed some financial concerns at the time. Dr. Tuckerman stated that she asked Mr. Kelly to call her with an update and to set up an appointment for radiographs if Sam was not improving. Dr. Tuckerman prescribed vetprofen (100 mg) twice daily for pain and sent Sam home.

6. On February 5, 2020, the Owner returned to the Hospital to have Sam’s rear leg rechecked. Dr. Tuckerman found that the fourth digit of Sam’s left foot appeared infected. Dr. Tuckerman told the Owner that based on Sam’s breed, she was concerned that Sam might have a tumor or a cancerous lesion. Dr. Tuckerman advised the Owner that if the swelling and discharge did not improve, radiographs would be “absolutely necessary” to make a diagnosis. According to Dr. Tuckerman, the Owner again expressed financial concerns but did not otherwise indicate that Sam was experiencing other problems. However, the medical record does not reflect that x-rays were offered and declined at this visit, or that the owner

expressed financial concerns. In addition, Mr. Kelly alleges that he told a veterinary assistant technician during this visit that Sam was not eating or drinking at all. This information is not reflected in the medical record. Dr. Tuckerman told Mr. Kelly that Sam would need to be rechecked and have his bandage changed in 3 days.

7. The Owner's next contact with Dr. Tuckerman was on February 8, 2020 when Mr. Kelly brought Sam in for a recheck appointment. The Owner reported that Sam had not eaten in 6 days. Dr. Tuckerman examined Sam and noted that the dog was depressed and lethargic. Sam's abdomen was painful, though his vitals were normal. Sam's foot was still swollen, but the discharge had decreased. Dr. Tuckerman spoke with Mr. Kelly about performing diagnostics. She was concerned that the Hospital was closing within hours and did not have 24-hour supervision. (Sam's appointment was at approximately 10 a.m. on Saturday and the Hospital closes at noon.)

8. Dr. Tuckerman recommended that Sam be transferred to an emergency hospital for a work-up, treatment, and monitoring. When Mr. Kelly declined this referral, Dr. Tuckerman told Mr. Kelly that she did not know why Sam was so sick, but in her opinion, Sam was clearly suffering. Dr. Tuckerman discussed euthanasia, but Mr. Kelly declined.

9. On February 10, 2020, Mr. Kelly called Dr. Tuckerman to tell her that Sam had died.

10. The Owner filed a complaint with the Board alleging that Dr. Tuckerman provided substandard care in her treatment of Sam.

11. The Board opened a case and conducted an investigation, which included obtaining and reviewing medical records. After a review of the record, Board members could not determine Sam's cause of death to a reasonable degree of veterinary certainty.

12. While they did not conclude that Dr. Tuckerman provided substandard care to Sam, the Board found that the medical record prepared by Dr. Tuckerman was deficient.

13. 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. Tuckerman failed to satisfy that standard in several ways. First, the record did not include important details documenting physical examinations performed, particularly when Sam first presented at the Hospital. The record contained no SOAP and no documentation of diagnoses considered and ruled out. Dr. Tuckerman also failed to document adequately the services that were recommended to the Owner and but which the Owner declined, including x-rays that were

recommended on the second visit. In addition, important information about Sam's condition and medical history is not reflected in the record, including information about current complaints and owner concerns.

Taking the facts and circumstances into consideration, including the nature of the violation(s), 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 5th day of April, 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 in her care and treatment of Sam, a 3-year old Rottweiler owned by Herman Kelly, Dr. Tuckerman shall pay a civil penalty of \$300;
- (b) The civil penalty shall be paid by Dr. Tuckerman within three months of the date of this Consent Order by check payable to the Maryland Department of Agriculture with the notation "SBVME – 20-72;"
- (c) The Board acknowledges full payment of the civil penalty by check received on February 12, 2021;
- (d) Dr. Tuckerman shall complete continuing education ("CE"), consisting of the Medical Record Keeping for Veterinarians online course 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 three (3) months from the date of this Order. To verify completion of all required CE, Dr. Tuckerman's CE records may be subject to audit by the Board at any time. Proof from the CE provider shall include Dr. Tuckerman'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; and
- (e) The Board acknowledges that Dr. Tuckerman completed the required CE on March 21, 2021, and provided verification of completion to the Board on April 14, 2021.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 5th day of April,

2021.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Karena Joung /CDS

Karena Joung, VMD
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State Board of Veterinary Medical Examiners
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CONSENT

I, Angela M. Tuckerman, 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 7 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.

4-1-21
Date



Angela M. Tuckerman, D.V.M.