

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

IN THE MATTER OF:

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GRETCHEN RUBY, DVM
LICENSE NO. 3893

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DOCKET NO. 20-88

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (“Consent Agreement”), dated this 3rd day of December 2021, is between the State Board of Veterinary Medical Examiners (“SBVME” or “Board”) and Gretchen Ruby, DVM (“Dr. Ruby”), License No. 3893. This Consent Agreement resolves the Board matter arising from a complaint filed on October 28, 2020, in Docket No. 20-88, alleging that Dr. Ruby violated the Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 – 2-316 and related Code of Maryland Regulations (“COMAR”) 15.14.01 – 15.14.17 as set forth herein.

After the Board reviewed the complaint and materials in the investigative file, Board counsel contacted Dr. Ruby's legal counsel to propose a resolution without the need for formal charges. Thereafter, the parties engaged in discussions to resolve the case, which resulted in the agreement reflected herein. By signing this Consent Agreement, Dr. Ruby agrees to waive her rights to formal charges and a hearing in Docket No. 20-88 and further agrees 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. 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. § 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. Agric. § 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 civil penalty standards. Md. Code Ann., State Gov't § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Gretchen Ruby, DVM, License Number 3893, by entering into and signing this Consent Agreement, having had the opportunity to seek the 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. Ruby violated COMAR 15.14.01.07 (Professional Judgment and Practice) as set forth herein:

1. Dr. Ruby is a veterinarian who has been licensed to practice in the State of Maryland since 1991. Dr. Ruby was, at the time of the events described herein, the responsible veterinarian at Animal Emergency Hospital ("Hospital") (License No. 12-00276) located at 722 Baltimore Pike, Bel Air, MD 21014. At the time of the events giving rise to this case, Dr. Ruby has not been subject to disciplinary action by the Board.
2. On June 11, 2020, at approximately 12:00 a.m., Ashley Bullock ("Owner" or "Ms. Bullock") took her 6-year-old Pug, Matilda, to the Hospital for abdominal and back pain.
3. Dr. Ruby became Matilda's treating veterinarian. Dr. Ruby performed a physical exam and noted that Matilda was painful on palpation of her thoracic-lumbar (T-L) spine.
4. Dr. Ruby recommended a pain-relief injection of buprenorphine, radiographs, bloodwork, and oral pain medications. Ms. Bullock consented. Dr. Ruby administered buprenorphine 0.15 mg intravenously to Matilda. Dr. Ruby also prescribed carprofen 25 mg twice daily, gabapentin 100 mg twice to three times daily, and methocarbamol 250 mg twice daily.
5. When the Owner returned home at approximately 3:00 a.m., she gave Matilda 25 mg of carprofen. Later that morning, the Owner gave Matilda 100 mg of gabapentin. Within 30 minutes of administration, the Owner noticed that Matilda's eyes were bulging, and she could not walk.

6. Later that afternoon, the Owner took Matilda to Pet + ER, Towson (“Pet+ER”), where a veterinarian diagnosed Matilda with suspected intervertebral disc disease (“IVDD”) and stated that Matilda’s weakness was likely related to sensitivity of recently prescribed medications for back pain. The Pet+ER veterinarian told Ms. Bullock to discontinue Matilda’s methocarbamol, decrease Matilda’s gabapentin administration to 100 mg once daily, and decrease her carprofen dose to 12.5 mg twice daily.

7. Ms. Bullock later submitted a complaint to the Board alleging that Dr. Ruby prescribed doses of gabapentin and carprofen that were too high.

8. The Board opened a file and conducted an investigation, which included a review of all medical records. The Board concluded that Dr. Ruby provided substandard care to Matilda with regard to the prescription for carprofen.

9. Dr. Ruby’s prescription of carprofen was not in accordance with the standard of care, especially for a Brachycephalic breed. Nothing in the available literature recommends such a high dosage for a dog of Matilda’s size.

10. In her response to the complaint, Dr. Ruby, through her legal counsel, stated that the appropriate daily dosage of carprofen for 16.5 pound Matilda was 37.5 mg (either once daily or half the dosage twice a day). Dr. Ruby prescribed 50 mgs a day (i.e., one 25 mg tablet, twice a day). Although her response noted she “exercised her discretion to increase Matilda’s dosage to the next weight range” of 50 mg dosage for a 21-30 pound dog because of Matilda’s condition, the Board found that that the higher dose was not appropriate or consistent with the standard of care under the circumstances of the case.

11. 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. Ruby did not satisfy the standard of care when she prescribed and/or administered doses of carprofen that were not appropriate for a dog of Matilda’s size.

Taking the facts and circumstances into consideration, including the nature of the violation(s), the veterinarian’s disciplinary history, and her acceptance of responsibility and good faith cooperation in

resolving 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 3rd day of December, 2021, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For violating COMAR 15.14.01.07 (Professional Judgment) in her care and treatment of Matilda, a 6-year-old Pug owned by Ashley Bullock, Dr. Ruby shall pay a civil penalty of \$600;
- (b) One-half of the civil penalty (\$300) will be stayed if Dr. Ruby purchases a hard copy or digital version of Plumb’s Veterinary Drug Handbook and provides evidence to the Board of this purchase within thirty (30) days from the date of this Consent Agreement. Evidence of purchase should be emailed to Vanessa Orlando, Executive Director at vanessa.orlando@maryland.gov;
- (c) Any non-stayed portion of the civil penalty shall be paid within forty-five (45) days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture (“MDA”) with the notation “SBVME – 20-88” and mailed to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 3rd day of December, 2021.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS


Karena Joung/uao

Karena Joung, VMD
Vice-President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Gretchen Ruby, 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 five (5) 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: 11-17-2021



Gretchen Ruby, DVM