

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

IN THE MATTER OF: \*  
JOHN FOREMAN, DVM \* DOCKET NO. 21-19  
LICENSE NO. 2748 \*  
\* \* \* \* \*

**CONSENT AGREEMENT AND ORDER**

This Consent Agreement and Order of Censure (“Consent Agreement”), dated this 30<sup>th</sup> day of August 2021, is between the Maryland State Board of Veterinary Medical Examiners (“Board”) and John Foreman, DVM (“Dr. Foreman”) (License No. 2748). At all times relevant to this Consent Agreement, Dr. Foreman was licensed to practice veterinary medicine in Maryland, where he has been licensed since 1984. Dr. Foreman was, at the time of the incidents described herein, a veterinarian at Cherry Hill Veterinary Hospital, d/b/a Cherry Hill Dog & Cat Hospital (“Hospital”) (License No. 07-002), located at 106 Elk Mills Road, Elkton, MD 21921.

Under State law, the Board 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 provisions of the Maryland Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 to 2-316, and related regulations. As part of its authority, the Board “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.” Agric. § 2-310(8). In addition, the Board may 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 a veterinarian’s license. Agric. § 2-310.1.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Dr. Foreman, by signing this Consent Agreement having had the opportunity to seek the advice of legal counsel, while generally and specifically denying liability in this case, agrees to this Consent Agreement, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he violated the Maryland Veterinary Practice Act and related regulations, namely COMAR 15.14.01.07 (Professional Judgment and Practice) as follows:

1. This case involves veterinary care provided by Dr. Foreman to Maverick, a 1-year-old male Mastiff owned by Jessica Absher (“Ms. Absher” or “Owner”). Maverick received his primary veterinary care at the Hospital.
2. On July 28, 2020, Ms. Absher’s father, Jason Absher (“Mr. Absher”), took Maverick to the Hospital where Dr. Foreman was Maverick’s attending veterinarian. Upon arrival, a Hospital receptionist took Maverick and Mr. Absher into the kennel area, where Mr. Absher helped place Maverick into the kennel. Mr. Absher left the Hospital. At the time of this visit, Maverick, while still young, was a large dog weighing almost 90 pounds.
3. When it was time for Maverick’s surgery, a veterinary assistant (“VA”) at the Hospital was responsible for taking Maverick out of the kennel. While the VA did so, Maverick bit or nipped her hand, drawing blood. The VA and Dr. Foreman then placed a leash around Maverick's neck to walk him outside. According to Dr. Foreman, Maverick was scared and anxious.
4. Dr. Foreman and the VA attempted to sedate Maverick with acepromazine by leading Maverick between a door and wall, but the dog began to exhibit aggressive behavior and continued to nip or bite.
5. In an effort to control Maverick, Dr. Foreman used a rabies pole, placing the cable around Maverick’s neck. The VA administered acepromazine 0.15 mls intramuscularly.
6. Subsequently, as Dr. Foreman and the VA were leading Maverick back into his kennel, Maverick started rolling and twisted the rabies pole cable around his neck. Dr. Foreman immediately attempted to release the cable on the rabies pole, but was unable to do so due to an equipment malfunction. Both Dr. Foreman and the VA diligently tried to cut the rabies pole cable with bolt cutters, but were unsuccessful.
7. Maverick then relaxed, allowing Dr. Foreman to release the rabies pole cable. At that time, Maverick was not breathing.
8. Dr. Foreman and the VA performed cardiopulmonary resuscitative efforts for approximately four and a half minutes. The efforts were unsuccessful and Maverick died.
9. At approximately 10:30 a.m., Dr. Foreman called Ms. Absher and told her that Maverick had died. Shortly thereafter, Ms. Absher arrived at the Hospital to speak with staff, including the VA. Dr. Foreman then spoke with

Ms. and Mr. Absher and offered to pay for cremation services for Maverick. Ms. Absher was understandably devastated by the loss.

10. Ms. Absher filed a complaint against Dr. Foreman, alleging that his substandard care caused Maverick's death. The Board opened a case and conducted an investigation.

11. After reviewing the investigative materials, including the medical record and written statements from the witnesses, the Board concluded that Dr. Foreman violated COMAR 15.14.01.07 (Professional Judgment and Practice) in his management of Maverick on July 28, 2020.

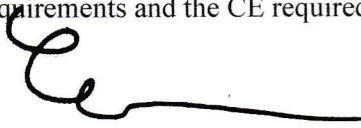
12. COMAR 15.14.01.07A (Professional Judgment and Practice) provides that: "[a] veterinarian, when caring for and treating a patient, shall conform to those minimum standards of care and treatment which are customary among veterinarians in this State." Once Maverick exhibited aggressive and anxious behavior, Dr. Foreman took several steps to attempt to calm Maverick down, including walking Maverick outside to change his environment and stress level, trying to place a muzzle on Maverick, and attempting to sedate Maverick by leading him between a door and a wall. It was only after these attempts failed when the rabies pole was used. The malfunction of the rabies pole was the cause of Maverick's death and was not Dr. Foreman's fault. While the passing of Maverick was a tragic accident, Dr. Foreman should have considered other additional options for managing the anxious and aggressive dog before resorting to the use of the rabies pole. Better initial options, which the standard of care required, include having the owner stay at the Hospital until the dog was sedated, sending the dog home that day with medication to administer before the next appointment, or even using a blow dart.

Taking the facts and circumstances into consideration, including the nature of the violation(s), the veterinarian's disciplinary history, his acceptance of responsibility and good faith cooperation in resolving this matter, and his promise to initiate changes in his practice to address the deficiencies noted in this Consent Agreement, 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 30<sup>th</sup> day of August 2021, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that:

- (a) for violating COMAR 15.14.01.07 (Professional Judgment and Practice) John Foreman, DVM, is assessed a civil penalty of \$600;
- (b) Of the \$600 civil penalty, \$300 shall be stayed if Dr. Foreman completes the Fear Free Veterinary Certification Program, which consists of 9 hours of CE (<https://fearfreepets.com/fear-free-certification-overview/#1532109384264-705c8ce5-2632>) in accordance with this Consent Agreement;
- (c) Dr. Foreman shall pay any non-stayed portion of the civil penalty within sixty days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture (“MDA”) with the notation “SBVME – 21-19” sent to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401; and
- (d) The CE required herein shall be completed, and verification of completion provided to the Board within sixty days from the date of this Consent Agreement. Verification should be sent by email to Vanessa Orlando, Executive Director, at [vanessa.orlando@maryland.gov](mailto:vanessa.orlando@maryland.gov). Proof from the CE provider shall include the veterinarian’s name, the number of hours of CE completed, the topics covered, and the date(s) the CE was given. This CE will not count toward the 18 credit hours required annually for re-registration of the veterinary license. The Board may audit CE records for relevant years to verify completion of the annual CE requirements and the CE required by this Consent Agreement.



---

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

CONSENT

I, John Foreman, DVM, acknowledge that I have had an opportunity to consult with counsel before entering into this Consent Agreement and Censure ("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. I agree to accept and submit to the foregoing Consent Agreement, consisting of 5 pages, to resolve this matter. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

8/25/21  
Date

  
John Foreman, DVM