

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

IN THE MATTER OF:

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ABDOUL DIARRA, D.V.M.
LICENSE NO. 4518

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DOCKET NO. 21-30

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (“Consent Agreement”), dated this 11th day of January 2022, is between the State Board of Veterinary Medical Examiners (“SBVME” or “Board”) and Abdoul Diarra, D.V.M. (“Dr. Diarra”), License No. 4518. This Consent Agreement resolves a case arising from a complaint filed with the SBVME in November of 2021 in Docket No. 21-30, alleging that Dr. Diarra 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 set forth herein.

On December 20, 2021, Dr. Diarra, through legal counsel, agreed to resolve this case under the terms and conditions reflected in this Consent Agreement. By signing this Consent Agreement, Dr. Diarra agrees to waive his right to a hearing on the charges in Docket No. 21-30 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 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. § 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

Abdoul Diarra, D.V.M., License Number 4518, 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. Diarra did not satisfy COMAR 15.14.01.10A (Record Keeping) as set forth herein:

1. Dr. Diarra is a veterinarian licensed to practice in Maryland, where he has been licensed since 1995. Dr. Diarra was, at the time of the events described herein, the owner and responsible veterinarian at Forestville Veterinary and Bird Hospital ("Hospital") (License Number: 16-081), located at 7307 Marlboro Pike, Forestville, MD 20747. Dr. Diarra has no disciplinary history with the Board.
2. This case involves veterinary care and treatment provided to Morocco, a six-month-old Bengal cat owned by Roniqua Jeffries ("Owner or "Ms. Jeffries").
3. On October 30, 2020, Ms. Jeffries took Morocco to the Hospital for neuter. Upon check-in, Ms. Jeffries said she fed Morocco breakfast because no one told her not to feed him. Dr. Diarra performed Morocco's surgery around noon to allow Morocco time to digest his food.
4. According to the medical record, after Dr. Diarra finished the neuter, Morocco went into respiratory distress and became cyanotic. Despite repeated efforts by Dr. Diarra and his staff to save Morocco, Morocco passed away.
5. Ms. Jeffries and her husband consented to a necropsy, and a necropsy was performed. Dr. Diarra reviewed the results of the necropsy with Ms. Jeffries. Dr. Diarra explained to Ms. Jeffries that there was approximately 1-2 ml of blood-tinged fluid in Morocco's thoracic cavity and hemorrhage in both lung lobes.

6. Dr. Diarra also sent out biopsies of Morocco's heart, colon, and lymph nodes to Antech Diagnostics. Morocco's histopathology results concluded, "diffuse pulmonary congestion with hemorrhage and atelectasis" (complete or partial collapse of a lung or a section/lobe of a lung).

7. Subsequently, Ms. Jeffries submitted a complaint alleging that Dr. Diarra provided substandard care to Morocco in connection with the neuter.

8. After reviewing the complaint and the investigatory file, the Board could not conclude that Dr. Diarra provided substandard care. According to Dr. Diarra, Morocco did not regurgitate or have any surgical complications that could have been associated with eating that morning. Further, Dr. Diarra explained that Morocco's histopathology results showed hemorrhage in the lungs, possibly from a pulmonary embolism or disseminated intravascular coagulation (DIC) of an unknown cause.

9. While finding no substandard care, the Board identified shortcomings in the medical record prepared by Dr. Diarra.

10. 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. COMAR 15.14.01.10A(8) specifies that the record must include the amount in milligrams or the volume and concentration of any medication used. In addition, COMAR 15.14.01.10A(10) requires a veterinarian to prepare an anesthesia log for any surgery.

11. Dr. Diarra did not satisfy the applicable standards because the medical record prepared did not contain all of the required detail. Specifically, the record does contain important information such as the patient's temperature, heart rate, or respiration. The record also does not document that Dr. Diarra performed a complete physical examination before surgery. While the anesthesia log contains some of the information required it does not provide enough detail reflecting monitoring of the patient. Finally, Dr. Diarra used the medications ketamine and atropine during surgery but did not document the doses in terms of milligrams per milliliter (mg/mL), as required by the Board's regulations.

Taking the facts and circumstances into consideration, including the nature of the violation(s), the veterinarian's lack of disciplinary history, his 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 11h day of January, 2022, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For not satisfying COMAR 15.14.01.10A (Record Keeping) by not preparing a written record for his treatment of Morocco, a 6-month-old Bengal cat owned by Roniqua Jeffries, that accurately and thoroughly reflects the care and treatment provided as required by COMAR 15.14.01.10A, Dr. Diarra is assessed a civil penalty of \$300;
- (b) Dr. Diarra shall pay the civil penalty within thirty (30) days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture (“MDA”) with the notation “SBVME – 21-30” sent to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401;
- (c) As an additional requirement of this Consent Agreement, Dr. Diarra shall complete 10 hours of continuing education (“CE”). Six CE hours shall consist of the “Medical Record Keeping for Veterinarians” course found at drip.vet. The remaining four (4) hours of CE shall be related to anesthesia and be pre-approved by the Board; and
- (d) CE shall be completed and verification of completion provided to the Board within sixty (60) days from the date of this Order. Verification should be sent by email to Vanessa Orlando, Executive Director, at mda.veterinaryboard@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. To verify completion of the annual CE requirements and the CE required by this Consent Agreement, the Board may conduct an audit of the veterinarian’s CE records for relevant years.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this
11th day of January, 2022.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Karena Joung/vao

Karena Joung, V.M.D.
Vice-President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Abdoul Diarra, 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 6 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:

12-23-21


Abdoul Diarra, D.V.M.