

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

IN THE MATTER OF:

*

LANCE P. KEIL, VMD
LICENSE NO. 3231

*

DOCKET NO. 21-50

*

* * * * *

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (“Consent Agreement”), dated this 8th day of June 2021, is between the State Board of Veterinary Medical Examiners (“SBVME” or “Board”) and Lance P. Keil, VMD (“Dr. Keil”), License No. 3231. This Consent Agreement resolves a disciplinary action arising from a complaint filed in January 2021, which was assigned Docket No. 21-50, alleging that Dr. Keil 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.

On May 25, 2021, Dr. Keil, through his legal counsel, notified Board counsel of his decision to voluntarily resolve the complaint without the issuance of formal charges. Subsequently, Dr. Keil, through counsel, agreed to the terms and conditions reflected in this Consent Agreement. By signing this Consent Agreement, Dr. Keil agrees to waive his right to a hearing on the in Docket No. 21-50 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. 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

Lance P. Keil, VMD, License Number 3231, 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. Keil violated COMAR 15.14.01.07 (Professional Judgment and Practice) as set forth herein:

1. Dr. Keil is a veterinarian licensed to practice in the State of Maryland, where he has been licensed since 1987. Dr. Keil was, at the time of the incidents described herein, the responsible veterinarian at Erdman Animal Hospital ("Hospital")(License No. 30-013), located at 3233 Erdman Avenue, Baltimore, MD 21213.
2. Dr. Keil has a disciplinary history with the Board that includes two cases. In Docket No. 20-54, Dr. Keil was issued a Civil Penalty Final Order as a result of an inspection finding expired medications at his Hospital. In Docket No. 17-39, the Board censured Dr. Keil for unprofessional conduct arising from his failure to have a proper protocol in place for staff to manage walk-in requests for care at times when no licensed veterinarian was on the premise. The censure also included a finding that Dr. Keil did not maintain Schedule III-V drugs under lock and key at all times.
3. This case involves care provided to two large breed dogs, one male and one female, who were dropped off at the Hospital for boarding on September 14, 2020. The dogs' owner was scheduled to pick up the dogs on September 18, 2020.
4. The dogs' owners did not pick them up as scheduled. Hospital staff made repeated efforts to contact the owner to discuss the status of the dogs, but were unable to reach the owner. Ultimately, it was determined that the dogs had been abandoned.

5. The two dogs remained in the care of the Hospital through January 14, 2021. On that date, Hospital staff requested that Baltimore Animal Rescue and Care Shelter (“BARCS”) of Baltimore City pick up the dogs.

6. A Baltimore City Animal Enforcement Officer picked up the two dogs and brought them to BARCS for evaluation. The examining veterinarian found that both dogs had lost a significant amount of weight while boarded at the Hospital. The male dog’s weight at the time his owner first left him at the Hospital was 89 pounds, and the female’s weight was 69.5 pounds. When they were first examined at BARCS, the male’s weight was 63.2 pounds (19.8 pound weight loss) and the examining veterinarian gave him a body condition score of 4/9. The female’s weight taken at BARCs was 50 pounds (19.5 pound weight loss) and the BARCS veterinarian gave her a body condition score of 2/9.

7. After BARCS assumed care for the dogs, both dogs gained weight.

8. Sharon Colburn, Director of Baltimore City Animal Control, filed a complaint with the Board, alleging that Dr. Keil and the Hospital’s staff members provided substandard care to the two dogs during the almost four months that they were boarded at the hospital.

9. After reviewing the complaint, Dr. Keil, through legal counsel, provided a response. In it, Dr. Keil apologized for the treatment the two dogs received at the hospital and stated that he was deeply disturbed and embarrassed that the Hospital did not provide the dogs with the nutrition that they needed. Dr. Keil stated that he did not realize what was happening, but that he should have. While it does not excuse the failure to provide appropriate care, Dr. Keil noted that the Hospital struggled with staffing and COVID related issues during the period the dogs were boarded there.

10. Since this incident, the Hospital has instituted several improvements to prevent such an outcome from happening again. Dr. Keil has assured the Board that staff training will be improved.

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. Keil failed to satisfy the applicable standard with respect to the care and treatment provided to the two large breed dogs.

12. As the owner and responsible veterinarian at the Hospital, Dr. Keil was responsible for training staff to care for boarded animals, for providing care, and for instructing staff to report to the veterinarian on duty if a boarded animal is sick and injured. See COMAR 15.14.01.18 (Animal Boarding by a Veterinarian). Dr. Keil failed to satisfy the standard of care by not training staff adequately to feed and monitor the boarded dogs, and by not having protocols in place to ensure that boarded animals are regularly observed and monitored to determine whether there is a need for medical attention.

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 8th day of June 2021, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For violating COMAR 15.14.01.07A (Professional Judgment) and COMAR 15.14.01.18 (Animal Boarding by a Veterinarian) with respect to the care and treatment two abandoned large breed dogs received at Erdman Animal Hospital, Dr. Keil, the owner and responsible veterinarian at the hospital, is assessed a civil penalty of \$2500 per dog, for a total civil penalty of \$5000;
- (b) The civil penalty shall be paid directly to BARCS within thirty days of the date of this Consent Agreement;
- (c) Dr. Keil shall arrange for evidence that the payment was made to be submitted to the Board using a form acceptable to the Board that is signed by a representative of BARCS. The amount of the civil penalty shall not be deducted for any business or personal income tax purposes; and

(d) The documentation verifying payment of the civil penalty shall be mailed to the Board office or emailed to Vanessa Orlando, Executive Director, at vanessa.orlando@maryland.gov.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 8th day of June, 2021.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS




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

CONSENT

I, Lance Keil, VMD, 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: 6/7/21



Lance P. Keil, VMD