

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

IN THE MATTER OF:

ROBERT TISHMAN, DVM
LICENSE NO. 4396

DOCKET NO. 23-78 (Blaize)

IN THE MATTER OF:

ROBERT TISHMAN, DVM
LICENSE NO. 4396

DOCKET NO. 23-79 (Brixton)

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement") dated this 13th day of December 2023, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Robert Tishman, DVM ("Dr. Tishman"), License No. 4396. This Consent Agreement resolves two cases opened due to complaints filed on February 11, 2023, with the SBVME, alleging violations of 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.

On December 2, 2023, Dr. Tishman, while represented by legal counsel and having been advised in writing regarding his due process rights, agreed to resolve this case under the terms and conditions reflected in this Consent Agreement. By signing this Consent Agreement, Dr. Tishman agrees to waive his right to formal proceedings in this case, including the issuance of charges and a hearing. He 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 under 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

Robert Tishman, DVM, License No. 4396, having had the opportunity to seek the advice of legal 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. Tishman did not satisfy COMAR 15.14.01.07 (Professional Judgment and Practice) and COMAR 15.14.01.10 (Record Keeping), as described below:

1. Dr. Tishman is a veterinarian licensed to practice in Maryland since 1994. At the time of the events described herein, Dr. Tishman worked as a veterinarian at Light Street Animal Hospital ("LSAH" or "Hospital") (License No. 03-030) located at 1601 Light Street, Baltimore, MD 21230.
2. Dr. Tishman has a history of discipline by the Board in 2011 for record keeping violations as set forth in a Consent Agreement and Order in Docket No. 2011-65.
3. This case involves care and treatment provided to two male dogs owned by Krista Michael ("Ms. Michael" or "Owner"), Brixton, a 9-month-old Great Dane, and Blaize, a 10-year-old Great Dane.
4. On February 2, 2023, Ms. Michael took Blaize to LSAH for coughing, wheezing, and concern about the flu outbreak. Dr. Tishman was the veterinarian that saw Blaize that day.
5. According to Dr. Tishman, on presentation, Blaize was stable, afebrile, and not in respiratory distress. Blaize's lungs were clear. Dr. Tishman suspected Blaize had kennel cough, and he prescribed doxycycline and "cough tabs" for him. Dr. Tishman recommended a recheck exam if Blaize's cough did not stop in the next few days or if there were any concerns.

6. According to Ms. Michael, on February 11, 2023, Blaize suddenly got "very sick," and she took him to Pet + ER, Towson ("Pet + ER") (License No. 03-133).
7. According to Pet + ER's medical records, Ms. Michael reported that Blaize had frequent episodes of coughing for a week or two and had not finished a course of doxycycline for suspected kennel cough because of vomiting and diarrhea. Initially the symptoms seemed better but then got worse. Over the two prior days, Blaize had not been eating or drinking and had increasing lethargy. The Pet + ER veterinarian performed a physical exam and found that Blaize had an elevated temperature of 103.2 and was dyspneic and tachypneic with moderately increased respiratory effort and diffusely harsh lung sounds and no wheezing. The veterinarian recommended diagnostics, and Ms. Michael consented. Blaize's chest radiographs showed that he had severe pneumonia. Blaize's bloodwork showed leukopenia (low white blood cell count). Ms. Michael was advised that, based on Blaize's test results, he was at risk for sepsis, and his prognosis was guarded.
8. Ms. Michael consented to hospitalization with supportive care. However, approximately two hours after Blaize was admitted to Pet + ER, he was found unresponsive in his kennel. The treating veterinarian noted that Blaize's respiratory effort was significantly elevated, his mucous membranes were cyanotic, and he had weak femoral pulses. Blaize was intubated, administered an injection of atropine, and bolused with intravenous fluids. When Ms. Michael was advised about Blaize's acute decline, she elected to euthanize Blaize.
9. On February 15, 2023, Ms. Michael filed a complaint with the SBVME arising from Dr. Tishman's treatment and care of Blaize. The Board opened a case assigned Docket No. 23-78.
10. Ms. Michael also filed a second complaint against Dr. Tishman arising from his care and treatment of her puppy, Brixton. The Board opened a case stemming from Brixton's treatment and assigned it Docket No. 23-79.
11. On February 15, 2023, Ms. Michael dropped off Brixton at LSAH because the puppy had respiratory symptoms that were not improving. Dr. Tishman examined Brixton and found he had harsh, bilateral lung sounds but pink mucous membranes. He was not able to perform a complete physical exam because Brixton was aggressive and growling. Dr. Tishman did not believe that Brixton was in respiratory distress. When Dr. Tishman attempted to take chest radiographs, Brixton again became aggressive. Because of Brixton's respiratory issues, Dr. Tishman did not want to sedate him for a chest radiograph. Attempts to place a muzzle on Brixton for bloodwork were

unsuccessful. Dr. Tishman prescribed two antibiotics for Brixton (clavamox and baytril) and left instructions for him to be seen for a re-check in 4 to 5 days.

12. According to Ms. Michael, because LSAH could not perform diagnostics on Brixton, she took him to Pet + ER. Upon arrival, Brixton had normal respiration and clear lung sounds. The attending veterinarian sedated Brixton and performed initial bloodwork and chest radiographs. Brixton's diagnostics were normal.

13. At Ms. Michael's request, Brixton was hospitalized overnight on intravenous fluids and antibiotics. The following day, on February 16, 2023, the attending veterinarian noted that Brixton had no respiratory issues overnight and was eating. Brixton was discharged from Pet + ER later that evening on the same antibiotics as prescribed by Dr. Tishman.

14. The Board opened a separate case for each dog, investigated, and reviewed the materials gathered during the investigation, including statements provided by Dr. Tishman. After doing so, the Board identified several deficiencies in Dr. Tishman's care of Blaize and the records he prepared for Brixton.

15. First, with regard to Blaize's care, when Dr. Tishman examined Blaize on February 2, 2023, the owner was concerned about coughing and wheezing. Dr. Tishman did not provide any possible diagnoses other than suspected kennel cough or recommend diagnostics, including a PCR test for canine respiratory diseases such as influenza or Bordetella, to make informed treatment decisions.

16. 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. Tishman failed to conform to the minimum standards of care in his treatment of Blaize by not offering or recommending diagnostic options to inform treatment decisions.

17. In addition, the records Dr. Tishman prepared for Brixton's care were also deficient.

18. 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. The record should include a short history of the animal's condition as it pertains to the

animal's medical status, the animal's physical condition at the beginning of custody, and the initial diagnosis, if any. *See COMAR 15.14.01.10A(5) & (6).*

19. The medical record prepared by Dr. Tishman for Brixton does not document the patient's history or Dr. Tishman's differential diagnoses. There is also no notation of recommended and declined services. In addition, it is impossible to determine the patient's temperature from the record, which was important information for a sick dog to assist in determining the severity of the disease and to help guide which tests and treatments would best treat the patient. While the typed transcription of the note provided to the Board indicates that Brixton's temperature on February 15, 2023, was 104.6, that number appears as the patient's weight in several other parts of the record, including the handwritten note submitted.

Taking the facts and circumstances into consideration, including the nature of the violation(s), the veterinarian's disciplinary history for similar violations, his acceptance of responsibility, and his good faith cooperation in resolving this matter, the Board concluded that the most reasonable and appropriate resolution includes the sanctions set forth below.

ORDER

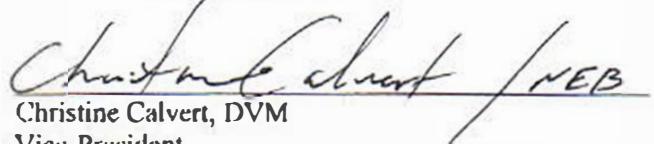
Based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED, by the State Board of Veterinary Medical Examiners, that:

- (a) For violating COMAR 15.14.01.07A (Professional Judgment and Practice) in Docket No. 23-78 in his care and treatment of Blaize, a 1 0-year-old male Great Dane owned by Krista Michael, by not offering diagnostics to assess Blaize's condition, Dr. Tishman is assessed a civil penalty of \$300;
- (b) For violating COMAR 15.14.01.10A (Record Keeping) in Docket No. 23-79 in connection with the care and treatment of Brixton, a 9-month-old male Great Dane owned by Krista Michael, by not documenting the patient's medical history, recording the temperature of a sick dog, or documenting his differential diagnoses, Dr. Tishman is assessed a civil penalty of \$600 (second offense);

- (c) Dr. Tishman shall pay the total civil penalty (\$900) within sixty (60) days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 23-78 & 23-79" sent to the MDA at 50 Harry S. Truman Parkway, Room 102, Annapolis, MD 21401 to the attention of Nathaniel Boan; and
- (d) As an additional requirement of this Consent Agreement, Dr. Tishman shall complete twelve (12) hours of continuing education ("CE") pre-approved by the Board. Six of the CE hours shall address the diagnosis and treatment of upper respiratory conditions. The remaining six hours shall consist of the Legal Requirements of Medical Records module found at drip.vet, or a satisfactory equivalent pre-approved by the Board. To obtain Board approval for CE, the veterinarian shall send information describing each course proposed to be taken along with attachments or links to course descriptions and syllabi by email to the Board's Executive Director, Nathaniel Boan ("Mr. Boan"), at Nathaniel.boan@maryland.gov;
- (e) The CE shall be completed, and verification of completion provided to the Board within ninety (90) days from the date of this Consent Agreement. Verification should be sent by email to Mr. Boan. 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 towards 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 audit CE records for relevant years; and
- (f) This Consent Agreement is a public order.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 13th
day of December 2023.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS


Christine Calvert, DVM

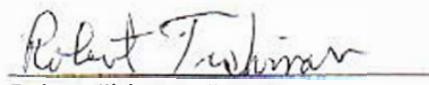
Vice-President

State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Robert Tishman, 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. To resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of eight (8) pages. 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 this Consent Agreement's language, meaning, and terms.

Date: December 12, 2023



Robert Tishman, DVM