

**Title 15**  
**DEPARTMENT OF AGRICULTURE**  
**Subtitle 14 BOARD OF VETERINARY MEDICAL EXAMINERS**  
**Chapter 02 Board Actions**

Authority: Agriculture Article, §§2-302.1, 2-304, 2-307.1, 2-310, 2-310.1, and 2-311; State  
Government Article, §§10-207—10-209; Annotated Code of Maryland

**.01 Scope.**

This chapter concerns formal and informal actions of the State Board of Veterinary Medical Examiners to enforce the laws and regulations governing the practice of veterinary medicine in this State. The Board may take action against alleged violators, including a veterinarian, a veterinary technician, an owner of a veterinary hospital, an owner of a mobile veterinary clinic, and an owner of an animal control facility. This chapter describes the Board's procedures for investigating possible violations of the Maryland Veterinary Practice Act that it discovers, and complaints it receives within 3 years of the complained-of conduct, and older complaints upon a showing of extraordinary circumstances. Additionally, this chapter describes procedures for contested case hearings before the Board and alternative dispute resolution procedures, including confidential case resolution procedure and mediation.

**.01-1 Notice.**

A. Notice of Board Action.

(1) The Board shall give written notice to a person against whom it is taking action at least 10 days before the scheduled hearing.

(2) The notice shall state:

(a) The facts that are asserted or, if the facts cannot be stated in detail when notice is given, the issues that are involved;

(b) The pertinent regulatory and statutory provisions under which this action is being taken;

(c) The sanction proposed or the potential penalty, if any, as a result of the Board's action;

(d) Unless a hearing has been scheduled, the person's opportunity to request a hearing before the Board, including the requirement that the request be in writing and submitted to the Board within 10 days from receipt of the notice; and

(e) The direct consequences, sanction, and potential penalty, if any, of the person's failure to exercise, in a timely manner, the opportunity for a hearing or to appear for a scheduled hearing.

DEPARTMENT OF AGRICULTURE

B. Contested Case Hearing.

(1) If the Board conducts a contested case hearing, it shall give all parties written notice of the hearing at least 10 days before the scheduled hearing.

(2) The written notice shall state:

(a) The date, time, place, and nature of the hearing;

(b) The right to call witnesses and submit documents or other evidence under State Government Article, §10-213(f), Annotated Code of Maryland;

(c) Any applicable right to request subpoenas for witnesses and evidence and the costs, if any, associated with such a request;

(d) The facts that are asserted or, if the facts cannot be stated in detail when notice is given, the issues that are included;

(e) That a copy of the hearing procedure is available on request, and the cost, if any, associated with such a request;

(f) The right to be heard personally and to be represented by counsel before the Board;

(g) The right to confront witnesses;

(h) That failure to appear for the scheduled hearing may result in an adverse action against the party; and

(i) That the parties may agree to the evidence and waive their right to appear at the hearing.

C. The Board shall provide to the licensee the required notice by certified mail, return receipt requested, bearing a postmark from the U.S. Postal Service, addressed to the post office address shown on the annual registration or other information the Board possesses.

D. The Board may provide the licensee notice by regular mail to the licensee's address of record if the Board has been unsuccessful in giving notice as provided under §C of this regulation.

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Abrogate" means to rescind a prior action of the Board;

(2) "Cease and desist letter" means a letter issued by the Board directing:

(a) A licensee to cease doing a specified activity; or

(b) An unlicensed individual to cease the unauthorized practice of veterinary medicine.

(3) "Censure" means a reprimand.

BOARD OF VETERINARY MEDICAL EXAMINERS

(4) "Charging document" means a nonpublic document issued by the Board as a formal disciplinary action that:

(a) Alleges conduct by a licensee that the Board considers to be a violation under the Maryland Veterinary Medicine Act;

(b) Sets forth provisions of the Maryland Veterinary Practice Act that the Board considers to have been violated; and

(c) Provides notice to the licensee of disciplinary proceedings before the Board.

(5) "Civil penalty final order" means a public document issued by the Board containing a final order that disposes of a charging document when the licensee:

(a) Waives the right to a contested case hearing; and

(b) Pays the civil penalty sanction contained in the notice of Board action.

(6) "Complaint" means a nonpublic document or other information received by the Board that sets out conduct by a licensee that may:

(a) Violate the Maryland Veterinary Practice Act; and

(b) Be grounds for an investigation or disciplinary action by the Board.

(7) "Consent agreement and order" means a public document issued by the Board that includes a final order of the Board specifying certain Board action that has been negotiated and agreed to by both parties to resolve a disciplinary action.

(8) "Default order" means a proposed order issued by the Board upon the failure of a licensee to respond to a notice of Board action or to appear at a hearing.

(9) "Dismissal" means an action of the Board to dispose of a complaint or matter without taking any disciplinary action.

(10) "Disposition agreement" means a nonpublic formal agreement entered into with an impaired licensee in which the licensee agrees to comply with certain conditions.

(11) "Letter of admonishment" means a nonpublic document issued by the Board as an informal action containing strong recommendations to a veterinarian regarding conduct or practices that concern the Board but do not rise to a level of severity requiring disciplinary action.

(12) "Letter of advice" means a nonpublic document issued by the Board as an informal action containing educational advice to a veterinarian regarding conduct or practices that the Board finds could be improved but do not rise to a level of severity requiring disciplinary action.

DEPARTMENT OF AGRICULTURE

(13) “Letter of surrender” means a public letter accepted by the Board in which the licensee agrees to surrender the licensee’s license to practice veterinary medicine.

(14) “Mediation” means a confidential voluntary alternative dispute resolution (ADR) process offered by the Department to assist parties in resolving a dispute informally.

(15) “Modified order” means an order issued by the Board to abrogate, change, or modify an original order after consideration of facts not originally considered.

(16) “Probation” means a sanction imposed by the Board, in which the licensee is:

- (a) Monitored by the Board for a period of time; and
- (b) Subject to certain requirements by the Board.

(17) “Public document” means a document that the Board is permitted or required to disclose to the public under State Government Article, Title 10, Subtitle 6, Annotated Code of Maryland.

(18) “Recusal” means the removal of a member of the Board from participation in a matter because of interest, bias, or other reason.

(19) “Resolution conference” means a confidential meeting between a licensee and members of the Board to discuss possible settlement of a disciplinary matter.

(20) “Show cause hearing” means a nonevidentiary hearing before the Board in which the licensee may demonstrate to the Board why the Board should not issue a proposed order or take some other action.

(21) “Stay” means the withholding of Board action against a licensee, which stay may be subject to conditions imposed by the Board.

(22) “Stet” means the act of staying all further action in a proceeding, subject to the proceeding being reopened at a later date.

(23) “Summary suspension” means the indefinite suspension of a license under State Government Article, §10-226, Annotated Code of Maryland, issued if the Board finds that the action is necessary to protect the health, safety, or welfare of animals or individuals.

(24) “Veterinary review committee” means a team composed of three or more members of the Board that, under Agriculture Article §2-302.1, has the delegated authority to perform regulatory functions pertaining to veterinary practitioners under Title 2, Subtitle 3 of the Agriculture Article.

(25) “Violation of probation” means failure to comply with a requirement of probation imposed in an order of the Board.

BOARD OF VETERINARY MEDICAL EXAMINERS

**.03 Complaint Procedures.**

A. The Board or a veterinary review committee shall review a complaint received within 3 years of the conduct complained of, and may review a complaint received after 3 years of the conduct complained of upon a showing of extraordinary circumstances.

B. After reviewing a complaint, the Board or a veterinary review committee may further investigate the complaint by:

- (1) Requesting relevant records;
- (2) Requesting written or oral responses from the alleged violator;
- (3) Requesting rebuttals from the complainant;
- (4) Requesting statements from witnesses;
- (5) Requesting statements from relevant third parties, including other treating veterinarians;
- (6) Procuring expert opinions on relevant specialty areas;
- (7) Researching areas in dispute; and
- (8) Seeking legal advice.

C. After completing an investigation of a complaint, the Board or a veterinary review committee may recommend that the Board take one or more of the following actions:

- (1) Dismiss the matter for lack of authority or merit;
- (2) Issue a cease and desist order;
- (3) Issue a letter of advice;
- (4) Issue a letter of admonition;
- (5) Issue a notice of action and charging document;
- (6) Stay the matter;
- (7) Stet the matter;
- (8) Refer the matter to mediation;
- (9) Refer the matter to the appropriate authorities; or
- (10) Issue a summary suspension which provides the right to request within 10 days a nonevidentiary show cause hearing.

**.04 Board Actions and Case Resolution Procedures.**

A. The Board may resolve or dispose of a complaint by any of the following:

- (1) Consent agreement and order;
- (2) Civil penalty final order;

DEPARTMENT OF AGRICULTURE

- (3) Consent agreement and censure;
- (4) Disposition agreement;
- (5) Dismissal;
- (6) Final order;
- (7) Letter of advice;
- (8) Letter of admonishment;
- (9) Probation;
- (10) Referral to appropriate authorities;
- (11) Referral to mediation;
- (12) Stay;
- (13) Stet; or
- (14) Other authorized action of the Board.

B. After the issuance of a notice of Board action and charging document to a licensee, the Board and the licensee may voluntarily agree to enter into any of the following confidential case resolution procedures, which may result in a formal or informal action of the Board:

- (1) A case resolution conference call or meeting;
- (2) Settlement negotiations; or
- (3) Mediation of interested parties.

C. A case resolution procedure shall be completed within 180 days of issuance of a notice of Board action, unless the Board finds good cause to grant additional time upon a written request and showing by the licensee.

D. The Board may issue a default order to a licensee who, without good cause, fails to respond to a notice of agency action or to comply with a Board order.

E. A licensee who receives a default order may request a nonevidentiary show cause hearing within 10 days of receipt of the order.

F. If the Board and a licensee are unable to reach an agreement, the matter may proceed to a hearing, if the licensee requested a hearing in writing in a timely manner.

G. The Board in its discretion may abrogate a prior order or issue a modified order.

H. Except for consideration of a proposed resolution of a case, admissions, facts revealed, proposals, or positions taken, unless the information is available from other sources or through discovery, are not admissible in a contested case hearing.

I. Participation in a case resolution procedure is not ordinarily a basis for recusal of Board member from further proceedings in a case.

BOARD OF VETERINARY MEDICAL EXAMINERS

**.05 Parties — Representation.**

A. "Party" includes any person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party, in formal hearings. Any person or agency may be admitted as a party for limited purposes.

B. All parties appearing at formal hearings shall have the right to appear in proper person or by or with counsel. These parties shall have the right to be accompanied, represented, and advised by counsel.

**.06 Records — Transcript.**

A. The Board shall prepare an official record, which shall include all pleadings, testimony, exhibits, and other memoranda or material filed in the proceeding.

B. Unless waived by all parties, a stenographic record of the proceedings shall be made at the expense of the Board. This record need not be transcribed, however, unless requested by a party, or by the Board. The cost of any typewritten transcripts of any proceeding, or part of a proceeding, shall be paid by the party requesting the transcript.

**.07 Presiding Officer — Duties.**

Each hearing shall be held before not less than a quorum of the Board. The Chairman, or in his absence, a member designated by him, shall be the presiding officer, and shall have complete charge of the hearing, permit the examination of witnesses, admit evidence, rule on the admissibility of evidence, and adjourn or recess the hearing from time to time. The Chairman or any member of the Board shall have the authority to administer the oaths to all witnesses testifying in the proceeding.

**.08 Order of Procedure.**

The order in which the parties shall present their case shall be determined by the presiding officer.

**.09 Examination of Witnesses and Introduction of Evidence.**

A. The rules of evidence in all hearings under these regulations shall be as set forth in State Government Article, §§10-213 and 10-214, Annotated Code of Maryland.

B. Any party may submit evidence, examine and cross-examine witnesses, and file objections, exceptions, and motions; provided, however, that where a party is represented by counsel, the submission of evidence, examination and cross-examination of witnesses, and filing of objections, exceptions, and motions shall be done and presented solely by counsel.

C. The presiding officer, or any person designated by him for the purpose, may examine any witness called by any party. He may call as a witness any person in attendance at the hearing. Any member of the Board may examine any witness called by any party.

DEPARTMENT OF AGRICULTURE

D. The Board shall have the power to compel the attendance of witnesses by subpoena.

E. A member of the Board shall decide a motion for recusal when the basis for the motion is that member's legal interest or bias. The presiding officer shall decide a motion for recusal, if the basis for the motion is something other than legal interest or bias of another member.

**.10 Briefs.**

Any party may submit briefs of the issues of fact and law involved in the hearing, which briefs shall be filed in such form, with such number of copies, and at such time as the presiding officer may designate.

**.11 Participation by the Office of the Attorney General.**

The presiding officer may request the Office of the Attorney General to participate in any hearing as counsel for the Board. Upon this request, counsel shall have all of the rights with regard to the submission of evidence, examination and cross-examination of witnesses, and filing of objections, exceptions, and motions as counsel for any party.

**.12 Decision and Order.**

Every decision and order rendered by the Board shall be in writing and shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the conclusions upon each contested issue of fact. A copy of the decision and order and accompanying findings and conclusions shall be delivered or mailed promptly to each party or his attorney of record. The decision of the Board shall be by majority vote.

**.13 Rehearings.**

A. Any party aggrieved by a Board decision and order may apply for rehearing within 30 days after service on him of the decision and order. Action on the application shall lie in the discretion of the Board.

B. Unless otherwise ordered, neither the rehearing nor the application shall stay the enforcement of the order, or excuse the persons affected by it for failure to comply with its terms.

C. On rehearing, the Board may consider facts not presented in the original hearing, including facts arising after the date of the original hearing, and may, by new order, abrogate, change, or modify their original order.

BOARD OF VETERINARY MEDICAL EXAMINERS

**Administrative History**

Effective date: June, 1968

Regulation .01 amended effective December 2, 1996 (23:24 Md. R. 1683)

Preface recodified as Regulation .01 and Regulation .01 recodified as Regulation .01-1, April, 1997

Regulation .10A amended effective April 8, 1985 (12:7 Md. R. 708)

---

Chapter revised effective October 15, 2012 (39:20 Md. R. 1308)