



**Maryland State Board of Veterinary Medical Examiners
FY21 Disciplinary Report**



Introduction

The Maryland State Board of Veterinary Medical Examiners (Board) protects animal and public health through the enforcement of the Veterinary Practice Act and related regulations. Toward this end, the Board licenses veterinarians, registered veterinary technicians (RVTs), veterinary hospitals and animal control facilities. The Board also inspects veterinary hospitals to ensure they meet sanitation standards. A large component of the Board's work includes investigating consumer complaints, initiating its own investigations, and determining whether disciplinary action will be taken against any of its licenses as required by Agriculture Article, §2-301, et seq., Annotated Code of Maryland.

House Bill 549 - *State Board of Veterinary Medical Examiners - Sunset Extension and Program Evaluation* was signed by Governor Hogan during the 2020 Legislative Session. The law requires the Board to report annually to the Governor and General Assembly on the disciplinary actions it has taken the previous fiscal year. This is the second report due under the law and covers FY21 (July 1, 2020 through June 30, 2021).

The Board

Board members are appointed by the Governor to five-year terms. The seven-member Board includes five licensed veterinarians who have been in practice at least five years and two members who represent consumers. Two of the veterinarians must be predominantly large animal practitioners. The Board meets once a month.

Board members in FY21 were: Dr. Elizabeth Callahan, President, (Veterinary Medical Center, Easton); Dr. Christine Calvert (VCA Calvert Veterinary Center, Pasadena); Ms. Lynne Chaput (Consumer Member, Severna Park); Dr. Karena Joung (Veterinary Emergency Group); Ms. Patty Quimby (Consumer Member, Easton); Dr. Peter Radue (Damascus Equine, Damascus); and Dr. James Reed (Annapolis Animal Hospital, Annapolis).

During FY21, the Board licensed a total of 2,999 veterinarians, compared to 3,019 last year. RVT licenses are valid for three years. A total of 77 RVTs were licensed for the first time in FY21, and 173 renewed their license during the year. Currently, there are 670 RVTs statewide. In addition, 599 veterinary hospitals and 31 animal control facilities were licensed during FY21.

About Complaint Investigations

Any consumer may submit a complaint against any licensee through the Board's [website](#). The staff reads each complaint to ensure the Board has jurisdiction over the issue at hand. For instance, the Board has no jurisdiction over financial disputes between clients and veterinarians nor does it have any authority over rescue groups, commercial kennels or humane organizations.

If the Board does have jurisdiction over a complaint, it is given a docket number and assigned to an investigator who will obtain all relevant medical records, including any available images and interview those involved. A final case file is prepared and presented to the Board during a non-public meeting for review, discussion and final determination. From time-to-time, the Board will send a complaint to an out-of-state expert for review and input. After reviewing a complaint investigation file, the Board has several options for how to proceed.

- The Board may dismiss a complaint outright; no further action is required.



- The Board may take informal actions. These are confidential, non-public actions that are not available to the public, including the complainant, but are part of their professional record. These include:
 - A Letter of Information/Warning
 - A Letter of Advice
 - A Letter of Admonishment
- The Board may take formal actions. These are public orders available for public review. Public orders are posted on the Board’s website and reported to the American Association of Veterinary State Boards, which notifies other states or jurisdictions where the licensee is licensed, if any. These public disciplinary actions include:
 - Consent Agreements
 - Civil Penalty Final Orders
 - Orders of Censure
 - Probation
 - Suspension
 - License Surrenders
 - Revocation

Unless the Board issues a formal public disciplinary action, details of how a complaint is resolved are not available to the public, including the complainant; however, the Board does notify complaints when an investigation is complete and provides a summary of the findings.

Code of Maryland Regulations 15.14.02 contains a complete description of the Board’s complaint procedures and possible actions.

Disciplinary Actions – FY21

The Board has one full-time investigator, one contractual investigator who was hired April 1, 2020, and one full-time administrative specialist dedicated to handling complaint investigations.

Although the Board received almost the same number of complaints in FY21 as it did the year before, investigators completed – and Board members reviewed - 23 more cases than the year before: a total of 82 last year vs. 105 this year. On average, the Board reviewed almost nine complaint investigations per month. This increase is largely the result of increased capacity with our new contractual investigator who is also an RVT.

The Board closed those 105 complaint investigations with 138 actions. The number of actions does not match the number of complaints because several complaints involve more than one licensee.

The Board actions taken during the past two fiscal years were as follows:

Statistics	<u>FY20</u>	<u>FY21</u>
Complaints received during FY	89	88
Complaints closed during FY (includes complains from previous FYs)	82	105
Number of Board actions	101	138
Below are Non-Public Actions		
Number of Dismissals	23	59
Number of Letters of Advice	26	24
Number of Letters of Admonishment	14	23
Number of Letters of Information or Warning	7	12



Below are Public Board Actions		
Number of Consent Agreements	11	12
Number of Civil Penalty Final Orders	19	3
Number of Censure	1	2
Number of Surrenders	0	1
Number of Permanent Suspensions	0	2

Fines

The Board may assess civil penalties against a licensee as part of a Consent Agreement or as a final order. During FY21, the Board issued a total of \$19,500 in fines. Revenue from fines goes to the General Fund, not to the Board.

Referred Cases

During FY21, a total of 45 cases were referred to the Office of the Attorney General for final resolution. Not all referred complaints conclude with public orders.

	FY 2020	FY21
Total Referrals to the Office of the Attorney General	55	45
<i>Total Public (Formal) Actions Completed</i>	31	20
<i>Total Referrals Resolved with Non-Public Action</i>	8	6
<i>Total Referrals Pending at Year End</i>	16	19

At Year End (June 30, 2021)

The Board has a total of 78 open complaint cases. Of those, 13 were pending a final decision; 19 had been referred to the Office of the Attorney General; and 46 were still being investigated.

	FY 2020	FY21
Open Complaints at year end	92	78
Number in active investigation	65	46
Number Referred to Office of the Attorney Gene	16	19
Number pending final Board action at year end	11	13
Number of open complaints that are more than a year old	11	10 *

**All 10 open cases at the end of FY21 that were more than a year old were among the 13 cases that were pending a Board decision at year end. These were not open investigations, nor had they been referred to the Office of the Attorney Gene at this time.*

A note about Investigation Metrics

Complaint investigations are considered “closed” when the Investigator’s Report goes to the Board for a decision. It will be at least another month if it is dismissed and may be several more months before the complaint is actually closed if it is referred to the Office of the Attorney General for charges.



Last year, the Board adopted new metrics to track progress. These new metrics recognize that some complaint investigations are much more complicated than others and have to be evaluated differently. Below is a breakdown of those new metrics and the two-year statistics

- **Green level complaints** are Board-initiated complaints that do not have another identified complainant. These are largely, but not exclusively, the result of inspection findings reported by inspectors. Our goal is to complete an investigation for 90% of green complaints within 3 months.
- **Yellow level complaints** involve obtaining medical records and/or other evidence from one or two veterinarians at one or two veterinary practices. Our goal is to complete investigations for 90% of yellow complaints within 12 months.
- **Red level complaints** involve one or more of the following: A Board-certified specialist or specialty practice, interviewing three or more veterinarians as part of an investigation, obtaining medical records and/or other evidence from three or more facilities, an outside expert review. Our goal is to complete investigations for 90% of red level complaints within 24 months.

	FY 2020	FY21
Total Green Complaints Closed	28	8
Total Green Complaints Closed on Time	20	7
% of Green closed w/in 90 days	71%	88%
Total Yellow Complaints Closed	29	79
Total Yellow Complaints Closed On Time	18	60
% Yellow closed w/in 12 months	62%	76%
Total Red Complaints Closed	36	18
Total Red Complaints Closed On Time	25	18
% Red closed w/in 24 months	69%	100%

Note: The number of cases closed does not equal the number of cases received because there is often more than one action (that is, more than one veterinarian/pet) involved in a single complaint.

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