

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

IN THE MATTER OF:

*

WENDY SAUBIER, DVM
(LICENSE NO. 5961)

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DOCKET NO. 17-37

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 6th day of August, 2018, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Wendy Saubier, DVM, ("Dr. Saubier"), License No. 5961. This Consent Agreement resolves the charges filed by the SBVME on or about March 13, 2018 in Docket No. 17-37 alleging that Dr. Saubier violated the Veterinary Practice Act and related Code of Maryland Regulations ("COMAR") in connection with her care and treatment of "Heneri," a 10 year-old Brittany Spaniel owned by Gregory Plapas.

By letter dated May 14, 2018, Dr. Saubier notified the Board that she does not contest the charges in Docket 17-37 and agrees to enter into this Consent Agreement and Order. By entering into this Consent Agreement, Dr. Saubier waives the right to a hearing and an appeal on the charging document in Docket Number 17-37.

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

Wendy Saubier, D.V.M., License Number 5961, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, 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. Saubier violated COMAR 15.14.01.07A (Professional Judgment and Practice), as follows:

1. Dr. Saubier is a veterinarian licensed to practice in the State of Maryland and has been licensed in Maryland since 2005. Dr. Saubier was, at the time of the incidents described herein, a part-owner and veterinarian at Animal Emergency Hospital ("Hospital")(License No. 12-042), located at 722 Baltimore Pike, Belair, MD 21014.
2. On or about February 13, 2017, Gregory Plapas, ("Mr. Plapas") took his 10-year-old Brittany Spaniel named "Heneri" to Hospital for shaking, vomiting, anorexia, and loose stools. At the time of the visit, Dr. Saubier was Heneri's treating veterinarian. Dr. Saubier took Heneri's history and requested permission to take lateral radiographs of Heneri's abdomen and thorax to rule out obstruction. Mr. Plapas agreed to the radiographs.
3. Dr. Saubier performed a physical examination of Heneri and took one lateral abdominal radiograph of Heneri outside of Mr. Plapas' presence. When Dr. Saubier came back into the exam room to discuss the radiograph, she advised Mr. Plapas that it appeared there might be a large abdominal mass pushing Heneri's intestines forward. She also noted that Heneri's liver appeared enlarged.
4. Dr. Saubier prepared an estimate for further diagnostics and treatment, which included hospitalization, blood work, intravenous ("IV") fluids, medications for gastroenteritis and pain, and an ultrasound to further investigate the displacement of Heneri's intestines and/or rule out a blockage.

5. Mr. Plapas signed the estimate and consent form, agreeing to Dr. Saubier's recommendations. However, on his way home, he had doubts. For the next two days, Mr. Plapas considered euthanizing Heneri because he was concerned about the large abdominal mass.

6. The ultrasound took place on February 14, 2017. It was reviewed by another veterinarian at Hospital, who found no abdominal tumor to explain the x-ray changes. The other veterinarian noted that Heneri has an abnormally weak body wall, which may have allowed some of Heneri's pre-existing lypomas (subcutaneous masses) to push on the body wall and move his internal organs out of place. The ultrasound also revealed some debris in Heneri's gallbladder. Heneri remained hospitalized through February 15, 2017, when he was well enough to be discharged.

7. 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."

8. To comply with the standard of care, Dr. Saubier should have taken a radiograph from at least one additional view at the time of the initial radiograph and examination. While the additional radiograph may not have eliminated the need for an ultrasound or other tests to diagnose and treat Heneri's symptoms, at least one additional view would have provided Dr. Saubier with better information about the nature of what Dr. Saubier thought might be a large abdominal mass. Having more information earlier in the treatment could have lessened the stress on the part of Heneri's owner caused by concern that Heneri had a large tumor.

Based on the foregoing findings of fact, the Board concludes that Dr. Wendy Saubier, License No. 5961, violated COMAR 15.14.01.07A (Professional Judgment and Practice) by failing to take radiographs from at least two different views in order to obtain as much as information as possible as early as possible in order to diagnose and treat Heneri's symptoms.

Taking the facts and circumstances into consideration, including the nature of the violations, Dr. Saubier's lack of a disciplinary history with the Board, and her good faith efforts to resolve this matter

promptly, the Board concluded that the most reasonable and appropriate resolution includes the following sanctions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 07 day of August, 2018, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For violation of 15.14.01.07A (Professional Judgment and Practice), Dr. Saubier is assessed a civil penalty of \$500.00, due within 30 days from the date of this Order, payable to the "Maryland Department of Agriculture" with the notation "SBVME – 17-37." The Board acknowledges receipt of a check for \$500.00 from Dr. Saubier on May 15, 2018; and
- (b) Dr. Saubier shall serve a period of probation of six months from the date of this Consent Agreement. While on probation, the veterinarian shall obey all laws and regulations governing the practice of veterinary medicine in this State and the conditions of this Consent Agreement. Violation of probation means that the veterinarian is charged and the Board ultimately concludes that the veterinarian violated the Veterinary Practice Act, related regulations, or the terms of this Consent Agreement based on acts which occurred during the period of probation. Violation of probation may result in imposition of additional disciplinary action, including, but not limited to, suspension and/or revocation of the veterinary license; and
- (c) As a condition of probation, Dr. Saubier must complete 3 hours of continuing education ("CE"), pre-approved by the Board, in radiology (preferably abdominal radiology). Within 15 days of completion of the CE, Dr. Saubier shall forward to the Board documentation from the CE provider showing proof of completion of the CE credits under this Order. Proof from the CE provider shall include Dr. Saubier's name, the number of CE hours completed, the topics covered, and the dates the CE was given. Completion of this CE will not be counted towards the 18 credit hours of CE required annually for re-registration of the veterinary license. To verify completion of both the CE required under the terms of this Consent Agreement and the CE required for

annual registration of the veterinary license, Dr. Saubier may be subject to a CE audit in future years.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this

6th day of August, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Heather Hendler VMD

Heather Hendler V.M.D

Vice-President

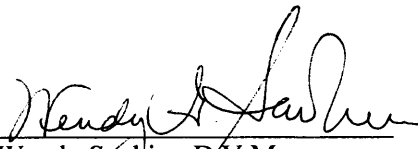
State Board of Veterinary Medical Examiners

Maryland Department of Agriculture

CONSENT

I, Wendy Saubier, 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 and 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 ____ 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.

7-11-18
Date


Wendy Saubier, D.V.M.

NOTARY

STATE OF Pennsylvania
CITY/COUNTY OF Chester

I HEREBY CERTIFY that on this 11 of July, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared Wendy Saubier, D.V.M., and made oath in due form of law that the foregoing Consent Agreement was her voluntary act and deed.

AS WITNESS my hand and notarial seal.


Notary Public
My commission expires: 06/24/2022

