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

IN THE MATTER OF:	*	
LANCE P. KEIL, VMD	*	DOCKET NO. 17-39
LICENSE NO. 3231	*	

* * * * * * * * * * * * * *

CONSENT AGREEMENT AND ORDER OF CENSURE

This Consent Agreement and Order of Censure ("Consent Agreement"), dated this 20th day of April, 2018, is between the Maryland State Board of Veterinary Medical Examiners ("Board") and Dr. Lance P. Keil, V.M.D. ("Dr. Keil") (License No. 3231). At times relevant to this Consent Agreement, Dr. Keil was the owner and responsible veterinarian at Erdman Animal Hospital ("EAH" or "Hospital") (License No. 30-013) located at 3233 Erdman Avenue, Baltimore, MD 21213. On or about March 11, 2017, a Saturday, a female pit bull terrier named Crixus, was brought to EAH having suffered significant injuries due to an attack by another female pit bull terrier.

Although EAH was open on Saturday for pickups by owners boarding animals and for prescription pickups, no licensed veterinarian was on the premises. With no licensed veterinary practitioner present, Crixus was seen by a non-veterinarian staff member who advised the dog's owner, Darnell White ("Mr. White"), to seek emergency medical care for Crixus. The staff member also administered subcutaneous fluids to Crixus and sent Mr. White home with a bag of fluids and instructions on how to administer them. While Mr. While allegedly promised EAH staff that he would take Crixus for emergency treatment, he failed to do so.

Later in the day on March 11, 2017, Baltimore City Animal Control ("BCAC") responded to a service call about an animal attack. Upon arrival at 3455 Mayfield Avenue, Baltimore, Maryland, a residence occupied by Mr. White, the animal enforcement officer observed an injured female black pit bull terrier. The injured pit bull was identified by Mr. White as Crixus, one of his animals. When first observed by the animal enforcement officer, Crixus appeared to be unresponsive and in shock. There was a significant amount of blood in the back yard of the residence where the attack occurred. Mr. White reported to the animal enforcement officer that Crixus had been attacked in the back yard by another pit bull kenneled there. Crixus suffered severe bite wounds

to the face and muzzle, severe lacerations to the upper and lower gums, and severe swelling to the shoulder/axilla. Additionally, the lower gum line was partially degloved from the maxilla. Mr. White told the animal enforcement officer that he had taken Crixus to EAH for treatment and that EAH had given him a bag of intravenous ("IV") fluids to treat Crixus.

BCAC removed Crixus from Mr. White's property and immediately took her to Baltimore Animal Rescue and Care Center ("BARCS") (License No. 30-040). From there, Crixus was then transported to Emergency Veterinary Clinic ("EVC") (License No. 03-037), where Dr. Steven Kurtz ("Dr. Kurtz") (License No. 2401) was the attending veterinarian. Dr. Kurtz examined Crixus, ran a packed cell volume ("PCV"), and administered IV fluids. Subsequently, Crixus was euthanized due to her extensive injuries.

As part of BCAC's investigation into Crixus' injuries, Sharon Miller ("Ms. Miller"), Director of Animal Services for BCAC, contacted EAH regarding the treatment of Crixus. On behalf of BCAC, Ms. Miller filed a complaint with the Board arising from the treatment, or lack thereof, that Crixus received at EAH on March 11, 2017. In the complaint, Ms. Miller questioned the actions of EAH non-veterinarian staff in permitting the owner to leave with a severely injured and suffering dog home to provide emergency care himself.

After investigating this complaint, the Board filed charges against Dr. Keil in Docket No.17-39, which are attached hereto. This Consent Agreement resolves the violations described by the Board in the attached Notice of Agency Action and charges, alleging that Dr. Keil, as owner and responsible veterinarian at Hospital violated the Maryland Veterinary Practice Act and related regulations. Specifically, the charges allege that Dr. Keil violated COMAR 15.14.01.07 (Professional Judgment and Practice) by not adequately training staff and/or not having a proper protocol in place for staff to manage walk-in requests for veterinary care at times when no licensed veterinarian is on premises and by allowing non-veterinarian staff to dispense fluids; and COMAR 15.14.01.12D (Controlled Dangerous Substances) by not providing for Schedule III –V drugs to be maintained under lock (and not accessible to non-veterinarians) at all times.

After receiving notice of the charges against him, Dr, Keil retained counsel and requested a hearing. The parties have agreed to resolve this matter by entering into this Consent Agreement. By freely entering into this Consent Agreement, Dr. Keil waives the right to a hearing and appeal on the attached charges.

Under State law, the Board 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 provisions of the Maryland Veterinary Practice Act, Agriculture Article §§ 2-301 to 2-316, Annotated Code of Maryland and related regulations. As part of its authority, the Board "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). In addition, the Board may 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 a veterinarian's license. Md. Code Ann., Agric. Art., § 2-310.1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. Keil , by signing this Consent Agreement, while generally and specifically denying liability in this case, agrees to this Consent Agreement, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he did violate the Maryland Veterinary Practice Act, in connection with the Complaint filed in this matter, specifically COMAR 15.14.01.07 (Professional Judgment and Practice) by not adequately training staff and/or not having a proper protocol in place for staff to manage walk-in requests for veterinary care at times when no licensed veterinarian is on premises and COMAR 15.14.01.12D (Controlled Dangerous Substances) by not providing for Schedule III –V drugs to be maintained under lock (and not accessible to non-veterinarians) at all times.

Taking all the facts and circumstances into consideration, the Board concluded that the most reasonable and appropriate resolution in this matter is a Censure.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 26 day of ~~January~~ April, 2018, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that Dr. Keil be, and hereby is, **CENSURED.**

David L. Handel, D.V.M.
President
Maryland State Board of Veterinary Medical Examiners

CONSENT

I, Lance Keil VMD, acknowledge that I have had an opportunity to consult with legal counsel before entering into and signing this document. By this Consent, I hereby acknowledge the legal authority and the jurisdiction of the Board over this matter and to issue and enforce this Consent Agreement. To resolve this matter, I agree to the terms of this Consent Agreement, consisting of four pages, including this page. I sign this Consent without reservation as my voluntary act and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement.

1/23/18
Date

Lance P. Keil, V.D.M.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Carroll

I HEREBY CERTIFY that on this 23rd day of January, 2018, before me, a Notary Public of the State and City/County aforesaid, personally appeared Lance P. Keil, D.V.M., and made oath in due form of law that the foregoing Consent Agreement and Order of Censure was her/his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public

AMY M. LONG NOTARY PUBLIC CARROLL CO., MD My Comm. Expires Feb. 14, 2021

My Commission expires: 2/14/21