

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

IN THE MATTER OF:

*

VIRGINIA A. SCRIVENER, DVM
(LICENSE NO. 3476)

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DOCKET NO. 17-42B

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 21st day of August, 2018, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Virginia A. Scrivener, DVM, ("Dr. Scrivener"), License No. 3476. This Consent Agreement resolves the charges issued by the SBVME on or about December 8, 2017 in Docket No. 17-42B alleging that Dr. Scrivener violated the Veterinary Practice Act and related regulations in connection with care and treatment provided to two miniature Dachshunds owned by Kevin and Patricia Kreiger ("Owners").

By letter dated December 14, 2017, through counsel, Dr. Scrivener requested a hearing before the Board. Thereafter, the parties entered into discussions regarding resolution of the case. Subsequently Dr. Scrivener and the Board reached an agreement to resolve the case. By entering into this Consent Agreement, Dr. Scrivener waives the right to a hearing and an appeal on the charging document in Docket Number 17-42B.

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

Virginia A. Scrivener, D.V.M., License No. 3476, 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. Scrivener violated COMAR 15.14.01.04B (Professional Conduct), as follows:

1. At all times relevant to these amended charges, Dr. Scrivener was a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 1988. Dr. Scrivener has no prior disciplinary history with the Board.
2. At all times relevant to these charges, Virginia Scrivener, D.V.M., P.C., was the owner of Animal Health Clinic of Funkstown ("AHCF" or "Hospital") (License No. 21-009) located at 26 East Baltimore Street, Funkstown, MD 21734.
3. On or about March 16, 2017, two miniature Dachshunds owned by Kevin and Patricia Kreiger ("Owners") presented at Hospital to undergo routine dental procedures. The Dachshunds, 10-year-old female "Bodie" and 14-year-old female "Madison" were treated by another veterinarian at Hospital. The treating veterinarian performed dental cleanings on both dogs under general anesthesia.
4. Following the dental procedures, both dogs experienced issues. Bodie had a small area of redness on her sternum which did not require further treatment. The other dog, Madison, initially had a dime sized red spot on her side, which developed into a large red area on her hind leg and right side with a pustule. The red area and pustule was initially small, but grew larger.

5. On April 3, 2017, Owners brought Madison back to AHCF because the red area and pustule had grown overnight. On Madison's right flank there was a red raised ulcerative mass-like lesion with raised borders. A veterinarian at Hospital treated Madison, aspirated the lesion, and submitted cytology samples of the area for testing. Testing indicated neutrophilic inflammation, spindle cell proliferation and keratinaceous debris. Subsequently, a lumpectomy with a biopsy was performed due to the possibility of neoplasia. The biopsy revealed that Madison did not have cancer, but rather, had suffered from a thermal burn from a heating pad used during the dental procedure.

6. After Owners discovered that their dogs had been burned during the dental procedures, they sought to address the continued use of the heating pad with Hospital staff, including Dr. Scrivener. While Owners were upset that their dogs had sustained injuries, they were even more concerned about future use of the heating pads at Hospital. Accordingly, they attempted to contact Dr. Scrivener to ascertain the identity of the manufacturer of the pad, to confirm that the heating pad would not be used in any future procedures, and to request that Dr. Scrivener notify the manufacturer that the heating pad has caused burns to Owners' dogs.

7. When contacted by Owners, Dr. Scrivener failed to maintain professionalism in her communications. She was not fully responsive to the owners' concerns; specifically, she declined to notify the heating pad manufacturer regarding the injuries sustained, explaining that Hospital had already fulfilled its responsibility by taking the pad out of service. Dr. Scrivener's communications gave Owners the impression that she was uninterested in their concerns regarding the pad.

8. After Owners filed a complaint with the Board, Board staff contacted Dr. Scrivener to obtain information for its investigation. Dr. Scrivener informed the Board staff that she would not relay Owners' concerns regarding the heating pad to the pad's manufacturer.

9. COMAR 15.14.01.04A provides that a veterinarian shall act in relation to the public, the veterinarian's colleagues, and their patients, as well as the allied professions, so as to merit their full confidence and respect. COMAR 15.14.01.04B provides that a veterinarian may not act in an

unprofessional manner in the practice of veterinary medicine. Dr. Scrivener violated these standards in her communications and dealings with Owners in this case.

Taking the facts and circumstances into consideration, including the nature of the violations, Dr. Scrivener'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 21st day of August, 2018, by the State Board of Veterinary Medical Examiners, ORDERED that for violation of COMAR 15.14.01.04B (Professional Conduct):

- (a) Dr. Scrivener is assessed a civil penalty of \$500.00, payable within 30 days from the date of this Order to the "Maryland Department of Agriculture" with the notation "SBVME - 17-42B;" and
- (b) Dr. Scrivener's license to practice veterinary medicine shall be suspended for one week, stayed.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 21st day of August, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



David Handel, D.V.M.

President

State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Virginia A. Scrivener, 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 5 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.

8/8/18
Date

Virginia A. Scrivener
Virginia A. Scrivener, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUNTY OF Washington

I HEREBY CERTIFY that on this 8th of August, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared Virginia A. Scrivener, 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.

Lauren Epperly
Notary Public
My commission expires: July 11, 2021

