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

IN THE MATTER OF:	*	
BRYAN HALL, DVM (LICENSE NO. 3463)	*	DOCKET NO. 17-43
	*	

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

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 11th day of October 2018, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Bryan Hall, DVM ("Dr. Hall"), License No. 3463. This Consent Agreement resolves the charges filed by the SBVME on or about March 1, 2018 in Docket No. 17-43 alleging that Dr. Hall violated the Veterinary Practice Act and related Code of Maryland Regulations ("COMAR") in connection with his care and treatment of "Minnie," a 9-year-old female Pug owned by Jennifer LaPiana ("Ms. LaPiana" or "Owner").

By letter dated March 9, 2018, Dr. Hall, through counsel, requested a hearing before the Board. Thereafter, the parties entered into discussions regarding resolution of the case and ultimately were able to reach an agreement to resolve the case. By entering into this Consent Agreement, Dr. Hall waives the right to a hearing and an appeal on the charging document in Docket Number 17-43.

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

Bryan Hall, D.V.M., License Number 3463, 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. Hall committed two violations of COMAR 15.14.01.10A (Record Keeping) and one violation of COMAR 15.14.01.07A (Professional Judgment), as follows:

1. At all times relevant to these charges, Dr. Hall was a veterinarian licensed to practice in the State of Maryland, where he has been licensed since 1998. Dr. Hall has a prior disciplinary history with the Board which includes a Civil Penalty Final Order for permitting a veterinarian to practice veterinary medicine at his hospital without a current registration. At the time of the incident described in these charges, Dr. Hall was the owner and a responsible Pet Vet of Clarksville ("Hospital") (License No. 13-022), located at 12186 Clarksville Pike, Clarksville, MD 21029.

2. On March 22, 2017, at approximately 8:45 a.m., Ms. LaPiana dropped her 9-year old female dog, Minnie, off at Hospital for spay and lumpectomy surgery to be performed by Dr. Hall. Dr. Hall performed the spay and removed growths from Minnie's next and left hind leg. At approximately 11:28 a.m., Ms. LaPiana received a phone call from Dr. Hall, who advised that Minnie's surgery had gone well, that her condition was stable, and that Minnie was ready to be picked up from Hospital. Ms. LaPiana arranged for Minnie to be picked up from Hospital at approximately 1:30 p.m.

3. Ms. Lapiana requested a biopsy of tissue removed during Minnie's surgery; however, she was unable to obtain the results of the biopsy performed, because the tissue was lost within the Hospital for a period of time and later discarded without Ms. LiPiana's consent.

4. The day following surgery, Minnie passed away.

5. Ms. LaPiana filed a complaint with the Board arising from Minnie's treatment, and the Board conducted an investigation. As part of its investigation, the Board obtained medical records from Hospital related to Minnie's surgery. While the Board could not conclude that the care provided by Dr. Hall proximately caused Minnie's death, the Board found multiple deficiencies in Dr. Hall's medical records in violation of COMAR 15.14.01.10A (8)(a)-(c), (9), and (10) ((Record Keeping). Specifically, Dr. Hall's records did not specify the dosage of propofol used during surgery, did not clearly note the dosage and concentration of atropine administered, and did not reflect the amount of Buprenorphine administered or to state whether it was administered at the same time as the atropine. These deficiencies violate of COMAR 15.14.01.10A(8)(a)-(c) and (10). Dr. Hall did not clearly note the "pulse oximeter" readings in the records of the surgery, which is necessary part of the surgery log. In addition, Dr. Hall's records also contain no interpretation of the "Vet Screen and CBC" and therefore, do not reflect the progress and disposition of the case, as required by COMAR 15.14.01.10A(9). Dr. Hall also did not make a note as to the time that he called the owner to state that Minnie could be picked up.

6. In addition, as Responsible Veterinarian at Hospital, Dr. Hall was responsible for ensuring that the biopsy jars containing pathology from Minnie's surgery were maintained for testing and made available for the testing requested by Owner. By failing to ensure that staff maintained possession of the biopsy jars by allowing staff to authorize that the jars be discarded without the owner's consent, Dr. Hall violated COMAR 15.14.01.07 (Professional Judgment).

Based on the foregoing findings of fact, the Board concludes that Bryan Hall, License No. 3463, committed three violations the Veterinary Practice Act and related regulations, specifically two violations of COMAR 15.14.01.10A (Record Keeping) with respect to the records of Minnie's surgery and one violation of COMAR 15.14.01.07 (Professional Judgment) as a result of the Hospital's failure to maintain possession of the biopsy jars containing the growths removed from Minnie's neck and left hind leg .

Taking the facts and circumstances into consideration, including the nature of the violations, Dr. Hall's lack of a disciplinary history with the Board involving record-keeping and/or professional judgment violations, and his good faith efforts to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution includes the following sanctions set forth below.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 11th day of October, 2018, by the State Board of Veterinary Medical Examiners, ORDERED that:

(a) For the violations of COMAR 15.14.01.10A (Record Keeping), Dr. Hall is assessed a civil penalty of $600.00;

(b) For violation of COMA R 15.14.01.07A (Professional Judgment), Dr. Hall is assessed a civil penalty of $500.00;

(c) The total civil penalty for all violations ($1100.00) shall be paid within 30 days from the date of this Order, payable to the "Maryland Department of Agriculture" with the notation "SBVME – 17-43;"

(d) Dr. Hall's license shall be suspended for two weeks (stayed);

(e) Dr. Hall shall serve a period of probation of three 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, unstaying the two week suspension; and

(f) As a condition of probation, Dr. Hall shall complete the Veterinary Medical Records online course by Dr. James F. Wilson, DVM, JD and Lance Roasa, DVM, MS, JD, offered through www.drip.vet within 60 days from the date of this Order. Within 15 days of completion of the CE, Dr. Hall 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. Hall'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. Hall may be subject to CE audit in future years.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 11th day of October, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Heather Hendler VMD

Heather Hendler, VMD
Vice President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture
50 Harry S. Truman Parkway, Room 102
Annapolis, Maryland 21401
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CONSENT

I, Bryan Hall, 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.

9/18/18
Date

Bryan Hall, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUTY OF Montgomery/Olney

I HEREBY CERTIFY that on this 18 of September, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared Bryan Hall, D.V.M., and made oath in due form of law that the foregoing Consent Agreement was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public
My commission expires: 4/11/2022

WILLIAM J WATSON JR
Notary Public-Maryland
Montgomery County
My Commission Expires
April 11, 2022