

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

IN THE MATTER OF:

**BRADFORD GIVIDEN, DVM
(LICENSE NO. 4661)**

DOCKET NO. 17-44

**ROLLING HILLS ANIMAL HOSPITAL
(LICENSE NO. 06-040) (old location)
(LICENSE NO. 06-049) (new location)**

CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order") dated this 21 day of July, 2017, is issued by the Maryland State Board of Veterinary Medical Examiners ("SBVME" or "the Board") against Dr. Bradford Gividen, D.V.M. (License No.: 4661) ("Dr. Gividen"). At all times relevant to the events referred to in this Civil Penalty Final Order, Dr. Gividen was the part-owner and responsible veterinarian of Rolling Hills Animal Hospital (License No. 06-040), located at 1030 Baltimore Boulevard, Suite 175, Westminster, MD 21157. This Order confirms the intention of Dr. Gividen to waive the right to contest the charges filed by the SBVME on May 26, 2017 in Docket No. 17-44 alleging that Dr. Gividen violated the Agriculture Article, Sections 2-301 - 2-316, Annotated Code of Maryland, ("Veterinary Practice Act") and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17. In Docket No. 17-44, the Board alleged that Dr. Gividen failed to comply with the licensing requirements of the Veterinary Practice Act and related regulations, specifically Agriculture Article, § 2-304.1 and COMAR 15.14.03.01-1 (Licensing Requirements), by operating a veterinary hospital without a license on March 28 and 29, 2017. By letter to the SBVME dated June 8, 2017, Dr. Gividen voluntarily waived the right

to a hearing and an appeal on the charges in Docket No. 17-44 and submitted a check for \$350.00 to pay the civil penalty in this matter.

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 owners of veterinary hospitals and mobile clinics charged with violating the provisions of the Veterinary Practice Act and related COMAR regulations. 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 also may impose a civil penalty of not more than \$3,000 for the first offense, \$6,000 for a second offense, or \$10,000 for a third or subsequent offense in lieu of or in addition to suspending or revoking a veterinarian's license, respectively. See COMAR 15.14.11.03; 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 the 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 FACTS AND CONCLUSIONS OF LAW

1. On or about March 29, 2017, the SBVME received notice that Rolling Hills Animal Hospital had moved from its prior location in Westminster, Maryland, to a new location in Finksburg, MD, specifically 2027 Suffolk Road, Suite 7, Finksburg, Maryland 21048.
2. The hospital opened for business at the new Finksburg, Maryland location on March 28, 2017 having failed take the necessary steps to obtain a hospital license for that

location, including submitting a licensing application, paying the licensing fee, and having the new facility inspected prior to opening.

3. On March 29, 2017, SBVME staff instructed Dr. Gividen, as part-owner and responsible veterinarian for Rolling Hills Animal Hospital, that the facility was not licensed and was, therefore, operating in violation of the Veterinary Practice Act and related regulations.

4. The SBVME instructed Dr. Gividen to close the facility immediately until an inspection could be completed and a license issued. Dr. Gividen agreed to close the hospital.

5. In an attempt to keep the closure as short as possible, a SBVME inspector was dispatched to inspect the facility on March 30, 2017. No significant issues were found following that inspection, and the hospital was allowed to reopen. The application and payment was later received by the SBVME and a license for the new facility was issued (License No. 06-049).

6. Agriculture Article § 2-304.1, Annotated Code of Maryland, requires that every veterinary hospital shall be licensed by the SBVME. COMAR 15.14.03.01-1 specifies the process and requirements for licensing and operation of veterinary hospitals. COMAR 15.14.03.01-1C provides that: "[a] person, including the owner, may not operate a veterinary facility unless it has a veterinary hospital license." COMAR 15.14.03.01-1E provides that: "[b]ecause a hospital license is issued in the name of a particular owner for a particular building or portion of it, the owner may not transfer this license to either a new owner, including a person leasing or purchasing the owner's veterinary practice, or a different physical structure." Moreover, COMAR prohibits an owner from operating a veterinary hospital from a building which has not previously passed inspection. *See* COMAR 15.14.03.01-1F.

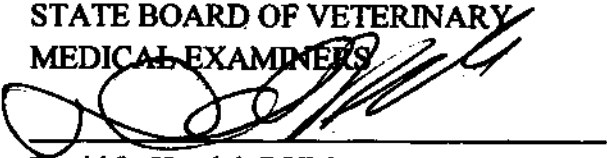
7. Dr. Gividen violated the Veterinary Practice act and related regulations by operating a veterinary hospital without a license issued by the Board for two days, March 28 and 29, 2017.

8. Taking all the facts and circumstances into consideration, including the nature of the violation, the lack of prior disciplinary history with the Board, and the licensee's good faith effort to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution in this matter was a civil penalty only. The civil penalty imposed reflects the licensee's good faith in addressing the violation and resolving this matter, including closing the hospital as soon as requested to do so.

ORDER

Based on the findings of fact and conclusions of law set forth herein, it is this 21st day of July, 2017, hereby **ORDERED** by the Maryland State Board of Veterinary Medical Examiners that Dr. Bradford Gividen, License No. 4661, violated Agriculture Article, § 2-304.1 and COMAR 15.14.03.01-1 (Licensing Requirements) by operating a veterinary hospital without a license on March 28 and 29, 2017 and is assessed a civil penalty of \$350.00. The Board acknowledges the payment of \$350.00 received from Dr. Gividen on or about June 15, 2017.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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