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

IN THE MATTER OF:	*	
SHAHID AZIZ, D.V.M.	*	DOCKET NO. 17-45
LICENSE NO. 6367	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 05 day of November, 2018, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Shahid Aziz, D.V.M. ("Dr. Aziz"), License No. 6367 ("Dr. Aziz"). This Consent Agreement resolves the charges filed by the SBVME on or about May 24, 2018 in Docket No. 17-45 alleging that Dr. Aziz violated the Veterinary Practice Act , Agriculture Article, §§ 2-301 – 2-316, Annotated Code of Maryland, and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17 set forth herein.

By email dated June 11, 2018, Dr. Aziz requested a hearing before the Board. On August 23, 2018, before a hearing was scheduled, Dr. Aziz appeared before a team of Board members for a resolution conference. Following that conference, the Board and Dr. Aziz reached an agreement to resolve the case. By entering into this Consent Agreement, Dr. Aziz waives the right to a hearing and an appeal on the charging document in Docket Number 17-45.

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

Shahid Aziz, License No. 6367, by entering into and signing this Consent Agreement, 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. Aziz violated COMAR 15.14.01.10A(9) (Record Keeping) in connection with the care and treatment provided to "Archer," a 5-year-old male Entlebucher mountain dog owned by Joseph King, by failing to document in the medical records diagnostic testing and other advice offered to Owner during an examination, as follows:

ASSERTIONS OF FACT

1. At all times relevant to these charges, Dr. Aziz was a veterinarian licensed to practice in the State of Maryland, where he has been licensed since 2008. Dr. Aziz has a prior disciplinary history with the Board which includes a Consent Agreement and Order in Docket No. 09-71 issued in 2010. As part of the Consent Agreement, Dr. Aziz's license was suspended (stayed). He was placed on probation and ordered to complete continuing education. Dr. Aziz completed the probation and complied with other terms and conditions of his agreement.

2. At the time of the events described in these charges, Dr. Aziz was working as a relief veterinarian at New Market Animal Hospital ("Hospital") (License No. 10-016), located at 10609 Old National Pike, Frederick, Maryland 21774.

3. On or about December 26, 2016, Joseph King ("Owner") brought his 5-year-old male Entlebucher mountain dog, "Archer," to Hospital for a severe ear infection. Dr. Aziz was not Archer's

treating veterinarian at that time. Archer received treatment for the ear infection and Owner was instructed to bring Archer back to Hospital for a re-check in two weeks.

4. On or about January 17, 2017, Owner brought Archer back to Hospital for a canine influenza booster, which was administered by staff. After the vaccine was administered, Owner asked staff if a veterinarian could check to make sure that Archer's ear infection had resolved. Owner was instructed by staff that there would be an exam fee associated with this follow up evaluation. While Owner and staff were debating cost issues associated with the exam, Dr. Aziz, who was working at Hospital as a relief veterinarian for the first time, stepped in. He agreed to do a re-check without charging Owner.

5. Dr. Aziz looked into Archer's ears and said that he did not see signs of infection. To confirm, he offered to perform ear cytology, a diagnostic test that involves swabbing the pet's ear to obtain a sample which is then examined under a microscope. However, Dr. Aziz did not document in the medical records the offer of ear cytology or Owner's decision to decline further testing. No further testing was performed.

6. COMAR 15.14.01.10A(9) requires that a veterinarian prepare a written record that accurately reflects the treatment provided, including a short history of the animal's condition as it pertains to the animal's medical status which includes the progress and disposition of the case. Dr. Aziz failed to prepare adequate medical records by failing to document that diagnostic testing was offered and declined.

Taking all facts and circumstances into consideration, including the nature of the violation, the circumstances involved in the incident, the veterinarian's planned corrective action, and his good faith efforts to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution includes the sanctions set forth below.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 26th day of November 2018, by the State Board of Veterinary Medical Examiners, ORDERED that for

violation of COMAR 15.14.01.10A(9) (Record Keeping), Dr. Aziz shall pay a civil penalty of $300.00, payable in monthly installments of $50.00 per month, with the first payment due within 30 days from this date of this Agreement.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 26th day of November, 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, Shahid Aziz, 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 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.

11/13/2018
Date

Shahid Aziz, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUTY OF Gaithersburg/Montgomery

I HEREBY CERTIFY that on this 13 of November, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared Shahid Aziz, 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:

KARI MORRIS
NOTARY PUBLIC
MONTGOMERY COUNTY, MD
MY COMMISSION EXPIRES
AUGUST 14TH 2022