

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

IN THE MATTER OF:

AMBASSADOR ANIMAL HOSPITAL
LICENSE NO. 15-001

DOCKET NO. 17-49

DR. SAILENDRA N. ROY, DVM
LICENSE NO. 2775

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 27th day of July, 2017, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Dr. Sailendra N. Roy, DVM, License No. 2775. This Order confirms the intention of Dr. Roy to waive the right to contest the charge filed by the Board on March 23, 2017 in Docket No. 17-49, alleging that Dr. Roy violated the Maryland Veterinary Practice Act, 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. Specifically, in Docket No. 17-49, the Board alleged that Dr. Roy violated COMAR 15.14.01.12-3C by failing to keep expired medications separate and apart from unexpired medications. By email on July 6, 2017, Dr. Roy notified the Board that he wishes to voluntarily waive the right to a hearing and appeal on the charge in Docket No. 17-49. However, Dr. Roy requested the Board's approval of a payment plan allowing him to pay the \$5,000 civil penalty over three months.

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 Veterinary Practice Act and related COMAR 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 or veterinary practitioner . . . [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 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 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). Dr. Roy's prior disciplinary history in this case included prior instances in which expired medications were found in the practice and he has been sanctioned for similar violations in the past.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Sailendra Roy, DVM, License No. 2775, has agreed to submit payment of the \$5000.00 civil penalty assessed by the Board in Docket No. 17-49, and waived his right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Roy acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he did violate Agriculture Article Section 2-310(8), Md. Code Ann., and a related regulation; specifically COMAR 15.14.01.12-3C, as follows:

1. At all times relevant to these charges, Dr. Roy was a veterinarian licensed to practice in the State of Maryland. Dr. Roy has been licensed since 1984. Dr. Roy is the owner and responsible veterinarian at Ambassador Animal Hospital (License No. 15-001), a licensed veterinary hospital in this State, located at 811 Sligo Avenue, Silver Spring, Maryland 20910.

2. On various dates, staff from the SBVME inspected Ambassador Animal Hospital and found expired medications kept with unexpired medications in the hospital's working stock. These inspections are detailed more fully below

3. On January 8, 2015, SBVME inspectors advised Dr. Roy to examine his working stock of medication, to check for expired medications every 30 days, and to remove all expired medications from hospital cabinets in all areas of the hospital. During an inspection on January 14, 2016, one bottle of

medication that expired in December 2015 was found by SBVME inspectors and a partial tray of Rabvac 1 that expired in July 2015 was found. Dr. Roy was not charged at that time, but was advised to check the hospital inventory every 30 days in all areas of the hospital and to remove expired medication from the working stock.

4. On May 23, 2017, during a routine inspection of Ambassador Animal Hospital, SBVME Inspectors Susan Husk and Peggy Morgan found 22 expired drugs among the working stock, on shelves, and in the refrigerator of the hospital. Dr. Roy was provided with a "COMAR Violation Sheet" which listed the expired drugs found. Dr. Roy signed the COMAR Violation Sheet, acknowledging the inspector's findings.

5. The 22 expired medications found during the May 23, 2017 inspection included a bottle of Amoxicillin that expired in November 2013, and Ranitidine (15 mg.), which expired in December of 2015. There were numerous other medications which had expired a year before the inspection, including Atenolol (25 mg) which expired in June 2016, Enrofloxacin which expired in May 2016, and Benazepril HCl (5 mg) which also expired in May 2016.

6. In addition to the expired medications found in January 2016 and May 2017, Dr. Roy has a history of having expired medications in his working stock dating back to 2010. In July 2014, Dr. Roy was charged with violating COMAR 15.14.01.12-3 pertaining to expired drugs and assessed a Civil Penalty of \$2,000.

7. COMAR 15.14.01.12-3C requires that until a veterinarian has disposed of an expired medication, the veterinarian shall package and keep it separate and apart from unexpired medications.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's prior disciplinary history with the Board, and the veterinarian'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.

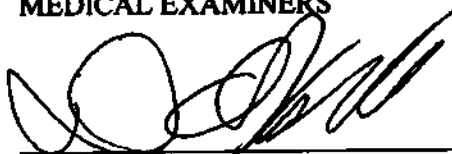
ORDER

Based on the following Findings of Fact and Conclusions of Law, it is this 27 day of July, 2017, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Agriculture Article, § 2-310(8), Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.01.12-3C, Dr. Roy is assessed a civil penalty in the amount of \$5000.00. Dr. Roy shall pay this civil penalty in three installments, as follows:

- a. The first installment of \$2000.00 shall be paid to the Board by August 11, 2017;
- b. The second installment of \$1500.00 shall be paid to the Board by September 8, 2017;
- c. The third and final payment of \$1500.000 shall be paid to the Board by October 6, 2017.

The failure to pay make timely payments in accordance with this order may result in the imposition of additional sanctions.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



David L. Handel, DVM
President