

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

IN THE MATTER OF:

*

JAIME L. KIMBALL, DVM
(LICENSE NO. 6814)

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DOCKET NO. 17-54

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 7th day of August, 2018, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Jaime L. Kimball, DVM, ("Dr. Kimball"), License No. 6814. This Consent Agreement resolves the charges filed by the SBVME on or about March 13, 2018 in Docket No. 17-54 alleging that Dr. Kimball violated the Veterinary Practice Act and related Code of Maryland Regulations ("COMAR") in connection with her care and treatment of "Toots," a thirteen-year-old cat owned by Kimberly Mattingly.

By letter dated March 8, 2018, Dr. Kimball, 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. Kimball waives the right to a hearing and an appeal on the charging document in Docket Number 17-54.

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

Jaime L. Kimball, D.V.M., License Number 6814, 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. Kimball violated COMAR 15.14.01.10A(9) (Record Keeping) and COMAR 15.14.01.10-1A. (Client Consent for Companion Animals and Hospitalized Animals), as follows:

1. At all times relevant to these charges, Dr. Kimball was a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 2011. Dr. Kimball has no disciplinary history with the Board. At the time of the incident described in these charges, Dr. Kimball was employed by Prince Frederick Animal Hospital ("Hospital") (License No. 04-010), located at 60 Stafford Road, Prince Frederick, Maryland 20678.
2. On or about May 17, 2017, Kimberly Mattingly ("Ms. Mattingly") called the Hospital to make an appointment for "Toots," a 13-year-old spayed female cat she owned. During this call, Ms. Mattingly informed Hospital staff that Toots had a history of chronic constipation and had not urinated for approximately 36 hours. An appointment was scheduled for later in the morning.
3. Ms. Mattingly, who had to work that day, arranged for her parents, Deborah and Donald Jamerson ("Mr. and Mrs. Jamerson" or collectively "the Jamersons"), to take Toots to the Hospital for the appointment. Dr. Kimball was Toots' attending veterinarian. Ms. Jamerson told Dr. Kimball that Toots had been eating small amounts, was not having good bowel movements, had decreased urination, and was vocalizing more than normal.

4. Dr. Kimball examined Toots and recommended blood work and radiographs. Dr. Kimball also recommended keeping Toots for the day in the hospital and performing an enema on Toots. Dr. Kimball obtained oral consent to perform the treatment she recommended.

5. Dr. Kimball proceeded with the planned treatment, keeping Toots at the Hospital for the day. Blood work was performed and radiographs were taken. Toots was sedated and given an enema. Toots was also started on mirtazapine, which is used to stimulate appetite.

6. Later that day, Ms. Mattingly went to the Hospital to pick up Toots. Dr. Kimball spoke with Ms. Mattingly and told her that that Toots had not defecated and was a little “high” from the medication given. Dr. Kimball reported that Toots had been given a sedative and an appetite stimulant. Dr. Kimball advised Ms. Mattingly that if Toots was still feeling the effects of the medication the next day, Ms. Mattingly should bring Toots back to the Hospital for intravenous (“IV”) fluids.

7. At the time of discharge, Toots was vocalizing, was not able to walk and was having some diarrhea. When the owner got home, Toots continued to have diarrhea and was more disoriented. The owner gave her a bath and then brought her to an emergency hospital to be evaluated. At the emergency hospital, Toots received treatment for what was determined to be an adverse reaction to mirtazapine,

8. Following the Board’s investigation, the Board determined that Dr. Kimball did not provide Toots’ owner with a written plan for the treatment proposed or an estimate of the charges. In addition, Dr. Kimball did not obtain written authorization or consent to treat Toots by either the Jamersons or Ms. Mattingly, Toots’ owner.⁹ COMAR 15.14.01.10-1 (Client Consent for Companion Animals and

Hospitalized Animals) requires that for a non-emergency presentation, a veterinarian shall inform the client in a manner that is understandable by a reasonable person, of the diagnostic and treatment plan . . .” In addition, the veterinarian shall “. . . provide a written estimate of the charges for veterinary services, and obtain the client’s signature indicating acknowledgement and approval, before a veterinarian performs . . . surgery.”

10. Moreover, Dr. Kimball did not adequately document in the medical records Toots’ condition at the time of discharge, in violation of COMAR 15.14.01.10A(9), which requires a veterinarian to prepare a

written medical record that accurately and thoroughly reflects the treatment provided, including the progress and disposition of the case.

Based on the foregoing findings of fact, the Board concludes that Dr. Jaime L. Kimball, License No. 6814, violated COMAR 15.14.01.10A(9) (Record Keeping) by failing to adequately document the progress and disposition of the case, including Toots' condition at the time of discharge and violated COMAR 15.14.01.01.10-1 (Client Consent for Companion Animals and Hospitalized Animals) by failing to provide a written estimate of the charges for veterinary services for Toots and failing to obtain the signature of Toots' owner and/or caretaker on the estimate, indicating the owner's acknowledgment and approval before hospitalizing and treating Toots.

Taking the facts and circumstances into consideration, including the nature of the violations, Dr. Kimball'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 7th day of August, 2018, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For violation of 15.14.01.10A(9) (Record Keeping), Dr. Kimball is assessed a civil penalty of \$300.00:
- (b) For violation of 15.14.01.01.10-1 (Client Consent for Companion Animals and Hospitalized Animals), Dr. Kimball is assessed a civil penalty of \$300.00;
- (c) The total civil penalty for both violations (\$600.00) is due within 30 days from the date of this Order payable to the "Maryland Department of Agriculture" with the notation "SBVME – 17-54;" and
- (d) Dr. Kimball shall serve a period of probation of six month 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, suspension and/or revocation of the veterinary license.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this
7th day of August, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Heather Hendler VMD

Heather Hendler V.M.D

Vice-President

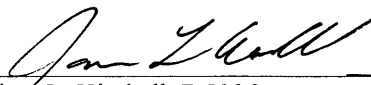
State Board of Veterinary Medical Examiners

Maryland Department of Agriculture

CONSENT

I, Jaime L. Kimball, 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.

7/25/2018
Date



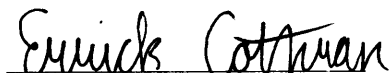
Jaime L. Kimball, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUNTY OF St. Marys

I HEREBY CERTIFY that on this 25th of July, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared Jaime L. Kimball, 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.



Notary Public

ERRICK COTHRAN
My commission expires: NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires April 21, 2020