

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

IN THE MATTER OF:

KAREN HAMILTON BOBACK, D.V.M.
LICENSE NO. 3880

DOCKET NO. 18-08

NOAH'S ARK VET & WELLNESS, LLC
d/b/a ANNAPOLIS VET AND WELLNESS
LICENSE NO. 02-089

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order ("Order"), dated this 8th day of September, 2017, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board") against Karen Hamilton Boback, D.V. M., ("Dr. Boback"), License No. 3880 and Noah's Ark Vet & Wellness, LLC, d/b/a Annapolis Vet and Wellness, License No. 02-089 ("Hospital"). At all times relevant to these charges, Dr. Boback was a veterinarian licensed to practice in the State of Maryland and was the owner of Hospital, located at 167 Q Jennifer Road, Annapolis, MD 21401.

This Order confirms the intention of Dr. Boback, as the owner of Hospital to waive the right to contest the charge filed by the Board on August 7, 2017, in Docket No. 18-08 alleging that Dr. Boback and Hospital 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. 18-08, the Board alleged that Dr. Boback violated the Veterinary Practice Act, Agriculture Article, § 2-304.1, Annotated Code of Maryland, and Code of Maryland Regulations ("COMAR") 15.14.03.01-1C, which require that every veterinary hospital be licensed with the Board for each licensing year.

By letter dated August 10, 2017, Dr. Boback notified the Board that she wishes to voluntarily waive the right to a hearing and appeal on the charge in Docket No. 18-08 and would agree to pay a civil penalty in the amount of \$500.00 in this matter. Dr. Boback enclosed a check for \$500.00, representing full payment of the civil penalty.

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, Agriculture Article §§ 2-301 *et seq.*, Annotated Code of Maryland and related 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 . . . [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 a veterinarian’s license. 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 FACT AND CONCLUSIONS OF LAW

Dr. Boback, after having the opportunity to seek advice of legal counsel, voluntarily waived her right to a hearing on the charge and agreed to pay a civil penalty of \$500.00. In so doing, Dr. Boback acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she did violate Agriculture Article Section 2-304.1, Md. Code Ann., and a related regulation; specifically COMAR 15.14.03.01-1C, as follows:

1. The Hospital license for Fiscal Year (“FY”) 2018, which began July 1, 2017, was not renewed until July 26, 2017.
2. During the time between July 1 and July 26, 2017, the Hospital was open for business and continuing to see patients.
3. The Veterinary Practice Act, Agriculture Article, § 2-304.1, Annotated Code of Maryland, and Code of Maryland Regulations (“COMAR”) 15.14.03.01-1C require that every veterinary hospital be licensed with the Board for each licensing year.

4. From July 1 until July 26, 2017, Dr. Boback was owner of a veterinary hospital known as Noah's Ark Vet & Wellness, LLC, d/b/a Annapolis Vet and Wellness, Hospital License No. 02-089, located at 167 Q Jennifer Road, Annapolis, MD 21401. The Hospital was operating during this period without a valid license from the Board for FY 2018, in violation of Agriculture Article Section 2-304.1, Md. Code Ann., and COMAR 15.14.03.01-1C.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of 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 8th day of September, 2017, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Agriculture Article, § 2-304.1, Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.03.01-1C, Dr. Boback is assessed a civil penalty in the amount of \$500.00. The Board acknowledges receipt of the full amount of the civil penalty on August 14, 2017.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

A handwritten signature in black ink, appearing to read 'D. Handel', is written over a horizontal line.

David L. Handel, DVM
President