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

IN THE MATTER OF:	*	
SHARON L. KASCHENBACH, D.V.M.	*	DOCKET NO. 18-23
LICENSE NO. 3580	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 22nd day of March, 2019, is issued by State Board of Veterinary Medical Examiners ("SBVME" or "Board") to reflect the resolution of the above-referenced proceeding against Sharon L. Kaschenbach, D.V. M,. ("Dr. Kaschenbach"), License No. 3580 ("Dr. Kaschenbach"). On or about October 22, 2018, the Board issued charges in Docket No. 18-23 alleging that Dr. Kaschenbach 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..

In a letter received by the Board on November 5, 2018, Dr. Kaschenbach requested a hearing before the Board and also requested the opportunity to resolve to case informally. Subsequently, following discussion between counsel for the Board and Dr. Kaschenbach, Dr. Kaschenbach agreed to waive her right to a hearing and to resolve this case under the terms of this Order.

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

Sharon L. Kaschenbach, DVM, License No. 3580, having had the opportunity to consult with counsel, has voluntarily agreed to waive the right to a hearing in this case and to entry of this Order, which she reviewed and consented to before it was issued by the Board. Dr. Kaschenbach acknowledges that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that she violated COMAR 15.14.01.10A (Record Keeping), as set forth herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. At all times relevant to these charges, Dr. Kaschenbach was a veterinarian licensed to practice in the State of Maryland, where she has been licensed since 1989. Dr. Kaschenbach has no prior disciplinary history with the Board.

2. On or about September 2, 2017, "Pedro," a 6-year-old neutered cat owned by Ryan Bailey ("Mr. Bailey") and Lauren Bailey (collectively "Owners"), was mauled by a dog. Owners brought Pedro to Central Carroll Animal Emergency ("CCAE") (License No. 06-035) where Pedro underwent surgery to clip and close wounds. On September 4, 2017, Pedro underwent a second surgery that was originally intended to be an amputation of the left rear leg. However, during surgery, the treating veterinarian at CCAE decided that there was a chance that Pedro's leg could be saved. Instead of amputation, the treating veterinarian cleaned the open fracture wound on Pedro's left hind leg, applied a splint and bandage to the left hind leg, rebandaged the right hind leg, and expressed Petro's bladder.

3. Following the second surgery, Pedro was transferred from CCAE to Metro Ferals, Inc. ("Metro Ferals"), License No. 06-048, a mobile practice, for recovery and follow up treatment. Dr. Kaschenbach was Pedro's treating veterinarian at Metro Ferals.

4. Beginning September 5, 2017, Dr. Kaschenbach provided care and treatment for Petro. During the weeks after the second surgery, Pedro developed gangrene, and on September 15, 2018, Dr. Kaschenbach was forced to amputate Pedro's left rear leg.

5. In the period after his transfer to Metro Ferals but before the amputation, Pedro was experiencing pain. Dr. Kaschenbach's medical records from September 11, 2017 reflect that the left front leg was sloughing and that "[t]oes [were] a little swollen at each rear leg. Very painful." Despite making note of Pedro's painful condition, the medical records indicate that the only medication prescribed for Pedro at that time was Zeniquin, a broad spectrum antibiotic used for the treatment of bacterial infections. The records contain no discussion of any other pain medication being administered or prescribed on that date.

6. Likewise, the medical records from September 12, 2017 reflect that Pedro's left rear leg was "green and goey" and that "the foot was hard." At that point, Dr. Kaschenbach thought that amputation might be warranted. However, according to the medical records, no pain medications were administered or prescribed at that time, nor was there any discussion of pain medications or pain management in the records. The records do indicate that pain medication was administered on September 14 and 15, 2018.

7. After Owners filed a complaint with the Board, the Board conducted an investigation. In response to inquiries from the Board, Dr. Kaschenbach advised the Board that she did, in fact, consider and manage Pedro's pain prior to September 14, 2017. On September 8, 2017, Dr. Kaschenbach prescribed Buprenex to be given by Owners to Pedro at home. The amount prescribed, if given as prescribed, would have been enough for six doses, which would have lasted through September 12, 2017. Although it is not written in the records, Dr. Kaschenbach recalls asking Mr. Bailey if he needed more pain medication at each visit in between September 8, 2017 and September 14, 2017, and that he replied that he was not giving very much and/or not giving it very often. On the morning of September 14, 2017, Dr. Kaschenbach saw Pedro again and gave him a Buprenex injection.

8. By failing to document in the medical records her consideration and management of Pedro's pain at visits on September 11 and 12, 2017, Dr. Kaschenbach violated COMAR 15.14.01.10A(9) (Record Keeping).

9. As noted previously, Pedro's leg was amputated on September 15, 2018, with Dr. Kaschenbach performing the surgery. Dr. Kaschenbach's medical records of the surgery do not contain an anesthesia log as required by COMAR 15.14.01.10A(10).

Taking all facts and circumstances into consideration, including the nature of the violations, the circumstances involved in the incident, the veterinarian's planned corrective action(s), and her 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 22nd day of March 2019, by the State Board of Veterinary Medical Examiners, ORDERED that for two violations of COMAR 15.14.01.10A (Record Keeping), Dr. Kaschenbach shall pay a civil penalty of $600.00. Payment is due within 30 days from this date of this Order.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 22nd day of March, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Heather Hendler, V.M.D.
Vice-President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture