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

IN THE MATTER OF:	*	
CHESTER GIPSON, D.V.M.	*	**DOCKET NO. 18-27**
LICENSE NO. 2189	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 9th day of August, 2018, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Chester Gipson, D.V.M. ("Dr. Gipson"), License No. 2189. This Consent Agreement resolves the charge(s) filed by the SBVME on or about March 7, 2018 in Docket No. 18-27 alleging that Dr. Gipson 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 as set forth herein.

By letter dated March 14, 2018, Dr. Gipson advised the Board of his decision not to contest the charge(s) and to waive a right to a hearing on the charge(s). By entering into this Consent Agreement, Dr. Gipson waives the right to a hearing and an appeal on the charging document in Docket Number 18-27.

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

Chester Gipson, D.V.M., License No. 2189, 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. Gipson violated COMAR 15.14.01.04 (Professional Conduct) by renewing his license registration annually for three fiscal years within having completed the required continuing education, and by falsely attesting that such continuing education had been completed, and COMAR 15.14.10.06 (Credit Substantiation) by failing to keep an accurate attendance record of approved continuing education, as follows:

1. At all times relevant to this charge, Dr. Gipson was a veterinarian licensed to practice in the State of Maryland, where he has been licensed since 1979. Dr. Gipson has no disciplinary history with the Board.

2. On or about August 31, 2017, as part of a random audit of continuing education ("CE") compliance for Fiscal Year 2018 on-line registration renewals, the Board sent a written request by "certified mail – return receipt requested" to a percentage of licensed veterinarians, which included Dr. Gipson. The letter requested that Dr. Gipson complete certain CE worksheets and return the worksheets with proof of CE completion to the Board's office within 15 days of receipt of the letter.

3. Under the Veterinary Practice Act, veterinary practitioners must renew their registration for each fiscal year ("FY"), which begins on July 1. Registration renewal is done online. As part of online renewal, each veterinary practitioner must attest that he or she completed the CE requirements for the prior fiscal year. Currently, each existing licensee must have earned 18 credit hours of CE either during the 12 months preceding the beginning of the new licensing year, or, if a veterinary practitioner has credit hours earned in the 24 months preceding the beginning of the licensing year that were not used to

satisfy the requirement for a previous year, those unused credits earned with 24 months may be applied to the current year. *See* COMAR 15.14.10.04A.

4. On October 2, 2017, the Board received Dr. Gipson's audit materials, which included certificates of attendance demonstrating completion of part, but not all, of the required CE for Fiscal Years 2015, 2016, and 2017. Dr. Gipson also advised the Board that he was unable to locate some of the certificates for the CE he claimed to have completed and also provided documentation such as agenda and schedules which was not sufficient to verify completion of CE.

5. By failing to complete and/or provide adequate documentation evidencing completion of the CE required for FY 2015, 2016, and 2017, Dr. Gipson did not satisfy the CE requirements in COMAR 15.14.10.04 for annual registration and violated COMAR 15.14.10.06 (Credit Substantiation). By renewing his license registration annually in FY 2016, 2017, and 2018, Dr. Gipson falsely certified that he completed and could provide substantiation for completion of the CE required for each fiscal year, in violation of COMAR 15.14.01.04 (Professional Conduct).

Taking all facts and circumstances into consideration, including the nature of the violation, the veterinarian's prior lack of disciplinary history, 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 9th day of August 2018, by the State Board of Veterinary Medical Examiners, ORDERED that:

(a) For violation of COMAR 15.14.01.04 (Professional Conduct) and COMAR 15.14.10.06 (Credit Substantiation), Dr. Gipson shall pay a civil penalty of $2,000.00, with $1,000.00 stayed, to the "Maryland Department of Agriculture" with the notation "SBVME – 18-27." The unstayed portion of the civil penalty may be in two payments of

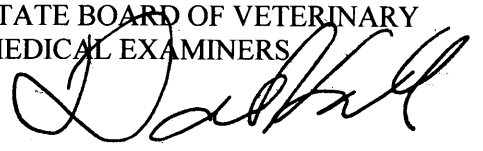
$500.00, with the first payment due by August 31, 2018 and the second payment due by September 28, 2018;

(b) Dr. Gipson shall serve a period of probation of three months from the date of this Order. 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, including the payment terms 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, unstaying the stayed portion of the civil penalty; and

(c) As an additional condition of probation, within three months of the date of this Order, Dr. Gipson shall complete 48 hours of CE to correct the deficiencies noted herein, and forward to the Board documentation from the CE provider showing proof of completion of the CE credits under this Order. Proof from the CE provider shall include Dr. Gibson's name, the number of CE hours completed, the topics covered, the CE provider and the dates the CE was given. Completion of this CE will not be counted towards the 18 credit hours of CE required annually for re-registration of the veterinary license, including the CE required to register for FY 2019. To verify completion of both the CE required under the terms of this Consent Agreement and the CE required for annual registration of the veterinary license, Dr. Gipson may be subject to CE audit in future years.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 9th day of August, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



David Handel, D.V.M.
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture
50 Harry S. Truman Parkway, Room 102
Annapolis, Maryland 21401
Telephone: 410.841.5862

CONSENT

I, Chester Gipson, 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.

8/2/2018
Date

Chester Gipson DVM
Chester Gipson, D.V.M.

NOTARY

STATE OF Virginia
CITY/COUTY OF Fairfax

I HEREBY CERTIFY that on this 2 of August, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared Chester Gipson, 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: 07/31/2020

Steven John Logan
Commonwealth of Virginia
Notary Public
Commission No. 7702608
My Commission Expires 7/31/2020