

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

IN THE MATTER OF:

*

WILLIAM FORESTER, DVM
LICENSE NO. 2444

*

DOCKET NO. 18-28

VINSON'S ANIMAL HOSPITAL
HOSPITAL LICENSE NO. 03-076

*

* * * * *

CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 16th day of March, 2018, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Dr. William Forester, DVM, License No. 2444. This Order confirms the intention of Dr. Forester to waive the right to contest the charge filed by the Board on or about January 28, 2018 in Docket No. 18-28, alleging that Dr. Forester 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. 18-28, the Board alleged that Dr. Forester violated COMAR 15.14.01.12-3C by failing to keep expired medications separate and apart from unexpired medications. By email from counsel on March 6, 2018, Dr. Forester notified the Board that he wishes to voluntarily waive the right to a hearing and appeal on the charge. On March 15, 2018, Dr. Forester submitted a check for \$2000.00 to pay the civil penalty in this matter.

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).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

William Forester, DVM, License No. 2444 ("Dr. Forester"), has agreed to submit payment of the \$2000.00 civil penalty assessed by the Board in Docket No.18-28, and waived his right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Forester 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 the charge, Dr. William Forester ("Dr. Forester") was the owner and responsible veterinarian of Vinson's Animal Hospital at Towson ("Hospital") (License No. 03-076), a licensed veterinary hospital in this State located at 1030 York Road, Towson, MD 21204.
2. During inspections in 2014 and 2016, the staff from the SBVME inspected Hospital found expired medications kept with unexpired medications in the hospital's working stock, as well as issues involving labeling of drugs. At the time of each of these inspections, Hospital staff was warned that such violations could lead to charges and were instructed regarding requirements for handling required medications. These inspections are detailed more fully below.
3. On July 28, 2014, Board Inspector, Ellen James ("Ms. James"), inspected Hospital and prepared a Veterinary Hospital Inspection Form, attached hereto as Exhibit A, which reflects that Ms. James found two expired medications in the working stock. Hospital employee Tamilyn

Forester signed the inspection form, which instructed Hospital to inspect for expired medications once every month and to store expired medications away from the pharmacy in labeled containers. During the inspection on that date, Ms. James also advised Hospital that bottles of cut tablets must have expiration dates on the labels. Ms. James found bottles of pre-cut tablets in bottles that were not labeled with expiration dates. Dr. Forester was not charged at this time.

4. On February 12, 2016, Ms. James inspected Hospital and found 15 expired drugs in Hospital's working stock. At the time of the inspection, Dr. Forester, as responsible veterinarian for Hospital, was instructed to remove the expired drugs. Ms. James prepared a Veterinary Hospital Inspection Form, attached as Exhibit B, which was signed by Dr. Forester. A notation was made on the form requesting that Hospital check expiration dates on drugs once per month.

5. On March 3, 2016, a follow-up inspection of Hospital was conducted by Ms. James, during which one expired drug was discovered. Ms. James prepared a Veterinary Hospital Inspection Report, attached as Exhibit C, which was signed by Dr. Julia Smith (License No.: 4605).

6. On or about October 2, 2017, Board Inspector James conducted another inspection of Hospital. At that time, Ms. James found 21 expired drugs intermingled with the unexpired drugs, including one dating back to 1998. Ms. James prepared a Veterinary Hospital Inspection Form, attached hereto as Exhibit D, which was signed for by Hospital staff.

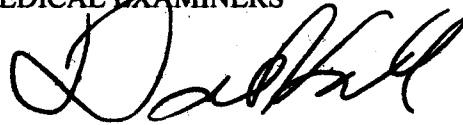
7. Following the October 2, 2017, the Board voted to charge Dr. Forester, as owner and responsible veterinarian with violations of COMAR 15.14.01.12-3C.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's disciplinary history with the Board, the warnings and notice of violations given before the October 2, 2017 inspection, as well as 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 16th day of March, 2018, 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, on or about October 2, 2017, Dr. Forester, as owner and responsible veterinarian for Vinson's Animal Hospital at Towson is assessed a civil penalty in the amount of \$2000.00. The Board acknowledges payment of \$2000.00 received from Dr. Forester on March 15, 2018.

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



County/Hospital License # 03-076
Annual ✓ Initial _____
Follow-up _____ Complaint _____
Sanitation Certificate Issued YES

VETERINARY HOSPITAL INSPECTION REPORT

Date of Inspection: 7-28-14 Licensees: _____
Hospital Name: Vinson's Animal Hosp. at Tolson 5434 _____
Address: 1030 York Rd 2444 _____
City: Tolson Zip Code: 21204 4605 _____

Status Code Explanation: 1. Compliance 2. Needs Improvement 3. Non-Compliance 4. Not-applicable

I. Reception Area Licenses displayed (15.14.03.01-2) <u>I</u> 24-hour notice (15.14.01.16) <u>I</u> Clean, orderly & odor controlled (15.14.03.02A) <u>I</u>	IV. Controlled Dangerous Substances (15.14.01.12) Drugs & pharmacy adequate <u>I</u> Narcotics locked <u>2</u> Expired medications removed (15.14.01.12-3) <u>2</u>	VI. Storage (15.14.03.04) Food & bedding <u>I</u> Refuse stored properly <u>I</u> Adequate for carcass <u>I</u>
II. Examination Room Clean & sanitary (15.14.03.02B) <u>I</u> Instruments clean and sanitary <u>I</u> Lighting adequate (15.14.03.060) <u>I</u> Sharps & surgical instruments properly disposed (15.14.03.03H1) <u>I</u>	V. Housing & Care (15.14.03.01-3) Clean and sanitary <u>I</u> Cages, runs, and pens impervious and in good condition <u>I</u> Animals comfortable <u>I</u> Animals compatible <u>I</u> Exercise area <u>I</u> Lighting & ventilation <u>I</u> Temperature <u>I</u> Food & water <u>I</u> Odors controlled <u>I</u> Waste containers maintained and sanitary <u>I</u> Medical waste properly disposed <u>I</u> Vermin free <u>I</u>	VII. Facility (15.14.03.04) Floors smooth and non-absorbent <u>I</u> Floor-wall junctions adequate <u>I</u> Walls smooth and non-absorbent <u>I</u> Ceiling in good condition <u>I</u> Windows & lighting adequate <u>I</u> Adequate space <u>I</u> Floor drainage sanitary <u>I</u> Ventilation <u>I</u> Temperature <u>I</u> Humidity <u>I</u> Fire alarm system <u>I</u> Emergency lighting <u>I</u>
III. Surgery/Treatment (15.14.03.04) Clean & sanitary <u>I</u> Sterilization equipment <u>I</u> Instruments, linens, gowns, clean & sanitary <u>I</u> Scrub sink <u>I</u> Lighting adequate <u>I</u> Artificial respiration device <u>I</u> Sharps & surgical instruments properly disposed (15.14.03.03H1) <u>I</u>		

COMMENTS: Very nice, very clean! check exp. date
once a month, and store expired meds away from
pharmacy or in a labeled container.
Put exp. date on cat pills.

ORDERS TO CORRECT VIOLATION(S)

YES _____ Total number of days: _____

Acknowledgement of Receipt:

"I have received this inspection report and I understand the findings of this inspection."

APPROVED / DISAPPROVED

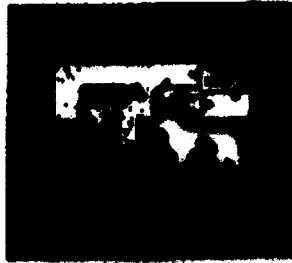
Inspector: Ellen James

Veterinarian/Staff: [Signature]

(Signature)

Tammy Forester
(Printed Name)

RE-7
Maryland Department of Agriculture
State Board of Veterinary Medical Examiners
50 Harry S. Truman Parkway, Room 102
Annapolis, Maryland 21401
T: (410) 841-5852 F: (410) 841-5780
www.mda.maryland.gov



County/Hospital License # 03-0716
Annual ✓ Initial
Follow-up Complaint
Sanitation Certificate issued NO

VETERINARY HOSPITAL INSPECTION REPORT

Date of Inspection: 2-12-2016

Licenses:

Hospital Name: Vinson's Animal Hospital
at Tawson, Inc

46005

Address: 1030 York Rd

5434

City: Tawson Zip Code: 21204

2444

Status Code Explanation: 1. Compliance 2. Needs Improvement 3. Non-Compliance 4. Not-applicable

I. Reception Area Licenses displayed (15.14.03.01-2) <u>1</u> 24-hour notice (15.14.01.10) <u>1</u> Clean, orderly & odor controlled (15.14.03.02A) <u>1</u>	IV. Controlled Dangerous Substance (15.14.01.12) <u>1/2</u> Drugs & pharmacy adequate <u>1</u> Narcotics locked <u>1</u> Expired medications removed (15.14.01.12-3) <u>1/2</u>	VI. Storage (15.14.03.05) Food & bedding <u>1</u> Refuse stored properly <u>1</u> Adequate for carcass <u>1</u>
II. Examination Room Clean & sanitary (15.14.03.02B) <u>1</u> Instruments clean and sanitary <u>1</u> Lighting adequate (15.14.03.03G) <u>1</u> Sharps & surgical instruments properly disposed (15.14.03.02H1) <u>1</u>	V. Housing & Care (15.14.03.01-3) Clean and sanitary <u>1</u> Cages, runs, and pens impervious and in good condition <u>1</u> Animals comfortable <u>1</u> Animals compatible <u>1</u> Exercise area <u>1</u> Lighting & ventilation <u>1</u> Temperature <u>1</u> Food & water <u>1</u> Odors controlled <u>1</u> Waste containers maintained and sanitary <u>1</u> Medical waste properly disposed <u>1</u> Vermin free <u>1</u>	VII. Facility (15.14.03.05) Floors smooth and non-absorbent <u>1</u> Floor-wall junctions adequate <u>1</u> Walls smooth and non-absorbent <u>1</u> Ceiling in good condition <u>1</u> Windows & lighting adequate <u>1</u> Adequate space <u>1</u> Floor drainage sanitary <u>1</u> Ventilation <u>1</u> Temperature <u>1</u> Humidity <u>1</u> Fire alarm system <u>1</u> Emergency lighting <u>1</u>
III. Surgery/Treatment (15.14.03.04) Clean & sanitary <u>1</u> Sterilization equipment <u>1</u> Instruments, linens, gowns, clean & sanitary <u>1</u> Scrub sink - <u>cupboard needs paint</u> <u>1</u> Lighting adequate <u>1</u> Artificial respiration device <u>1</u> Sharps & surgical instruments properly disposed (15.14.03.02H1) <u>1</u>		

COMMENTS: Paint cupboard around scrub sink
Replace stained ceiling panels
Go through all dogs and remove expired ones.
~ 15 expired dogs found.

ORDERS TO CORRECT VIOLATION(S)

YES ✓ Total number of days: 60

Acknowledgement of Receipt:

"I have received this inspection report and I understand the findings of this inspection."

APPROVED / DISAPPROVED
Inspector: [Signature]

Veterinarian/staff: [Signature]
(Signature)

William D Forester
(Printed Name)

Maryland Department of Agriculture
State Board of Veterinary Medical Examiners
50 Harry S. Truman Parkway, Room 102
Annapolis, Maryland 21401
T: (410) 841-5882 F: (410) 841-5780
www.mda.maryland.gov



County/Hospital License # 03-076
Annual _____ Initial _____
Follow-up ☒ Complaint _____
Sanitation Certificate Issued Yes

VETERINARY HOSPITAL INSPECTION REPORT

Date of Inspection: 3/3/2016
Hospital Name: Vinson's Animal Hosp at Towson, Inc
Address: 1030 York Rd
City: Towson Zip Code: 21204

Licenses: _____

Status Code Explanation: 1. Compliance 2. Needs Improvement 3. Non-Compliance 4. Not applicable

I. Reception Area Licenses displayed (15.14.03.01-2) 24-hour notice (15.14.01.10) Clean, orderly & odor controlled (15.14.03.02A)	IV. Controlled Dangerous Substance (15.14.01.12) Drugs & pharmacy adequate Narcotics locked Expired medications removed (15.14.01.12-3)	VI. Storage (15.14.03.08) Food & bedding Refuse stored properly Adequate for carcass
II. Examination Room Clean & sanitary (15.14.03.02B) Instruments clean and sanitary Lighting adequate (15.14.03.060) Sharps & surgical instruments properly disposed (15.14.03.02H1)	V. Housing & Care (15.14.03.01-3) Clean and sanitary Cages, runs, and pens impervious and in good condition Animals comfortable Animals compatible Exercise area Lighting & ventilation Temperature Food & water Odors controlled Waste containers maintained and sanitary Medical waste properly disposed Vermin free	VII. Facility (15.14.03.09) Floors smooth and non-absorbent Floor-wall junctions adequate Walls smooth and non-absorbent Ceiling in good condition Windows & lighting adequate Adequate space Floor drainage sanitary Ventilation Temperature Humidity Fire alarm system Emergency lighting
III. Surgery/Treatment (15.14.03.04) Clean & sanitary Sterilization equipment Instruments, linens, gowns, clean & sanitary Scrub sink Lighting adequate Artificial respiration device Sharps & surgical instruments properly disposed (15.14.03.02H1)		

COMMENTS: Follow up for exp'd drugs - found 1 exp. drug.
scrub sink - cabinet - done.
stained ceiling panels - must done
* Please check expiration dates on food.
* Please replace rest of stained ceiling panels.
* Please replace light covers.

ORDERS TO CORRECT VIOLATION(S)
YES _____ Total number of days: _____

Acknowledgement of Receipt:
"I have received this inspection report and I understand the findings of this inspection."

APPROVED / DISAPPROVED
Inspector: [Signature]

Veterinarian/staff: Julia Smith Don
(Signature)
Julia Smith Don
(Printed Name)

Maryland Department of Agriculture
State Board of Veterinary Medical Examiners
50 Harry S Truman Parkway, Ste. 102
Annapolis, Maryland 21401
Phone: (410) 841-5862
Fax (410) 841-5780
www.mda.maryland.gov



County/Hospital License # CB-076
Annual ✓ Initial
Follow-up Complaint
Sanitation Certificate Issued NO

2/
21

Veterinary Hospital Inspection Report

Date of Inspection 10/2/2017
Hospital Name Vincent's Animal Hospital
DBA, if applicable:
Address 1030 York Rd
City Towson Zip 21204

List all Owners: Dr. Kenneth William Forester
2444
Responsible Veterinarian: 2444
Other licensees: 5434, 4605,

Status Code Explanation: 1. Compliance 2. Needs Improvement 3. Non-Compliance 4. Not-applicable

I. Reception Area		IV. Controlled Dangerous Substances (15.14.01.12)		VI. Storage (15.14.03.06)	
Licenses displayed (15.14.03.01-2)	<u>1</u>	CDS Log Reviewed	<u>1</u>	Food & bedding	<u>1</u>
24-hour notice (15.14.01.16)	<u>1</u>	Drugs & pharmacy adequate	<u>1</u>	Refuse stored properly	<u>1</u>
Clean, orderly & odor controlled (15.14.03.02A)	<u>1</u>	Narcotics locked	<u>1</u>	Adequate for carcass	<u>1</u>
II. Examination Room		Expired medications removed (15.14.01.12-3)	<u>2</u>	VII. Facility (15.14.03.06J)	
Clean & sanitary (15.14.03.02B)	<u>1</u>	Expiration dates on pharmacy labels (15.14.01.12-2)	<u>2</u>	Floors smooth and non-absorbent	<u>1/2</u>
Instruments clean and sanitary	<u>1</u>	Proper labeling of secondary containers (15.14.01.12-2F)	<u>1/2</u>	Floor-wall junctions adequate	<u>1</u>
Lighting adequate (15.14.03.06G)	<u>1</u>			Walls smooth and non-absorbent	<u>1/2</u>
Sharps & surgical instruments properly disposed (15.14.03.02H1)	<u>1</u>			Ceiling in good condition	<u>1</u>
III. Surgery/Treatment (15.14.03.04)		V. Housing & Care (15.14.03.01-3)		Windows & lighting adequate	<u>1</u>
Clean & sanitary	<u>1</u>	Clean and sanitary	<u>1</u>	Adequate space	<u>1</u>
Sterilization equipment	<u>1</u>	Cages, runs, and pens impervious & in good condition	<u>1/2</u>	Floor drainage sanitary	<u>1</u>
Instruments, linens, gowns clean & sanitary	<u>1</u>	Animals comfortable	<u>1</u>	Ventilation	<u>1</u>
Scrub sink	<u>1</u>	Animals compatible	<u>1</u>	Temperature	<u>1</u>
Lighting adequate	<u>1</u>	Exercise area	<u>1</u>	Humidity	<u>1</u>
Positive Pressure Oxygen Delivery System (15.14.07.08)	<u>1</u>	Lighting & ventilation	<u>1</u>	Fire alarm system	<u>1</u>
Sharps & surgical instruments properly disposed (15.14.03.02H1)	<u>1</u>	Temperature	<u>1</u>	Emergency lighting	<u>1</u>
Questions:		Food & water	<u>1</u>		
Ellen James		Odors controlled	<u>1</u>		
240-314-9446		Waste containers maintained and sanitary	<u>1</u>		
		Medical waste properly disposed	<u>1</u>		
		Vermis free	<u>1</u>		

21 exp. drugs:
oldest from 1998
(some from 9/17)
Put exp. dates
on all pharmacy lab

Comments: Mark all secondary containers w/ exp. date from primary bottle
Remove all exp. drugs from pharmacy, treatment room, etc., even
Seal all bottles located on sink cabinet.
Replace broken floor tiles in kitchen and run. Clean freeze

ORDERS TO CORRECT VIOLATION(S)

Yes ✓ Total number of days 30

APPROVED/DISAPPROVED

Inspector: Ellen James

Acknowledgment of Receipt:

"I have received this inspection report and I understand the findings of this inspection."

Veterinarian/Staff: Abby Dorian Signature

Printed: Asmy Vietrich

Maryland Department of Agriculture
State Board of Veterinary Medical Examiners
50 Harry S Truman Parkway, Room 102
Annapolis, MD 21401
T: 410.841.5862 F: 410.841.5780
www.mda.maryland.gov



County/Hospital License #:
03-076
Responsible Veterinarian License #:
2444

Violations of COMAR 15.14.01.12-2 Dispensing of Federal Legend Drugs
or Veterinary Prescription Drugs, or .12-3 Expired Medications

Hospital Name: Vinson's Animal Hospital at Towson, Inc

Address: 1030 York Rd

City: Towson Zip Code: 21204

Veterinary Owner, Responsible Veterinarian or Practice Manager:

At the inspection of your veterinary hospital on 10/3/2017 by Board staff, your hospital was found to be in violation of Code of Maryland Regulation (COMAR) 15.14.01.12-2 Dispensing of Federal Legend Drugs or Veterinary Prescriptions Drugs, at F, which provides:

F. A veterinarian or authorized employee shall include the following information on the labels of dispensed drugs:

- (1) Hospital name, address, and telephone Number;
- (2) Name of prescribing veterinarian;
- (3) Name, quantity, and strength of the drug;
- (4) Name of client and animal;
- (5) Directions for usage;
- (6) Route of administration;
- (7) Length of treatment;
- (8) Appropriate cautionary statements including, if applicable, slaughter withdrawal or milk withholding times, or both;
- (9) Date of dispensation; and
- (10) Expiration date.

COMAR 15.14.01.12-3 Expired Medications, which provides:

- A. A veterinarian may not administer expired medication to an animal.
- B. A veterinarian may not remove expiration dates from medications.
- C. Until a veterinarian has disposed of an expired medication, the veterinarian shall package and keep it separate and apart from unexpired medications.

If either of these violations is found to continue at a subsequent inspection, the Board may charge you and propose a civil penalty sanction of \$300 to \$3,000 for a first offense, \$600 to \$6,000 for a second offense, or \$3,000 to \$10,000 for a third or subsequent offense, among other sanctions. The amount of the civil penalty is also determined by your disciplinary history with the Board, the severity of the violation, and your good faith effort to correct the violation.

If you have questions about correcting the violation, please contact Board staff at 410.841.5862.

Board Inspector/Investigator: Ellen James Phone 240-319-9446

Owner, Veterinarian, Manager: Julia Smith DVM (Signature) Julia Smith DVM (Printed Name) MD44005

For current information about disposal options for expired drugs, see http://www.deadversion.usdoj.gov/drug_disposal/index.html
(SBVME Hosp2 - 10-2014)