

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

IN THE MATTER OF:

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KEVIN C. DOHERTY, DVM
LICENSE NO. 3657

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DOCKET NO. 18-41

FORK VETERINARY HOSPITAL
HOSPITAL LICENSE NO. 03-013

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 20th day of March, 2018, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Dr. Kevin C. Doherty, DVM, License No. 3657. This Order confirms the intention of Dr. Doherty to waive the right to contest the charge filed by the Board on or about February 23, 2018, in Docket No. 18-41, alleging that Dr. Doherty 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. 18-41, the Board alleged that Dr. Doherty violated COMAR 15.14.01.12-3C by failing to keep expired medications separate and apart from unexpired medications. By telephone call and email on March 1, 2018, Dr. Doherty notified the Board that he wishes to voluntarily waive the right to a hearing and appeal on the charge in Docket No. 18-41. On March 19, 2018, Dr. Doherty submitted a check for \$500.00 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). Dr. Doherty has no formal prior disciplinary history, although his hospital did receive a warning for expired medications in the past.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Kevin C. Doherty, DVM, License No. 3657 (“Dr. Doherty”), has agreed to submit payment of the \$500.00 civil penalty assessed by the Board in Docket No.18-41, and waived his right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Doherty 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 these charges, Dr. Doherty was a licensed veterinarian, as well as the owner and responsible veterinarian at Fork Veterinary Hospital (“Hospital”), located at 12546 Harford Road, Fork, Maryland 21051. The Hospital is licensed by the Board as License No. 03-013.
2. On or about November 14, 2014, Board inspector Ellen James (“Ms. James”) conducted a routine annual sanitation inspection of the Hospital and found 18 expired medications that had not been packaged and kept separate and apart from the Hospital’s unexpired medications. Ms. James instructed Hospital staff to remove all expired drugs and to check expiration dates once a month. The Hospital was not formally charged.
3. On or about December 8, 2017, Ms. James conducted an annual sanitation inspection of the Hospital and found 14 expired medications that had not been packaged and kept separate and apart from

the Hospital's unexpired medications. Ms. James also found 28 expired single dose vials of feline leukemia vaccine during the December 8, 2017 inspection.

4. Following the December 8, 2017 inspection, Ms. James discussed the Hospital's non-compliance with Board regulations with Dr. Doherty and made suggestions for improvement.

5. On or about January 10, 2018, Ms. James conducted a follow-up inspection of the Hospital and found three expired medications that had not been packaged and kept separate and apart from the Hospital's unexpired medications. Among the three expired drugs was Neo Predef, which expired in August 2016.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's 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 foregoing Findings of Fact and Conclusions of Law, it is this 20th 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, Dr. Doherty is assessed a civil penalty in the amount of \$500.00. The Board acknowledges payment of \$500.00 received from Dr. Doherty on March 19, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



David L. Handel, DVM
President