

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

IN THE MATTER OF:

KRISTA MAGNIFICO, D.M.V.
LICENSE NO. 5897

DOCKET NO. 18-44

JARRETTSVILLE VETERINARY CENTER
HOSPITAL LICENSE NO. 12-013

* * * * *

CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 9th day of March, 2018, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Dr. Krista Magnifico, DVM, License No. 5897 ("Dr. Magnifico"). This Order confirms the intention of Dr. Magnifico to waive the right to contest the charge filed by the Board on or about February 23, 2018, in Docket No. 18-44, alleging that Dr. Magnifico 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. 18-44, the Board alleged that Dr. Magnifico violated COMAR 15.14.03.04A (Facilities, Equipment, and Supplies for Animal Surgery and Post Surgical Care) by failing to maintain facilities and equipment in accordance with accepted surgical practices at a veterinary hospital she owns and operates.

By letter dated March 2, 2018, Dr. Magnifico notified the Board that she wishes to voluntarily waive the right to a hearing and appeal on the charge in Docket No. 18-44 and submitted a check for \$300.000 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

Krista Magnifico, DVM, License No. 5897, has submitted payment of the \$300.00 civil penalty assessed by the Board in Docket No.18-44, and waived her right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Magnifico 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 2-310(8), Md. Code Ann., and a related regulation; specifically COMAR 15.14.03.04A, as follows:

1. At all times relevant to these charges, Dr. Magnifico was the owner and Responsible Veterinarian of a veterinary hospital known as Jarrettsville Veterinary Center (“Hospital”), located at 3961 Norrisville Road, Jarrettsville, Maryland 21084. The Hospital is licensed by the Board as License No. 12-013.

2. As part of its responsibilities administering the Veterinary Practice Act, the Board conducts inspections of licensed veterinary hospitals. During one annual inspection, which took place on July 28, 2017, and two follow-up inspections within eight months, Dr. Magnifico was advised to clean surfaces in the surgery room of Hospital. Even after being specifically instructed to clean and dust the surgical lights that hang over patients during surgical procedures on July 28, 2017, Dr. Magnifico failed to maintain hospital facilities and equipment in accordance with accepted surgical practices as evidenced by a subsequent inspection months later.

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 9th 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 15.14.03.04A (Facilities, Equipment, and Supplies for Animal Surgery and Post Surgical Care), Dr. Magnifico is assessed a civil penalty in the amount of \$300.00. The Board acknowledges payment of \$300.00 received from Dr. Magnifico on March 8, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



David L. Handel, DVM
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