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

IN THE MATTER OF:	*	
EDWARD I. OWOEYE, VMD LICENSE NO. 5415	*	DOCKET NO. 18-57
	*	
PERRING ANIMAL HOSPITAL HOSPITAL LICENSE NO. 03-023	*	

* * * * * * * * * * * * *

CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 4th day of December, 2018, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Dr. Edward I. Owoeye, VMD, License No. 5415. This Order confirms the intention of Dr. Owoeye to waive the right to contest the charge filed by the Board on or about August 30, 2018, in Docket No. 18-57, alleging that Dr. Owoeye 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, the Board alleged that Dr. Owoeye violated COMAR 15.14.01.12-3C by failing to keep expired medications separate and apart from unexpired medications and by failing to maintain the veterinary hospital he owns and at which he serves as responsible veterinarian and that he violated COMAR 15.14.03.05B (Construction Standards for Veterinary Facilities) as a result of failure to properly seal a wall at his veterinary hospital. Dr. Owoeye initially requested a hearing on the charges, after which, discussions with the Board to resolve the case took place. By email dated December 3, 2018, Dr. Owoeye notified the Board that he wishes to voluntarily waive the right to a hearing and appeal on the charge in Docket No. 18-57 and will pay the $800.00 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. Owoeye 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

Edward Owoeye, VMD, License No. 5415 ("Dr. Owoeye"), has agreed to submit payment of the $800.00 civil penalty assessed by the Board in Docket No.18-57, and waived his right to a hearing or appeal of the charge. After having the opportunity to seek advice of legal counsel, Dr. Owoeye 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 related regulations; specifically COMAR 15.14.01.12-3C and COMAR 15.14.03.05B as follows:

1. At all times relevant to these charges, Dr. Owoeye was a licensed veterinarian, as well as the owner and responsible veterinarian at Perring Animal Hospital ("Hospital"), located at 2208 East Joppa Road, Baltimore, Maryland 21234. The Hospital is licensed by the Board as License No. 03-023.

2. During a routine inspection of Hospital on December 6, 2017, Board Inspector, Ellen James ("Ms. James") found several violations of the Board's regulations. These included finding expired medications, including a partially used box of diphenhydramine (1 cc bottles), kept with unexpired medications in Hospital's working stock. Ms. James instructed Hospital staff to remove all expired drugs and to check expiration dates once a month.

3. During the same inspection on December 6, 2017, Board Inspector, Ms. James also detailed other facilities issues which needed to be addressed to ensure compliance with the Veterinary Practice Act and regulations, including sealing patched portions of wall, which is necessary to waterproof the walls so that they can be cleaned effectively.

4. On or about March 9, 2018, Ms. James conducted a follow-up inspection of Hospital. At that time, she found three additional expired medications in Hospital's working stock, including one dating back to December of 2016. In addition, as of that date, the walls described in the earlier inspection report had still not been sealed, in violation of COMAR 15.14.03.05B (Construction Standards for Veterinary Facilities).

Taking all the facts and circumstances into consideration, including the nature of the violations, the veterinarian's lack of 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 4th day of December, 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. Owoeye is assessed a civil penalty in the amount of $500.00, and for violation of COMAR 15.14.03.05B (Construction Standards for Veterinary Facilities), Dr. Owoeye is assessed a civil penalty of $300.00. The total civil penalty of $800.00 must be paid within 30 days from the date of this Order.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



David L. Handel, DVM
President