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

IN THE MATTER OF:	*	
PETWELL WEST FREDERICK, LLC, OWNER	*	DOCKET NO. 18-62
	*	
WEST FREDERICK VETERINARY HOSPITAL License No. 10-075	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 6th day of August, 2018, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board") against Petwell West Frederick, LLC, ("PWF") owner of West Frederick Veterinary Hospital (License No. 10-075) ("Hospital"), located at 6902 Bowers Road, Frederick, MD 21702.

This Order confirms the intention of PWF, as the owner of Hospital, to waive the right to contest the charge filed by the Board on July 3, 2018, in Docket No. 18-62, alleging that PWF 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. In a Notice of Agency Action, served with the charges, PWF was notified of its right to request a hearing before the Board within ten (10) days of receipt of the charges and notice of agency action. PWF did not request a hearing.

On August 1, 2018, the Board received a check for $500.00 from PWF, representing full payment of the civil penalty in Docket No. 18-62 and affirming PWF's voluntary waiver of its right to a hearing and an appeal in Docket No. 18-62.

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 and veterinary hospital owners charged with violating provisions of the Veterinary Practice Act, Agriculture Article §§ 2-301 *et seq.*, Annotated Code of Maryland and related 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 hospital owner] . . . [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 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

PWF, after having the opportunity to seek advice of legal counsel, voluntarily waived its right to a hearing on the charge and paid the civil penalty of $500.00. In so doing, PWF acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law, that it violated Agriculture Article § 2-304.1, Md. Code Ann., and a related regulation; specifically COMAR 15.14.03.01-1C, as follows:

1. On or about April 13, 2018, PWF, a limited liability company, purchased an operating veterinary hospital known as West Frederick Veterinary Hospital ("Hospital") (License No. 10-075), located at 6902 Bowers Road, Frederick Maryland 21702, without applying to the Board to obtain a new hospital license.

2. According to the website for the Maryland Department of Assessments and Taxation, PWF was formed and registered as a limited liability company with that department on April 6, 2018.

3. On May 8, 2018, the Board received an application for a veterinary hospital license submitted on behalf of PWF seeking a license to operate Hospital. The hospital license application indicated that Hospital was last inspected on September 30, 2016.

4. On May 16, 2018, after Hospital had passed inspection by Board staff, the Board granted a license to PWF, as owner of Hospital.

5. Agriculture Article, § 2-304.1(b), Annotated Code of Maryland, provides that every veterinary hospital shall be licensed by the Board. COMAR 15.14.03.01-1 specifies the process and requirements for licensing and operation of veterinary hospitals. COMAR 15.14.03.01-1C provides that: "[a] person, including the owner, may not operate a veterinary hospital unless it has a valid hospital license." COMAR 15.14.03.01-1E further provides that: "[b]ecause a hospital license is issued in the name of a particular owner for a particular building or portion of it, the owner may not transfer this license to either a new owner, including a person leasing or purchasing the owner's veterinary practice, or a different physical structure." Thus, once ownership of a veterinary hospital changes, the

license issued to the original owner is no longer valid. Before a license can be issued and the hospital operated, the new owner must apply for a licensed in its name and make arrangements for the hospital to be inspected, unless the hospital has been inspected in the 12 months before the Board receives an application. *See* COMAR 15.14.03.01-1 parts F and G.

6. From April 13, 2018, the date Hospital was sold to PWF, until May 16, 2018, when the Board granted Hospital a license in the name of PWF, PWF operated Hospital without a valid hospital license issued by the Board.

Taking all facts and circumstances into consideration, including the nature of the violation, PWF's lack of prior disciplinary history with the Board, and PWF'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 6th day of August, 2018, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Agriculture Article, § 2-304.1, Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.03.01-1C, Petwell West Frederick, LLC, owner of West Frederick Veterinary Hospital (License No. 10-0175), is assessed a civil penalty in the amount of $500.00. The Board acknowledges receipt of the full amount of the civil penalty on August 1, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

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