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

IN THE MATTER OF:	*	
ANNAPOLIS OPERATING, LLC (OWNER)	*	**DOCKET NO. 18-63**
BAY RIDGE ANIMAL HOSPITAL LICENSE NO. 02-00211	*	

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IN THE MATTER OF:	*	
ANNAPOLIS OPERATING, LLC (OWNER)	*	**DOCKET NO. 18-64**
ANNAPOLIS CAT HOSPITAL LICENSE NO. 02-00210	*	

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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 ("SBVME" or "the Board") against Annapolis Operating, LLC ("Owner"), owner of two veterinary hospitals, namely, Bay Ridge Animal Hospital (License No. 02-00211) and Annapolis Cat Hospital (License No. 02-00210). This Order confirms the intention of Annapolis Operating, LLC to waive its right to contest the charges filed by the SBVME on July 3, 2018 in Docket No. 18-63 (pertaining to Bay Ridge Animal Hospital) and Docket No. 18-64 (pertaining to Annapolis Cat Hospital) alleging that Owner violated the 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 by operating two veterinary hospitals without a valid hospital license issued by the Board. By telephone call to Board counsel and as later confirmed by email on July 11, 2018, the Owner's representative, Marc Rose, requested a hearing on the two cases, but indicated that Owner was interested in resolving the cases. After discussions between Board counsel and

Mr. Rose, acting on behalf of Owners, Mr. Rose notified the Board that Owner would waive its right to a hearing and an appeal in Docket Nos. 18-63 and 18-64 and pay the civil penalty proposed by the Board. On August 1, 2018, the SBVME received a check in the amount of $1,600.00, representing full payment of the civil penalties in these matters.

Under Maryland law, the SBVME is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against owners of veterinary hospitals and mobile clinics charged with violating the provisions of the Veterinary Practice Act and related COMAR regulations. As part of its authority, the SBVME "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). The Board also may impose a civil penalty of not more than $3,000 for the first offense, $6,000 for a second offense, or $10,000 for a third or subsequent offense in lieu of or in addition to suspending or revoking a veterinarian's or hospital owner's license, respectively. *See* COMAR 15.14.11.03; 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 FACTS AND CONCLUSIONS OF LAW

Marc Rose, Chief Financial Officer of Veterinary Practice Partners, LLC, acting on behalf of Owner, after having the opportunity to seek advice of legal counsel, agreed to submit payment of the total ($1,600) civil penalties assessed by the Board in Docket Nos. 18-63 and 18-64, and waived the Owner's right to a hearing or appeal of the charges issued on July 3, 2018. Owner acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law, that Owner violated Agriculture Article, § 2-304.1, Annotated Code of Maryland, and COMAR 15.14.03.01-1C, which provides that: "[a] person, including the owner, may not operate a veterinary hospital unless it has a valid hospital license" based upon the following facts:

1. In September of 2017, Bay Ridge Animal Hospital ("Bay Ridge") and Annapolis Cat Hospital ("ACH") were veterinary hospitals licensed in Maryland. Bay Ridge is located at 2246 Bay Ridge Avenue, Annapolis, MD 21403, and ACH is located at 2248 Bay Ridge Avenue, Annapolis, MD 21403. Susan Longo, D.V.M (License No. 3269) ("Dr. Longo") was the owner and responsible veterinarian at both hospitals.

2. In May of 2018, the Board received two hospital applications, one seeking a veterinary hospital license in the name of Owner for Bay Ridge and the other for ACH. The form for each hospital indicated that the application was being filed because Bay Ridge and ACH, both existing licensed hospitals, were under new ownership, having been purchased by Owner in September of 2017.

3. While Dr. Longo, the former owner of both hospitals, had provided the Board with contact information for the new owner by way of an informational form she completed and sent to the Board in December 2017, neither Dr. Longo nor any representative of Owner notified the Board of the sales of the two hospitals prior to the sale date or attempted to apply for a new license for either hospital before May of 2018.

4. After the license applications were processed and both facilities were inspected by the Board, hospital licenses for both ACH and Bay Ridge were issued to Owner on June 4, 2018.

5. Agriculture Article, § 2-304.1, 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. A veterinary hospital under new ownership may not operate until the new owner obtains a license in the new owner's name and arranges for an inspection of the hospital.

6. After the change in ownership in September 2017 and continuing through June 3, 2018, Owner operated both hospitals, Bay Ridge and ACH, without a valid license issued by the Board.

Taking all the facts and circumstances into consideration, including the nature of the violation, as well as Owner's lack of disciplinary history with the Board, acknowledgment of responsibility for the violations, and good faith efforts to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution in this matter was a civil penalty only, as set forth below.

ORDER

Based on the foregoing findings of fact and conclusions of law, it is this 6th day of August, 2018, hereby **ORDERED** by the Maryland State Board of Veterinary Medical Examiners, that Annapolis Operating, LLC, committed two violations of Agriculture Article, § 2-304.1 and COMAR 15.14.03.01-1 (Licensing Requirements) by taking ownership of two veterinary hospitals, namely Bay Ridge Animal Hospital (License No. 02-00211), and Annapolis Cat Hospital (License No. 02-00210), and operating them without a license between September 2017 and June 4, 2018. For the violation in Docket No. 18-63, relating to operation of Bay Ridge Animal Hospital, Owner is assessed a civil penalty of $800.00, and for the violation in Docket No. 18-64, relating to Annapolis Cat Hospital, Owner is assessed a civil penalty of $800.00, for a total of $1,600.00. The Board acknowledges payment of $1600.00 received from Annapolis Operating, LLC on August 1, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

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