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

IN THE MATTER OF:	*	
EDDIE F. MOLESWORTH, DVM LICENSE NO. 1758	*	DOCKET NO. 19-11
MAIN STREET VETERINARY HOSPITAL HOSPITAL LICENSE NO. 03-040	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 5th day of November, 2018, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Dr. Eddie F. Molesworth, DVM ("Dr. Molesworth"), License No. 1758. This Order confirms the intention of Dr. Molesworth to waive the right to contest the charge filed by the Board on or about September 25, 2018 in Docket No. 19-11, alleging that Dr. Molesworth, as owner and responsible veterinarian at Main Street Veterinary Hospital (License No. 03-040) 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. By letter received by the Board on October 4, 2018, Dr. Molesworth notified the Board that he wishes to voluntarily waive the right to a hearing and appeal on the charge in Docket No. 19-11 and enclosed 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).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Eddie F. Molesworth, DVM, License No. 1758 ("Dr. Molesworth"), after having the opportunity to seek advice of legal counsel, has submitted payment of the $500.00 civil penalty assessed by the Board in Docket No. 19-11 and waived his right to a hearing or appeal of the charge. Dr. Molesworth acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he violated 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. Molesworth was a veterinarian licensed to practice in Maryland, where he has been licensed since 1973. Dr. Molesworth has no prior formal disciplinary history with the Board.

2. At the time of the events described in these charges, Dr. Molesworth was the owner and responsible veterinarian of a veterinary hospital known as Main Street Veterinary Hospital ("Hospital"), (License No. 03-040), located at 11617 Reisterstown Road, Reisterstown, Maryland 21136.

3. During a routine inspection of Hospital on July 25, 2018, Board Inspector Ellen James ("Ms. James") found at least 15 expired medications kept with unexpired medications in the hospital's working stock. Ms. James instructed Hospital staff to remove all expired drugs and to check expiration dates once a month.

4. Ms. James conducted a follow up inspection of Hospital on August 10, 2018. At that time, despite the prior finding of expired medications and the instructions to remove expired medications from the

Hospital's working stock, Ms. James found 3 vials of feline vaccine that had expired in February of 2017, and one unknown drug that expired in March of 2018.

5. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to an animal and COMAR 15.14.01.12-3C requires that expired medications be packaged and kept separate and apart from unexpired medications until disposal of such medications. By failing to remove expired medications from the Hospital's working stock, Dr. Molesworth violation COMAR 15.14.01.12-3C.

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 5th day of November, 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. Molesworth is assessed a civil penalty in the amount of $500.00. The Board acknowledges receiving full payment of the $500.00 civil penalty from Dr. Molesworth on October 4, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



David L. Handel, DVM
President