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

IN THE MATTER OF:	*	
FREDERIC M. COHEN, DVM LICENSE NO. 2708	*	DOCKET NO. 19-13
	*	
WESTVIEW ANIMAL HOSPITAL HOSPITAL LICENSE NO. 03-032	*	

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

CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 26th day of November, 2018, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Dr. Frederic M. Cohen, DVM ("Dr. Cohen"), License No. 2708. This Order confirms the intention of Dr. Cohen to waive the right to contest the charge filed by the Board on or about November 7, 2018 in Docket No. 19-13, alleging that Dr. Cohen, as owner and responsible veterinarian at Westview Animal Hospital, (License No. 03-032) 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 dated November 11, 2018 and received by the Board on November 19, 2018, Dr. Cohen notified the Board that he wishes to voluntarily waive the right to a hearing and appeal on the charge in Docket No. 19-13 and agreed to pay the $300.00 civil penalty assessed. Dr. Cohen also enclosed a check in the amount of $300.00, representing full payment of the civil penalty.

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

Frederic M. Cohen, DVM, License No. 2708 ("Dr. Cohen"), after having the opportunity to seek advice of legal counsel, has waived his right to a hearing and appeal of the charge in Docket No. 19-13 and agreed to pay the $300.00 civil penalty assessed by the Board. In so doing, Dr. Cohen 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 this charge, Dr. Cohen was a veterinarian licensed to practice in Maryland, where he has been licensed since 1984. Dr. Cohen has no prior disciplinary history with the Board.

2. At the time of the incidents described in this charge, Dr. Cohen was the owner and responsible veterinarian of a veterinary hospital known as Westview Animal Clinic ("Hospital"), located at 5800 Johnnycake Road, Baltimore, Maryland 21207. Hospital is licensed by the Board as License No. 03-032.

3. During a routine inspection of Hospital on August 10, 2018, Board Inspector Ellen James ("Ms. James") found at least 27 expired medications kept with unexpired medications in Hospital's working stock. Ms. James instructed Hospital staff to remove all expired medications and to check expiration dates once a month.

4. 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 must be packaged and kept separate and apart from unexpired medications until disposal of such medications.

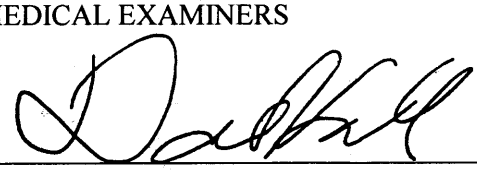
5. By failing to remove expired medications from the Hospital's working stock, Dr. Cohen violation COMAR 15.14.01.12-3C.

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 26th 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. Cohen is assessed a civil penalty in the amount of $300.00. The Board acknowledges full payment of the $300.00 civil penalty by Dr. Cohen, received by the Board on November 19, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



David L. Handel, DVM
President