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

IN THE MATTER OF:	*	
MEDICAL MANAGEMENT INTERNATIONAL, INC. d/b/a/ BANFIELD PET HOSPITAL Owner	*	DOCKET NO. 19-32B
BANFIELD VETERINARY HOSPITAL NO. 5190 License No. 15-00245	*	

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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") against Medical Management International, Inc., d/b/a Banfield Pet Hospital ("Banfield"), owner of Banfield Veterinary Hospital No. 5190, (License No. 15-00245) ("Hospital"), located at 10066 Darnestown Road, Rockville, MD 20850.

This Order confirms the intention of Banfield, as the Owner of Hospital, to waive the right to contest the charge filed by the Board on November 29, 2018, in Docket No. 19-32B, alleging that Banfield 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, Banfield 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.

On November 30, 2018, the Board received an email communication from Jamie Trotter, Manager of Regulatory Compliance for Banfield, waiving Banfield's right to a hearing and an appeal in Docket No. 19-32B and agreeing to pay the $3,000.00 civil penalty proposed.

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

Banfield, after having the opportunity to seek advice of legal counsel, voluntarily waived its right to a hearing on the charge and agreed to pay the civil penalty of $3,000.00. In so doing, Banfield 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. At times relevant to this charge, Banfield owned and operated the Hospital. Banfield owns, operates, and/or administers other veterinary hospitals in Maryland and has previously been advised, in other disciplinary matters and through other communications from the Board, regarding Maryland's licensing requirements, including the need for the Board to inspect any new veterinary hospital before a license is issued.

2. The Hospital was a new veterinary hospital that opened for business with a soft launch on October 8, 2018 without having obtained a license from the Board. The Hospital began full operations on October 13, 2018, still without having obtained a license to operate a veterinary hospital or having been inspected by the Board.

3. On or about October 18, 2018, after the Hospital had already been operating, Jessie Miller, a Compliance Specialist with the Regulatory Compliance Division of Banfield Pet Hospital in Vancouver, Washington, realized that the Hospital had not obtained a license. Ms. Miller, acting on behalf of Banfield, contacted the Executive Director of the Board, Vanessa Orlando, to discuss the situation. Although a

licensing application for the Hospital had been requested on October 4, 2018, and the application fee had been paid, no application had been submitted for the Hospital nor had an inspection been conducted prior to the Hospital's opening.

4. On October 18, 2018, Ms. Orlando advised Ms. Miller that by operating without a license or a required inspection, the Hospital, Banfield, its owner, and its responsible veterinarian were in violation of the law. Ms. Orlando instructed Ms. Miller to instruct Banfield to immediately cease operations of the Hospital until an inspection could be conducted and a license issued. Banfield complied with this instruction and closed the Hospital the following day, October 19, 2018.

5. On Friday, October 19, 2018, the Board received the veterinary hospital license application for the Hospital submitted by Banfield. On Monday, October 22, 2018, a Board Inspector visited the Hospital and completed an inspection, which the Hospital passed. A license was issued for the Hospital the same day, allowing the Hospital to resume operations.

6. Agriculture Article, § 2-304.1, Annotated Code of Maryland, requires that every veterinary hospital 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 facility unless it has a veterinary hospital license." COMAR also prohibits an owner from operating a veterinary hospital from a building which has not previously passed inspection.

7. By operating the Hospital without a valid hospital license issued by the Board, Banfield violated Agriculture Article, § 2-304.1 and COMAR 15.14.03.01-1C & F. (Licensing Requirements).

Taking all facts and circumstances into consideration, including the nature of the violation, Banfield's prior disciplinary history with the Board, and Banfield'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, § 2-304.1, Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.03.01-1C, Medical Management International, Inc., d/b/a Banfield Pet Hospital, owner of Banfield Veterinary Hospital No. 5190, (License No. 15-00245) located at 10066 Darnestown Road, Rockville, MD 20850, is assessed a civil penalty in the amount of $3,000.00 to be paid within thirty (30) days from the date of this Order.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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