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

IN THE MATTER OF:	*	
DEBORAH TIERNEY, D.V.M. LICENSE NO. 3798	*	DOCKET NO. 19-33
DOC SIDE VETERINARY MEDICAL CENTER LICENSE NO. 30-031	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 28th day of November, 2018, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board") against Deborah Tierney, D.V. M. ("Dr. Tierney"), License No. 3798, and Doc Side Veterinary Medical Center, License No. 30-031 ("Hospital"), located at 1705 Bank Street, Baltimore, Maryland 21231.

This Order confirms the intention of Dr. Tierney, as the owner and responsible veterinarian of the Hospital, to waive the right to contest the charge filed by the Board on November 9, 2018, Docket No. 19-33, alleging that Dr. Tierney and Hospital 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. Specifically, the Board alleged that Dr. Tierney violated the Veterinary Practice Act, Agriculture Article, § 2-304.1, Annotated Code of Maryland, and Code of Maryland Regulations ("COMAR") 15.14.03.01-1C, which require that every veterinary hospital be licensed with the Board for each licensing year and prohibit any person from operating a veterinary hospital without a valid license.

By letter dated November 20, 2018, Dr. Tierney notified the Board of her decision to voluntarily waive the right to a hearing and appeal on the charge in Docket No. 19-33 and agreed to pay a civil penalty in the amount of $500.00 in this matter. Dr. Tierney also enclosed a check for $500.00, 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 and/or the owners of veterinary hospitals 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). The Board may also impose a civil penalty of not more than $3,000 for a 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 a veterinarian's or hospital owner's license. Md. Code Ann., Agric. Art. § 2-310.1, COMAR 15.14.11.03C & 15.14.11.04A. 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 15.14.11.04 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. Tierney, after having the opportunity to seek advice of legal counsel, voluntarily waived her right to a hearing on the charge and agreed to pay a civil penalty of $500.00. In so doing, Dr. Tierney acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she did violate Agriculture Article Section 2-304.1, Md. Code Ann., and a related regulation; specifically COMAR 15.14.03.01-1C, as follows:

1. At all times relevant to the charge, Dr. Tierney, a veterinarian licensed to practice in Maryland, was the owner of and responsible veterinarian for the Hospital. Dr. Tierney has no prior disciplinary history with the Board.

2. The Hospital has been licensed with the Board since 2006. However, Board licensing records reflect that the Hospital license for Fiscal Year ("FY") 2019, which was required to be renewed by August 1, 2018, was not renewed until October 24, 2018. During that time, the Hospital was operating, open for business, and treating patients.

3. On October 23, 2018, Board Licensing Administrator, Tonya Kendrick, spoke with Dr. Tierney about the Hospital's failure to renew its license for FY 2019. At that time, Dr. Tierney advised that she did not realize the license had not been renewed. Dr. Tierney took immediate action, and the Hospital's license was renewed the next day.

4. The Veterinary Practice Act, Agriculture Article, § 2-304.1, Annotated Code of Maryland, and COMAR 15.14.03.01-1C require that every veterinary hospital be licensed with the Board for each licensing year.

Normally, the licensing year for a veterinary hospital corresponds with the State fiscal year which runs from July 1 through June 30. For FY 2019, the deadline to renew licenses and annual registration was extended until August 1, 2018, because the Board was transitioning to an upgraded database.

5. Between August 1, 2018 and October 24, 2018, the Hospital owned and operated by Dr. Tierney was open for business and continuing to see patients without a valid veterinary hospital license issued by the Board.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of 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 28th day of November, 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, Dr. Tierney, as owner and responsible veterinarian at Doc Side Veterinary Medical Center, is assessed a civil penalty in the amount of $500.00. The Board acknowledges receipt of the full amount of the civil penalty on November 26, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

David L. Handel, DVM
President