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

IN THE MATTER OF:	*	
ERIN GIZA, D.V.M. LICENSE NO. 7545	*	DOCKET NO. 19-37
	*	
PETS ON THE SHORE HOSPITAL LICENSE NO. 22-019	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 22nd day of February, 2019, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Erin Giza, DVM ("Dr. Giza"), License No. 7545. This Order confirms the intention of Dr. Giza to waive the right to contest the charge filed by the Board on or about January 24, 2019 in Docket No. 19-37, alleging that Dr. Giza, as owner and responsible veterinarian at Pets on the Shore,(License No. 22-019), 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 February 12, 2019, Dr. Giza notified the Board that she wishes to voluntarily waive the right to a hearing and appeal on the charge in Docket No. 19-37 and enclosed a check for $300.00 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

Erin Giza, DVM, License No. 7545 ("Dr. Giza"), after having the opportunity to seek advice of legal counsel, has submitted payment of the $300.00 civil penalty assessed by the Board in Docket No. 19-37 and waived her right to a hearing on the charge. Dr. Giza acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she 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. Giza was a veterinarian licensed to practice in Maryland, where she has been licensed since 2015. Dr. Giza has no prior disciplinary history with the Board.

2. At the time of the events described in this charge, Dr. Giza was the owner and responsible veterinarian of a veterinary hospital known as Pets on the Shore ("Hospital"), located at 235 Dykes Road, Salisbury, Maryland 21801. The Hospital is licensed by the Board as License No. 22-019.

3. During a routine inspection of the Hospital on June 25, 2018, Board Inspector, Pegeen Morgan ("Ms. Morgan"), found more than 10 expired medications kept with unexpired medications in the Hospital's working stock. Ms. Morgan instructed Hospital staff to remove all expired drugs and to check expiration dates once a month. Ms. Morgan issued a COMAR Violation Sheet, which was signed by Dr. Giza. This was the first time Dr. Giza expired medications had been found in Dr. Giza's hospital.

4. On November 14, 2018, Ms. Morgan conducted a follow-up inspection of the Hospital. At that time, she found additional expired drugs in the Hospital's working stock. A second COMAR Violation Sheet was issued on that date.

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.

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 22nd day of February, 2019, 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. Erin Giza is assessed a civil penalty in the amount of $300.00. The Board acknowledges receiving full payment of the civil penalty from Dr. Giza on February 12, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

David L. Handel, DVM
President