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

IN THE MATTER OF:	*	
MARA L. MULLINIX, D.V.M. LICENSE NO. 4108	*	DOCKET NO. 19-40
	*	
MULLINIX VETERINARY HOSPITAL, INC. HOSPITAL LICENSE NO. 10-031	*	

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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 Mara L. Mullinix, DVM ("Dr. Mullinix"), License No. 4108. This Order confirms the intention of Dr. Mullinix to waive the right to contest the charge filed by the Board on or about January 24, 2019 in Docket No. 19-40, alleging that Dr. Mullinix, as owner and responsible veterinarian at Mullinix Veterinary Hospital, Inc. (License No. 10-031) 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 Februrary 15, 2019, Dr. Mullinix notified the Board that she wishes to voluntarily waive the right to a hearing and appeal on the charge in Docket No. 19-40 and enclosed a check for $1,000.00 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

Mara L. Mullinix, DVM, License No. 4108 ("Dr. Mullinix"), after having the opportunity to seek advice of legal counsel, has submitted payment of the $1,000.00 civil penalty assessed by the Board in Docket No. 19-40 and waived her right to a hearing or appeal of the charge. Dr. Mullinix 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. Mullinix was a veterinarian licensed to practice in Maryland, where she has been licensed since 1992. Dr. Mullinix has no formal prior disciplinary history with the Board pertaining to expired medications.

2. At the time of the events described in this charge, Dr. Mullinix was the owner and responsible veterinarian of a veterinary hospital known as Mullinix Veterinary Hospital, Inc. ("Hospital"), located at 5209 B Green Valley Road, Monrovia MD 21770. The Hospital is licensed by the Board as License No. 10-031.

3. During a routine inspection of Hospital on November 27, 2018, Board Inspector, Ellen James ("Ms. James"), found more than 17 expired medications kept with unexpired medications in the Hospital's working stock. The oldest of the expired medications dated back to February 2005 and another expired in 2012. Ms. James instructed Hospital staff to remove all expired drugs and to check expiration dates once a month.

4. Although Dr. Mullinix and the Hospital have no prior history involving formal charges for expired medications, Dr. Mullinix and the Hospital have been warned in the past when expired medications have been found in the Hospital's working stock. For example, during an inspection on December 3, 2014, Ms. James found 78 expired medications in the Hospital's working stock. At that time, Dr. Mullinix was instructed by Ms. James to remove all expired medications and to check expiration dates once a month to ensure that there would be no future violations.

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. Mullinix is assessed a civil penalty in the amount of $1,000.00. The Board acknowledges receiving full payment of the civil penalty from Dr. Mullinix on February 15, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



David L. Handel, DVM
President