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. 19-50
BANFIELD VETERINARY HOSPITAL NO. 5025 License No. 15-00245	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 26th day of March, 2018 is issued by the Maryland State Board of Veterinary Medical Examiners ("Board") against Medical Management International, Inc. ("MMI"), d/b/a as Banfield Pet Hospital, owner of Banfield Veterinary Hospital No. 5025, (License No. 06-043) ("Hospital"), located at 405 N. Center Street, Suite 24, Westminster, MD 21157.

This Order confirms the intention of MMI, as the owner of the Hospital, to waive the right to contest the charge filed by the Board on February 22, 2019 in Docket No. 19-50, alleging that MMI 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, MMI 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 March 11, 2019, the Board received a letter dated March 8, 2019, in which Jamie Trotter, Manager of Regulatory Compliance for MMI, waived MMI's right to a hearing in Docket No. 19-50 and enclosed a check for $5,000.00, representing full payment of the proposed 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 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

MMI, 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 $5,000.00. In so doing, MMI acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law, that it violated COMAR 15.14.03.01-1(I), as follows:

1. MMI is the owner of Banfield Hospital No. 5025 ("Hospital") located at 405 N Center Street, Suite 24, Westminster, MD 21157 (License No. 06-043).

2. As part of the Board's licensing requirements, every owner of a licensed veterinary hospital must designate a veterinarian who is responsible for the daily operations of this hospital and notify the Board of that designation. *See* COMAR 15.14.03.01-1B(4). MMI designated Dr. Tawnya Hopkins (License No. 3957) as the responsible veterinarian for Hospital.

3. During a routine inspection of the Hospital conducted on January 10, 2019, Board Inspector, Ellen James ("Ms. James"), learned that the responsible veterinarian of record, Dr. Hopkins, left the Hospital's employment on November 21, 2018. As of the date of the inspection, MMI had not notified the Board of Dr. Hopkins's departure, nor had it designated a new responsible veterinarian.

4. The Veterinary Practice Act, Agriculture Article, § 2-304.1, Annotated Code of Maryland, and COMAR 15.14.03.01-1 (Licensing Requirements) require that every veterinary hospital be licensed with the Board for each licensing year. COMAR 15.14.03.01-1C prohibits any person from operating a veterinary hospital without a valid license. In addition, Agriculture Article, § 2-313(a)(2)(iv) prohibits any person who is not a licensed veterinarian from owning a veterinary hospital unless the hospital is under the direct supervision and control of a licensed and registered

veterinarian. For purposes of complying with this statute, a "responsible veterinarian" must be designated by the owner of a veterinary hospital. COMAR 15.14.03.01B(5)(defining responsible veterinarian) and COMAR 15.14.03.01-1B(4) (requiring that the printed name and signature of the responsible veterinarian be provided by the owner in a license application).The regulations further require that the owner of a licensed veterinary hospital notify the Board within thirty (30) days after any of the information required for licensure, including designation of the responsible veterinarian, changes. *See* COMAR 15.14.03.01-1(I). 5. The Board received notice, by letter dated January 20, 2019, that Stella Carroll, DVM, is now the new responsible veterinarian at the Hospital.

6. Between November 21, 2018 and January 20, 2019, MMI operated Hospital without a designated responsible veterinarian required by Board regulations, and further failed to notify the Board within 30 days of the fact that the previously designated responsible veterinarian ceased to be employed at Hospital, in violation of COMAR 15.14.03.01-1(I).

Taking all facts and circumstances into consideration, including the nature of the violation, MMI's prior disciplinary history with the Board (which is reflected in the amount of the civil penalty), and MMI'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 March, 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 15.14.03.01-1(I), Medical Management International, Inc., d/b/a Banfield Pet Hospital, owner of Banfield Veterinary Hospital No. 5025 (License No. 06-043), is assessed a civil penalty in the amount of $5,000.00. The Board acknowledges full payment of the civil penalty, received on March 11, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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