

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

IN THE MATTER OF:

BILL W. BENSON, DVM

LICENSE NO. 2720

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DOCKET NO. 15-70

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (Consent Agreement), dated this 22nd 19th day of January, 2016, is between the Maryland State Board of Veterinary Medical Examiners (Board) and Bill W. Benson, DVM (Dr. Benson), License No. 2720. This Consent Agreement resolves a charging document filed by the Board on December 14, 2015 in Docket Number 15-70. The charging document alleged that Dr. Benson violated a Code of Maryland Regulation (COMAR); specifically, 15.14.01.10 regarding record-keeping for Daniel Martinez's senior Maine Coon cat, "Harley," on or after final treatment on May 1, 2015 at Advanced Veterinary Complex, Inc., a veterinary hospital in Reisterstown, Maryland. On December 30, 2015, Dr. Benson waived the right to a hearing before the Board and submitted payment of the \$1,200 civil penalty assessed in this matter. Thereafter, the parties entered into this Consent Agreement. Dr. Benson has a prior disciplinary history with the Board, including a record-keeping charge in Docket No. 13-47A. By entering into this Consent Agreement, Dr. Benson waives the right to a hearing and appeal in Docket No. 15-70. DLH 1/22/16

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 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 regulation after receiving a license[.]" Md. Code Ann., Agric. Section 2-310(8). In addition, the Board may impose a civil penalty of not more than \$5,000.00 for a first offense, or \$10,000.00 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. Section 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

violation, and any history of prior violations as well as the Board's regulatory civil penalty standards. Md. Code Ann., State Government Article Section 10-1001(b); COMAR 15.14.11 Civil Penalty Standards for Veterinarians.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Bill W. Benson, DVM, License No. 2720, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, agrees to this Consent Agreement, acknowledging that the Board has sufficient evidence to find, as fact, and conclude, as a matter of law, that he violated a Board regulation; specifically, COMAR 15.14.01.10, pertaining to record-keeping, on or after May 1, 2015 at Advanced Veterinary Complex, Inc., a veterinary hospital located at 501 Main Street in Reisterstown, Maryland 21136, when he failed to keep records for a minimum of three years for Daniel Martinez's senior Maine Coon cat, "Harley," and failed to provide records to the client within a reasonable time.

Taking all of the facts and circumstances into account, including the nature of the violation, Dr. Benson's prior disciplinary history with the Board, and Dr. Benson's good faith effort to resolve this matter, the Board concluded that the following sanctions were reasonable and appropriate.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 22nd 19th day of January, 2016, ^{DLH 1/22/16} by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that:

1. Dr. Benson is assessed a civil penalty in the amount of \$1,200 (\$600 for each of two violations of COMAR 15.14.01.10, Record Keeping), payment to be made by paper check within 30 days of the date of this Order to the "Maryland Department of Agriculture" with the notation "SBVME - 15-70," mailed to the Board at 50 Harry S. Truman Parkway, Rm. 102, Annapolis, MD 21401. The Board acknowledges receipt of a check for \$1,200 from Dr. Benson on December 30, 2015.

2. Dr. Benson shall serve a period of probation of six months. While on probation, the veterinarian shall obey all laws and regulations governing the practice of veterinary medicine in this State and the conditions of this Consent Agreement. Violation of probation means that the veterinarian is charged and the Board ultimately concludes that the veterinarian violated the Veterinary Practice Act, related regulations, or the

terms of this Consent Agreement during the period of probation, and may result in further disciplinary action and sanctions.

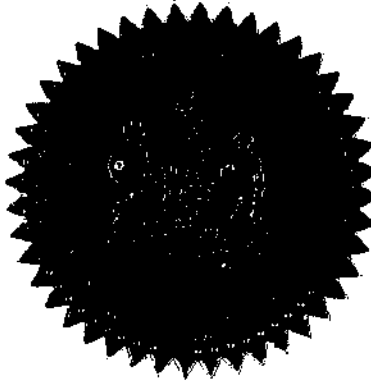
3. As a condition of probation, Dr. Benson shall complete the record-keeping module of Dr. James Wilson's online Veterinary Law and Ethics Course within five months of the date of this Order. Within 30 days of completion of the CE, the veterinarian shall forward to the Board proof of completion from the CE provider. Proof will include Dr. Benson's name, the number of credit hours of CE completed, the topics covered, and the dates the CE courses were given. Completion of the CE condition of probation will not be counted toward the 18 credit hours of CE required annually for re-registration of the veterinary license.



David L. Handel, DVM

President

Maryland State Board of Veterinary Medical Examiners



CONSENT

I, Bill W. Benson, D.V.M., License No. 2720, acknowledge that I have had an opportunity to consult with legal counsel before entering into this Consent Agreement. By signing this Consent, I hereby acknowledge the legal authority of the Board over this matter and to issue and enforce this Consent Agreement. In order to resolve this matter, I agree to comply with this Consent Agreement, consisting of four pages, including this page. I sign this Consent without reservation as my voluntary act after having had an opportunity to consult with counsel, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement.

Jan. 19, 2016
Date

Bill W. Benson, DVM
Name

NOTARY

STATE OF Maryland

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 19th day of January, 2016, before me, a Notary Public of the State and City/County aforesaid, personally appeared Bill W. Benson, DVM, and made oath in due form of law that the foregoing Consent Agreement and Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

[Signature]
Notary Public

My Commission expires: 20 April 2017

