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

IN THE MATTER OF:	*	
SHERMAN O. CANAPP, JR., DVM (LICENSE NO. 5540)	*	DOCKET NO. 16-61
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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 25th day of September, 2018, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Sherman O. Canapp, Jr., DVM, ("Dr. Canapp"), License No. 5540. This Consent Agreement resolves the charges filed by the SBVME on or about November 1, 2017 in Docket No. 16-61 alleging that Dr. Canapp violated various provisions of the Veterinary Practice Act and related COMAR regulations in connection with his care and treatment of Trent," a one-year-old male Giant Schnauzer owned by Tonilyn Fay. By letter dated November 8, 2017, Dr. Canapp, through counsel, requested a hearing on the charges before the Board.

Thereafter, the parties engaged in discussions to explore possibilities for resolving the case without need for a hearing. Ultimately, the parties agreed to enter into this Consent Agreement. By entering into this Consent Agreement, Dr. Canapp waives the right to a hearing and an appeal on the charging document in Docket Number 16-61.

Under Maryland law, the SBVME 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 the provisions of the Veterinary Practice Act and related COMAR regulations adopted pursuant to this law. As part of its authority, the SBVME "may refuse, suspend, or revoke any application or license, and censure or place on probation any licensee ... if the veterinarian ... [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 $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 any 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

Sherman O. Canapp, Jr., D.V.M., License Number 5540, while generally and specifically denying liability, by entering into and signing this Consent Agreement agrees to the provisions of this Consent Agreement, acknowledging that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Canapp violated COMAR 15.14.01.04 (Professional Conduct), as follows:

1. At all times relevant to these charges, Dr. Canapp was a veterinarian licensed to practice in the State of Maryland, where he has been licensed since 2002. Dr. Canapp has a prior disciplinary history with the Board in which a Civil Penalty Final Order was entered into for permitting a veterinarian to practice veterinary medicine at his hospital without a current registration.

2. At the time of the events described in these charges, Dr. Canapp was the co-owner and a responsible veterinarian at Veterinary Orthopedic and Sports Medicine Group ("Hospital") (License No. 13-045), located at 10975 Guilford Road, Annapolis Junction, MD 20701.

3. On or about September 29, 2015, "Trent," a one-year-old male Giant Schnauzer owned by Tonilyn Fay ("Owner") was brought to Hospital with left hind leg lameness, leg lifting, and tapping of the left foot. At the Hospital, Dr. Canapp was Trent's attending veterinarian. At Dr. Canapp's request, Trent was examined by the Hospital's neurologist, Ryan Gallagher, DVM (License No. 6820). Dr. Canapp recommended radiographs of both hind limbs, an MRI of the lumbosacral region, an arthroscopy and an ultrasound of the left stifle.

4. The Owner consented to diagnostics recommended by Dr. Canapp and agreed to have the arthroscopy performed by needle scope rather than through traditional means. The diagnostics were

subsequently performed. The medical records do not reflect discussion between Dr. Canapp and the Owner regarding pros and cons of using of traditional arthroscopy, as opposed to the needle scope, nor do the records contain an estimate reflecting the difference in cost between traditional arthroscopy and the needle scope.

5. After the diagnostics were completed and reviewed, Dr. Canapp diagnosed Trent with left stifle instability – partial (10-15%) left cranial cruciate ligament ("CrCL") rupture; left long digital extensor ("LDE") origin tendinopathy; and left iliopsoas strain. Although a neurological assessment had been performed by the neurologist on staff, no neurological abnormalities were found.

6. Dr. Canapp recommended bone marrow aspirate concentrate ("BMAC") as a source of stem cells, stem cell and platelet rich plasma ("PRP") treatments. Dr. Canapp's medical records do not reflect other treatment options presented to Owner, nor do they reflect discussion or advice from Dr. Canapp regarding the research and scientific status of research reflecting the efficacy of stem cell and PRP treatments. Dr. Canapp advised Owner that he had used stem cell and PRP treatments in 52 of his patients, with a very high success rate. However, Dr. Canapp did not advise the Owner in writing regarding the current status of peer-reviewed studies demonstrating the efficacy of stem cell or PRP for treating partial CrCL tears, iliopsoas or LDE strains.

Based on the foregoing findings of fact, the SBVME, concludes that Dr. Sherman O. Canapp, Jr., License No. 5540, violated COMAR 15.14.01.04 (Professional Conduct) by not advising the Owner in writing regarding the current status of peer-reviewed studies demonstrating the efficacy of stem cell or PRP for treating partial CrCL tears, iliopsoas or LDE strains. In addition, Dr. Canapp violated COMAR 15.14.01.10 (Record Keeping) by failing to document his discussions with the Owner regarding the treatment recommendations, including discussing pros and cons of treatment options, in the medical records.

Taking the facts and circumstances into consideration, including the nature of the violations, Dr. Canapp's prior disciplinary history with the Board, and as well as his good faith efforts to resolve this

matter promptly, the Board concluded that the most reasonable and appropriate resolution includes the sanctions set forth below.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 25th day of September 2018, by the State Board of Veterinary Medical Examiners, ORDERED that:

(a) For violation of COMAR 15.14.01.04A (Professional Conduct), Dr. Canapp is assessed a civil penalty of $1,000.00;

(b) For violation of COMAR 15.14.01.10 (Record Keeping), Dr. Canapp is assessed a civil penalty of $500.00;

(c) The total civil penalty for all violations ($1,500.00) is due within 30 days from the date of this Order. All payments shall be made payable to the "Maryland Department of Agriculture" with the notation "SBVME – 16-61;"

(d) Dr. Canapp shall, within six months of the date of this Order, complete module 1 regarding legal decision making of the Veterinary Law and Ethics course offered online by Dr. James Wilson and Dr. Lance Roasa at www.drip.vet;

(e) Within 15 days of completion of the CE, Dr. Canapp shall forward to the Board documentation from the CE provider showing proof of completion of the CE credits under this Order. Proof from the CE provider shall include Dr. Canapp's name, the number of CE hours completed, the topics covered, and the dates the CE was given. Completion of this CE will not be counted towards the 18 credit hours of CE required annually for re-registration of the veterinary license. To verify completion of both the CE required under the terms of this Consent Agreement and the CE required for annual registration of the veterinary license, Dr. Canapp may be subject to a CE audit in future years;

(f) Dr. Canapp shall be on probation for six months from the date of this Consent Agreement. 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 based on acts which occurred during the period of probation. Violation of probation may result in imposition of additional disciplinary action, including, but not limited to, a two week suspension of his license, as well as other authorized sanctions.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 25th day of September, 2018.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

David Handel, D.V.M.
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Sherman O. Canapp, Jr., D.V.M., acknowledge that I have had an opportunity to consult with counsel before entering into this Consent Agreement. By this Consent, I hereby acknowledge the legal authority and jurisdiction of the Board over this matter and to issue and enforce this Consent Agreement. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of 6 pages. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

9/11/18
Date

Sherman O. Canapp, Jr., ~~III~~, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUTY OF Howard

I HEREBY CERTIFY that on this 11th of September, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared Sherman O. Canapp, Jr., D.V.M, and made oath in due form of law that the foregoing Consent Agreement was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Bonnie Benesch
Notary Public
My commission expires: 6-20-20

6-20-20