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

IN THE MATTER OF:	*	
TIFFANY MAKOWSKI, D.V.M.	*	DOCKET NO. 17-19
LICENSE NO. 7447	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 23rd day of March, 2018, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Dr. Tiffany Makowski, D.V.M. ("Dr. Makowski"), License Number 7447. This Consent Agreement resolves the charges filed by the SBVME on or about September 28, 2017 in Docket No. 17-19 alleging that Dr. Makowski violated COMAR 15.14.01.10C (Record Keeping) by failing to maintain adequate records for a companion animal, a 10-year-old pit bull named King, owned by Allen Winpigler.

By letter dated October 12, 2017, Dr. Makowski requested a hearing before the Board to dispute the charging document. Thereafter, the parties entered into discussions and were able to reach a resolution. By entering into this Consent Agreement, Dr. Makowski waives the right to a hearing and an appeal on the charging document in Docket Number 17-19.

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, Agriculture Article, §§ 2-301 through 2-316, Annotated Code of Maryland ("Veterinary Practice Act") and related COMAR regulations adopted pursuant to this law. *See* COMAR 15.14.01 through 15.14.17. 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

Dr. Tiffany Makowski, D.V.M., License Number 7447, by entering into and signing this Consent Agreement, while generally and specifically denying liability in this case, 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. Makowski violated COMAR 15.14.01.10C (Record Keeping) in connection with care and treatment provided to King, a 10-year old pit Bill owned by Allen Winpigler.

King's owner, Mr. Winpigler, filed a complaint with the Board arising from the care provided to King by Dr. Makowski. With his complaint, Mr. Winpigler submitted copies of King's medical records which he had obtained from Dr. Makowski. Responding to the Board's investigation of the complaint, Dr. Makowski provided a second set of records which contained five specific instances in which information that had not been included in the records provided to the Board by Mr. Winpigler appeared to have been added. COMAR 15.14.01.10C provides, with respect to records for companion animals, that: "[i]f the veterinarian discovers that the record is incomplete or in error, the veterinarian shall amend the record, being sure to date and initial the amendment." The amendments to the records for King's care and treatment were not dated and did not contain a veterinarian's initials as required by COMAR 15.14.01.10C.

Based on the foregoing findings of fact, the SBVME concludes that Dr. Tiffany Makowski, License Number 7447, violated COMAR 15.14.01.10C (Record Keeping), in connection with the medical records prepared in connection with her treatment of King. Taking the facts and circumstances into consideration, including the nature of the violation, Dr. Makowski's lack of a disciplinary history with the Board, and her good faith efforts to resolve this matter promptly, the Board concluded that the most reasonable and appropriate resolution includes the following sanctions.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 23rd day of March/HH/bto February, 2018, by the State Board of Veterinary Medical Examiners, ORDERED that for violations of COMAR COMAR 15.14.01.10C (Record Keeping):

(a) Dr. Makowski is assessed a Civil Penalty in the amount of $300, payable to the "Maryland Department of Agriculture" with the notation "SBVME – 17-17." Payment shall be made within thirty (30) days of the date of this Order;

(b) Dr. Makowski shall serve a period of probation of six months from the date of this Order. 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 a suspension of the veterinary license for one week, and/or any further disciplinary action and sanctions.

(c) As a condition of probation, within six months of the date of this Order, Dr. Makowski shall complete the following continuing education ("CE"):

1) Completion of the Recordkeeping and Ethics module of Dr. James F. Wilson's online Veterinary Medical Records course found at: https://drip.vet/ce-courses/mrk/; and

2) Three hours of CE in small animal gastrointestinal surgery (pre-approved by the Board).

(d) Within 15 days of completion of the CE, Dr. Makowski 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. Makowski'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. Makowski may be subject to a CE audit in future years.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 23rd day of March, 2018.

STATE BOARD OF VETERINARY MEDICAL EXAMINERS

Heather Hendler, VMD
Vice-President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Tiffany Makowski, 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 ___ 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.

March 9, 2018
Date

Tiffany Makowski, D.V.M.

NOTARY

STATE OF Maryland
CITY/COUTY OF Frederick

I HEREBY CERTIFY that on this 9 of March, 2018 before me, a Notary Public of the City/County aforesaid, personally appeared Tiffany Makowski, D.V.M, and made oath in due form of law that the foregoing Consent Agreement was her voluntary act and deed.

AS WITNESS my hand and notarial seal.

Notary Public
My commission expires:

[redacted]
NOTARY PUBLIC
Washington County, Maryland
My Commission Expires 5/7/2020

