

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

IN THE MATTER OF:

*

PRABODH K. VAID, D.V.M.
LICENSE NO. 2362

*

DOCKET NO. 17-20

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FOX HALL VETERINARY CLINIC
HOSPITAL LICENSE NO.15-015

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CONSENT AGREEMENT, DECISION AND ORDER

This Consent Agreement, dated this 22 day of March, 2017, is between the State Board of Veterinary Medical Examiners ("SBVME") and Prabodh K. Vaid, D.V.M., License No. 15-015. The Agreement concerns the charges that the SBVME filed against Dr. Vaid, pertaining to his failure to package and keep expired drugs separate and apart from unexpired medications, a violation of COMAR 15.14.01.12-3.

Under State 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 regulations adopted pursuant to this law ("Veterinary Practice Act"). 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 . . . [the Veterinary Practice Act and] after receiving a license" (Md. Code Ann., Agric. Art., §2-310(8)); and in lieu of, or in addition to, suspending a veterinarian's license, the Board may impose a civil penalty of not more than \$5,000 (Md. Code Ann., Agric. Art., §2-310.1).

FINDINGS OF FACTS

Dr. Vaid, by entering into and signing this document, acknowledges that the SBVME could produce evidence establishing the following Findings of Fact:

1. At all times relevant to this charge, Dr. Vaid was a veterinarian licensed to

practice in Maryland since 1981. Dr. Vaid has a disciplinary history with the Board including Docket Nos. 84-35 and 85-05. At the time of the incident described in this charge, Dr. Vaid was the owner and responsible veterinarian of a veterinary hospital known as Fox Hall Veterinary Clinic (Hospital), located at 13200 Georgia Avenue in Silver Spring, Maryland 20902. The Hospital is licensed by the Board as License No. 15-015.

2. On or about December 13, 2016, the Board investigator, Susan Husk (Ms. Husk), conducted a routine two-year sanitation inspection of the Hospital and found numerous expired medications that had not been packaged and kept separate and apart from the Hospital's unexpired medications.
3. The expired medications included Phytovetket flush, 4 ounces, which had expired in April 2016, and Vitamin K1, 100 ml, which had expired in July 2016.
4. Ms. Husk had discussed non-compliance with Board regulations and suggestions for improvement with Dr. Vaid at a prior inspection on March 18, 2015, and Dr. Vaid had signed a Board form indicating that he had received the inspection report and understood the findings of the inspection.
5. At a follow-up inspection on May 5, 2015, the Hospital passed inspection without a violation.

CONCLUSIONS OF LAW

Based on these findings of fact, the SBVME concludes that Prabodh K. Vaid, D.V.M., License No. 15-015 failed to package and keep expired drugs; specifically, Phytovetket flush, 4 ounces, which had expired in April 2016, and Vitamin K1, 100 ml, which had expired in July 2016, separate and apart from unexpired medications in a

treatment area on or about December 13, 2016, at a veterinary hospital that he owned and operated; specifically, Fox Hall Veterinary Clinic 13200, Silver Spring, Maryland 20902, License No. 15-015, in violation of COMAR 15.14.01.12-3 Expired Medications, at C.

ORDER

Based on these Findings of Fact and Conclusions of Law finding that Dr. Vaid violated the Veterinary Practice Act, it is this 29th day of March, 2017, by the State Board of Veterinary Medical Examiners, Ordered: That Dr. Vaid be assessed a Civil Penalty in the amount of Five Hundred Dollars, which shall be paid within thirty days from the date of this Order.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 29th day of March, 2017.

STATE BOARD OF VETERINARY MEDICAL EXAMINERS

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

CONSENT

I, Prabodhk K. Vaid, D.V.M., acknowledge that I had an opportunity to consult with counsel before entering into and signing this document. By this Consent, I hereby acknowledge that the SBVME, by a preponderance of the evidence, could prove the Findings of Fact and Conclusions of Law contained herein. Accordingly, in order to

resolve these matters, I agree to accept and submit to the foregoing Consent Agreement, consisting of 5 pages.

I acknowledge the validity of this Consent Agreement as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the laws of the State of Maryland. I also affirm that I am waiving my right to appeal from this Consent Agreement.

I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Agreement.

I sign this Consent Agreement without reservation as my voluntary act and deed after having an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

3/24/17
Date

Prabodh K. Vaid
Prabodh K. Vaid, D.V.M.
Prabodh K. Vaid

NOTARY

STATE OF Maryland
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 24 of March, 2017, before me, a Notary Public of the City/County aforesaid, personally appeared Rebodd K. Vaid, 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.

Sally K. HZ
Notary
Exp. 08/19/2017