

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

IN THE MATTER OF:

VIP PET CARE

LICENSE NOS. 24-001, 24-002,
24-003, 24-004

(Mobile Veterinary Clinics)

DOCKET NO. 17-26

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order") dated this 29th day of March, 2017, is issued by the Maryland State Board of Veterinary Medical Examiners ("SBVME" or "the Board") against VIP Pet Care. At all times relevant to the events referred to in this Civil Penalty Final Order, VIP Pet Care was the owner of four mobile veterinary clinics, License Nos. 24-001, 24-002, 24-003 and 24-004. This Order confirms the intention of VIP Pet Care to waive the right to contest the charges filed by the SBVME on February 28, 2017 in Docket No. 17-26 alleging that VIP Pet Care violated the 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. Specifically, in Docket No. 17-26, the Board alleged that VIP Pet Care violated COMAR 15.14.03.01.1-I by failing to notify the SBVME in writing within 30 days of any change to information required to be provided to the SBVME for licensing purposes, including the address of the licensee. By letter to the SBVME dated March 7, 2017, VIP Pet voluntarily waived the right to a hearing and an appeal on the charges in Docket No. 17-26 and submitted a check for \$1,200.00 to pay the civil penalty in this matter.

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 owners of veterinary hospitals and mobile clinics charged with violating the provisions of the Veterinary Practice Act and related COMAR regulations. 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 also may impose a civil penalty of not more than \$5,000 for the 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 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 FACTS AND CONCLUSIONS OF LAW

VIP Pet Care, License Nos. 24-001, 24-002, 24-003, and 24-004, has agreed to submit payment of the \$1,200,000 civil penalty assessed by the Board in Docket No. 17-26 and waived its right to a hearing or an appeal of the charge. At times relevant to this Order, VIP Pet Care operated four licensed mobile licensed veterinary clinics. In its application to license these mobile veterinary clinics for the time period running from July 1, 2016 through June 30, 2017, VIP Pet Care indicated that these clinics were based at the following street address: 1000 Taylors Lane, Unit #5, Cinnaminson, New Jersey 08077. However, on or about September 1, 2015, VIP Pet Care had moved the four licensed mobile veterinary clinics from the base location in Cinnaminson, New Jersey to a new base location in Capitol Heights, Maryland, that being 9201 Hampton Overlook, Capital Heights, Maryland 20743. After moving the four licensed veterinary clinics to the Capital Heights, Maryland location, VIP Pet Care failed to notify the SBVME of this change within the requisite 30 day period, in violation of COMAR 15.14.03.01.1-I.

Taking all the facts and circumstances into consideration, including the nature of the violation, any prior disciplinary history with the Board, and the licensee'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 findings of fact and conclusions of law set forth herein, it is this 29th day of March, 2017, hereby **ORDERED** by the Maryland State Board of Veterinary Medical Examiners that for the violation of Agriculture Article, Section 2-310(8), Md. Code Ann., and COMAR 15.14.03.01.1-I

(requiring the owner of a veterinary hospital or mobile veterinary clinic to notify the SBVME, in writing, within 30 days of any change to information required for licensing purposes, including address), VIP Pet Care, is assessed a civil penalty in the amount \$300.00 for each of the four mobile veterinary clinics, for a total of \$1,200.00. The Board acknowledges the payment of \$1,200.00 received from VIP Pet Care on March 7, 2017.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

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