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

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| IN THE MATTER OF: | * | |
| SUSAN P. DeLEON<br>(License No. 4657) | * | DOCKET NO. 19-42 |
| OLD COURT ANIMAL HOSPITAL<br>License No. 03-00247 | * | |
| VITALITY VETERINARY SERVICES PIKESVILLE, LLC.<br>Hospital Owner | * | |

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## CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 3rd day of April, 2019, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board") against Susan P. DeLeon, License No. 4657 ("Dr. DeLeon"), as former owner and responsible veterinarian of Old Court Animal Hospital, (License No. 03-00247) ("Hospital"), located at 1709 Reisterstown Road, Baltimore, MD 21208, and Vitality Veterinary Services Pikesville, LLC ("Owner"), current owner of the Hospital.

This Order confirms the intention of Dr. DeLeon, as Responsible Veterinarian at the Hospital, and Owner, to waive the right to contest the charge filed by the Board on January 29, 2019, in Docket No. 19-42, alleging that Dr. DeLeon and the Hospital, through operation of the Hospital, violated the Maryland Veterinary Practice Act, 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.

On February 21, 2019, counsel for the Board received a telephone call from Michael P. Meaney, Practice Group Director of Human Resources and Operations for Owner. This conversation was followed up with an email which confirmed the intention of Dr. DeLeon and Owner to waive the right to a hearing on the charges and to resolve the case as set forth herein.

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 and veterinary hospital owners

charged with violating provisions of the Veterinary Practice Act, Agriculture Article §§ 2-301 *et seq.*, Annotated Code of Maryland 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 hospital owner] . . . [f]ails to comply with Board rules and regulations after receiving a license." Md. Code Ann., Agric. Art., § 2-310(8). In addition, the Board may 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 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 FACT AND CONCLUSIONS OF LAW

Dr. DeLeon and Owner, after having the opportunity to seek advice of legal counsel, voluntarily waived the right to a hearing on the charge and agreed to pay the civil penalty of $500.00. In so doing, Dr. DeLeon and Owner acknowledge that the Board has sufficient evidence to find, as fact, and conclude as a matter of law, that they violated Agriculture Article § 2-304.1, Md. Code Ann., and a related regulation; specifically COMAR 15.14.03.01-1C, as follows:

1. At times relevant to this charge, Dr. DeLeon was a licensed veterinarian in Maryland, where she has been licensed since 1996. Dr. DeLeon is the responsible veterinarian at a veterinary hospital known as Old Court Animal Hospital ("Hospital"), located at 1709 Reisterstown Road, Baltimore, MD 21208. The Hospital is currently licensed as License No. 03-00247.

2. Dr. DeLeon has a prior disciplinary history with the Board which includes two Civil Penalty Final Orders ("Orders"). In Docket No. 12-26, Dr. DeLeon paid a $300.00 civil penalty for allowing an unregistered veterinarian to practice at a hospital she owned and operated. In Docket No. 18-43, Dr. DeLeon was assessed a $500 civil penalty for having expired medications in her hospital's working stock.

3. As of August 1, 2018, Old Court Animal Hospital was licensed with the Board as License No. 03-021, and Dr. DeLeon was both owner and responsible veterinarian. On or about August 20, 2018, the

Hospital was purchased by Owner. After the purchase, Dr. DeLeon continued to serve as the responsible veterinarian at the Hospital.

4. After the Hospital was purchased by Owner in August 2018, it remained open and operating without having obtained a new license issued by the Board.

5. On or about November 1, 2018, the Board received an application for a license for the Hospital in the name of Owner. That application was processed on November 5, 2018 and a new license was issued on that date.

6. Agriculture Article, § 2-304.1, Annotated Code of Maryland, requires that every veterinary hospital be licensed by the Board. COMAR 15.14.03.01-1 specifies the process and requirements for licensing and operation of veterinary hospitals. COMAR 15.14.03.01-1C provides that: "[a] person, including the owner, may not operate a veterinary hospital unless it has a valid hospital license." COMAR 15.14.03.01-1E further provides that: "[b]ecause a hospital license is issued in the name of a particular owner for a particular building or portion of it, the owner may not transfer this license to either a new owner, including a person leasing or purchasing the owner's veterinary practice, or a different physical structure." Thus, once ownership of a veterinary hospital changes, the license issued to the original owner is no longer valid. A veterinary hospital under new ownership may not operate until the new owner obtains a license in the new owner's name and arranges for an inspection of the hospital.

7. As the owner of the Hospital at the time of the sale, and as responsible veterinarian for the Hospital both before and after the sale, Dr. DeLeon was responsible for providing direct supervision and control of the Hospital, which includes ensuring compliance with all applicable laws and regulations. *See* COMAR 15.14.03.01B(5).

Taking all facts and circumstances into consideration, including the nature of the violation, the Owner's lack of prior disciplinary history, and the Owner'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 foregoing Findings of Fact and Conclusions of Law, it is this 3rd day of April, 2019, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Agriculture Article, § 2-304.1, Md. Code Ann., of the Veterinary Practice Act, and COMAR 15.14.03.01-1C, Susan P. DeLeon (License No. 4657), as responsible veterinarian at Old Court Animal Hospital (License No. 03-00247), and Vitality Veterinary Services Pikesville, LLD, as Owner of Old Court Animal Hospital, are assessed a civil penalty, jointly and severally, in the amount of $500.00. The Board acknowledges receipt of payment for the full civil penalty on March 11, 2019.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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