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

IN THE MATTER OF:	*	
CHESAPEAKE VETERINARY CARDIOLOGY ASSOCIATES, Owner	*	DOCKET NO. 19-62
	*	
CVCA, CARDIAC CARE FOR PETS Hospital License No. 10-00261	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 16th day of April, 2019, is issued by the Maryland State Board of Veterinary Medical Examiners ("SBVME" or "Board") against Chesapeake Veterinary Cardiology Associates, ("CVCA"), owner of CVCA, Cardiac Care for Pets, (License No. 10-0261) ("Hospital"), located at 1080 West Patrick Street, Suite 20, Frederick, MD 21703.

This Order confirms the intention of CVCA, as the owner of the Hospital, to waive the right to contest the charge filed by the Board on April 2, 2019 in Docket No. 19-62, alleging that CVCA 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. In a Notice of Agency Action served with the charges, CVCA was notified of its right to request a hearing before the Board within ten (10) days of receipt of the charges and notice of agency action.

On April 11, 2019, the Board received a letter dated April 9, 2019, in which William Tyrrell, DVM, DACVIM, the responsible veterinarian for the Hospital, waived CVCA's right to a hearing in Docket No. 19-62 and accepted the proposed sanction, a civil penalty of $600.00.

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

CVCA, after having the opportunity to seek advice of legal counsel, voluntarily waived its right to a hearing on the charge and agreed to pay the civil penalty of $600.00. In so doing, CVCA acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law, that it violated COMAR 15.14.03.01-1 (Licensing Requirements), as follows:

1. CVCA is the owner of CVCA, Cardiac Care for Pets ("Hospital"), located at 1080 West Patrick Street, Suite 20, Frederick, MD 21703.

2. On January 29, 2019, the Board received an application from CVCA for a license for the Hospital, which indicated that the Hospital was going to move from an old location for which a license had been issued by the Board (License No. 10-060) into a new space located in the same complex as its existing building. While performing the inspection for licensure at the new location, which is required when a veterinary hospital opens in a new location, Board Inspector Ellen James ("Ms. James"), learned that the Hospital had left its previous location on October 29, 2018, had already moved to the new location, and had begun operating there without first obtaining a new hospital license.

3. After Ms. James reported to the Board about the move, Board Executive Director, Vanessa Orlando ("Ms. Orlando"), recalled an email exchange she had in December of 2019 with Sharon Fairbanks, CVPM ("Ms. Fairbanks"), Practice Manager at CVCA's Richmond, Virginia office. In that exchange, Ms. Fairbanks inquired about Board procedures and requirements for moving the Hospital from one building, for which CVCA held a current license, to another CVCA-owned building in the same business park. Ms. Orlando advised Ms. Fairbanks on December 19, 2018 that if the Hospital planned to move from one building to another, it would need to obtain a new hospital license. Ms. Fairbanks did not tell Ms. Orlando or otherwise notify the Board at that time that the Hospital had already moved into the new building. Moreover, despite the instructions given by Ms. Orlando that a new license was

needed, CVCA did not submit a license application for the new building until January 29, 2019.

4. Ms. James inspected the new building and on February 5, 2019, and a license for the Hospital was issued on that date.

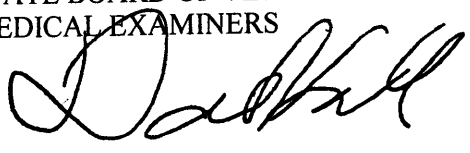
5. Agriculture Article, § 2-304.1, Annotated Code of Maryland, requires that every veterinary hospital be licensed by the Board. COMAR 15.14.03.01-1 specifies the process and requirements for licensing and operation of veterinary hospitals. COMAR 15.14.03.01-1C provides that: "[a] person, including the owner, may not operate a veterinary facility unless it has a veterinary hospital license." COMAR 15.14.03.01-1E 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**." (emphasis added).

Taking all facts and circumstances into consideration, including the nature of the violation, CVCA's lack of prior disciplinary history with the Board (which is reflected in the amount of the civil penalty), and CVCA'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 16th 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 15.14.03.01-1, Chesapeake Veterinary Cardiology Associates, owner of CVCA, Cardiac Care for Pets, (License No. 10-00216), is assessed a civil penalty in the amount of $600.00, which shall be paid within thirty (30) days from the date of this order to the Maryland Department of Agriculture with the notation "SBVME – 19-62."

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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