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

IN THE MATTER OF :	*	
WILLIAM C. MITCHELL, D.V.M.	*	DOCKET NO. 02-042
LICENSE NO. 2699	*	

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CONSENT AGREEMENT

This Agreement, dated this 1 day of April, 2004, is between the State Board of Veterinary Medical Examiners ("Board") and William C. Mitchell, D.V.M., License No. 2699 ("Dr. Mitchell"). The Agreement concerns the charges that the Board filed against Dr. Mitchell, alleging that he violated the Maryland Veterinary Practice Act (Md. Code Ann., Agric Art. §§2-301, *et seq.*), pertaining to his treatment of Chessa, a female, seven year-old Chesapeake Bay Retriever owned by Ms. Beverly True.

Under the Veterinary Practice Act, the Board "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 ... regulations 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).

More specifically, in this matter, the Board charged that the care Dr. Mitchell provided Chessa was: (a) substandard, a violation of Agriculture Article, §2-310(8), and COMAR 15.14.01.04; and (b) grossly negligent, a violation of Agriculture Article, §2-310(9). Additionally, the Board charged that Dr. Mitchell failed to comply with the record-keeping requirements for companion animals provided under COMAR 15.14.01.10.

FINDINGS OF FACT

Dr. Mitchell, by entering into and signing this document, stipulates to, and acknowledges that the Board, by a preponderance of the evidence, could prove the following Findings of Fact:

1. Dr. Mitchell is a licensed veterinarian in this State, and has been since March 21, 1984; and has owned the Helping Hands Veterinary Clinic, located at 13653 Unionville Road, Mt. Airy, MD, since at least July 1, 1996.

2. On or about November 12, 2001, Dr. Mitchell undertook the care of "Chessa," a female, seven year-old Chesapeake Bay Retriever, owned by Ms. Beverly True. On that date, Dr. Mitchell observed that Chessa showed signs of "pelvic limb paresis, wearing of pelvic limb toenails, and ataxia." After radiographing Chessa, Dr. Mitchell determined that Chessa had severe dysplasia in both hips.

3. Following his November 12, 2001 examination of Chessa, Dr. Mitchell failed to record in a timely manner Chessa's physical condition at the beginning of custody, and his initial diagnosis, to wit: severe dysplasia in both hips, pelvic limb paresis, wearing of pelvic limb toenails, and ataxia. Dr. Mitchell also failed to record a short history of Chessa's condition as it pertained to her medical status. In addition, while prescribing medication for Chessa's pain (to wit: Etogesic), Dr. Mitchell failed to record the frequency in which this medication was to be given.

4. Subsequently, apparently after discovering that Chessa's record was incomplete, Dr. Mitchell amended it, but failed to date and initial the amendments. His amendments included the following: "severe hip dysplasia in both hips.... spinal cord/disc degeneration.... showing sign of dragging his (sic) rear legs.... nails on back paws worn down.... advise seeing neurologist and orthopedic specialist." Ms. True, however, denies that Dr. Mitchell advised her to see a neurologist and orthopedic specialist. She

also denies that Dr. Mitchell told her that he had diagnosed Chessa with pelvic limb paresis, ataxia or, as subsequently noted in the record, "spinal cord/disc degeneration."

5. On or about November 28, 2001, Dr. Mitchell attempted to perform a femoral head osteoectomy upon Chessa's right hip (this procedure requires the complete removal of the femoral head and a majority of the femoral neck to create a smooth proximal femoral shaft). In performing this procedure, however, Dr. Mitchell may not have even attempted to remove the femoral neck, but only the femoral head; and he failed in his attempt to remove the entire femoral head. Indeed, in performing this procedure, Dr. Mitchell removed none of the femoral neck and failed to remove the entire femoral head. In addition, Dr. Mitchell failed to take post-surgical radiographs to check the excision. Radiographs subsequently taken by Thomas F. George II, D.V.M., M.S., show that the femoral head and neck were essentially intact.

6. Subsequent to November 28, 2001, apparently after discovering that Chessa's record was incomplete, Dr. Mitchell amended it, describing the surgery he performed upon Chessa, but failed to date and initial the amendments.

7. On or about April 19, 2002, Dr. Mitchell attempted to perform a femoral head osteoectomy upon Chessa's left hip (this procedure likewise requires the complete removal of the femoral head and a majority of the femoral neck to create a smooth proximal femoral shaft). In his attempt to perform this procedure, however, Dr. Mitchell again may not have even attempted to remove the femoral neck, but only the femoral head; and he again failed in his attempt to remove the entire femoral head. Indeed, in performing this procedure, Dr. Mitchell once again removed none of the femoral neck and failed to remove the entire femoral head. In addition, Dr. Mitchell again failed to take post-surgical radiographs to check the excision. Radiographs subsequently taken by Thomas F. George II, D.V.M., M.S., show that the femoral head and neck were essentially intact.

8. Subsequent to April 19, 2002, apparently after discovering that Chessa's record was incomplete, Dr. Mitchell amended it, describing the surgery he performed upon Chessa, but failed to date and initial the amendments.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board makes the following Conclusions of Law with respect to Dr. Mitchell's treatment of Chessa:

1. On or about November 12, 2001, after undertaking the care of a companion animal (to wit: Chessa, a female, seven year-old Chesapeake Bay Retriever, owned by Ms. Beverly True), Dr. Mitchell failed to make a written record of the dog's physical condition at the beginning of custody, a violation of COMAR 15.14.01.10A(6).

2. On or about November 12, 2001, although he diagnosed that Chessa had severe dysplasia in both hips, pelvic limb paresis, and ataxia, Dr. Mitchell failed to make a written record of this diagnosis, a violation of COMAR 15.14.01.10A(6).

3. On or about November 12, 2001, Dr. Mitchell failed to record a short history of Chessa's condition as it pertained to her medical status, a violation of COMAR 15.14.01.10A(5).

4. On or about November 12, 2001, Dr. Mitchell prescribed medication to Chessa for her pain (to wit: Etogesic), but failed to record the frequency in which this medication was to be given, a violation of COMAR 15.14.01.10A(7).

5. After apparently discovering that Chessa's record was incomplete, Dr. Mitchell subsequently amended it, describing his diagnosis, and Chessa's condition at the beginning of custody, but failed to date and initial the amendments, a violation of COMAR 15.14.01.10C.

6. On or about November 28, 2001, Dr. Mitchell attempted to perform a femoral head osteoectomy to address Chessa's right hip dysplasia (this procedure requires the complete removal of the femoral head and a majority of the femoral neck to create a smooth proximal femoral shaft), but in performing this procedure, removed none of the femoral neck and failed to remove the entire femoral head, and thereby, the treatment he provided fell below the minimal standard of care required of a veterinarian in this State, a violation of COMAR 15.14.01.07.

7. On or about November 28, 2001, Dr. Mitchell attempted to perform a femoral head osteoectomy to address Chessa's right hip dysplasia (this procedure requires the complete removal of the femoral head and a majority of the femoral neck to create a smooth proximal femoral shaft), but in performing this procedure, removed none of the femoral neck and failed to remove the entire femoral head, and thereby the treatment he provided was grossly negligent, a violation of Agriculture Article, §2-310(9), Annotated Code of Maryland.

8. After apparently discovering that Chessa's record was incomplete, Dr. Mitchell subsequently amended it, describing the November 28, 2001 surgery he performed upon Chessa, but failed to date and initial the amendments, a violation of COMAR 15.14.01.10C.

9. On or about April 19, 2002, Dr. Mitchell attempted to perform a femoral head osteoectomy to address Chessa's left hip dysplasia (this procedure requires the complete removal of the femoral head and a majority of the femoral neck to create a smooth proximal femoral shaft), but in performing this procedure, removed none of the femoral neck and failed to remove the entire femoral head, and thereby, the treatment he provided fell below the minimal standard of care required of a veterinarian in this State, a violation of COMAR 15.14.01.07.

10. On or about April 19, 2002, Dr. Mitchell attempted to perform a femoral head

osteoectomy to address Chessa's left hip dysplasia (this procedure requires the complete removal of the femoral head and a majority of the femoral neck to create a smooth proximal femoral shaft), but in performing this procedure, removed none of the femoral neck and failed to remove the entire femoral head, and thereby the treatment he provided was grossly negligent, a violation of Agriculture Article, §2-310(9), Annotated Code of Maryland.

11. After apparently discovering that Chessa's record was incomplete, Dr. Mitchell subsequently amended it, describing the April 19, 2002 surgery he performed upon Chessa, but failed to date and initial the amendments, a violation of COMAR 15.14.01.10C.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that William C. Mitchell, D.V.M., License No. 2699, violated COMAR 15.14.01.07 and 15.14.01.10, it is this 2 day of April, 2004, by the State Board of Veterinary Medical Examiners, **ORDERED**:

1.) That Dr. Mitchell pay a civil penalty in the amount of $2,750, however, payment of $750 is stayed;

2.) That Dr. Mitchell's license to practice veterinary medicine in this State is suspended for one month, however, this suspension is stayed;

3.) That Dr. Mitchell serve probation for a period of two years, to begin on the date a Consent Agreement is entered into with the Board, under the following terms and conditions:

a.) That he obey all laws and regulations in this State governing the practice of veterinary medicine;

b.) That he pay the civil penalty within six months from the date of this Agreement;

c.) That he reimburse Ms. True the veterinary fees she incurred in this matter, including any related subsequent veterinary fees, that being Two Thousand Three Hundred Four Dollars and Eighteen Cents ($2304.18); and

d.) That he attend and successfully complete a class in orthopedic surgery approved by the Board, such as that sponsored by the Virginia-Maryland Regional College of Veterinary Medicine titled, "Intensive Small Animal Orthopedic Week," or an equivalent course.

2 April 2004
Date

n Paul O'Mara, D.V.M.
esident
State Board of Veterinary
Medical Examiners

CONSENT

I, William C. Mitchell, 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 Board, 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 7 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.

3/23/04
Date

William C. Mitchell, D.V.M.,
Respondent

NOTARY

STATE OF MARYLAND
~~CITY~~/COUNTY OF FREDERICK

I HEREBY CERTIFY that on this 23rd day of March, 2004, before me, a Notary Public of the State and City/County aforesaid, personally appeared William C. Mitchell, D.V.M., and made oath in due form of law that the foregoing Consent Order was his voluntary act and deed.

AS WITNESS my hand and notarial seal.

Lisa R. Brandenburg
Notary Public

My Commission expires: 12/1/07