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

IN THE MATTER OF:	*	
SAILENDRA ROY, DVM LICENSE NO. 2775	*	DOCKET NO. 18-61
AMBASSADOR ANIMAL HOSPITAL HOSPITAL LICENSE NO. 15-001	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 31st day of January 2022, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Sailendra Roy, DVM ("Dr. Roy"), License No. 2775. This Consent Agreement resolves the charges filed by the SBVME on or about November 16, 2019 in Docket No. 18-61, alleging that Dr. Roy violated the Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 – 2-316, Annotated Code of Maryland, and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17 set forth herein.

By email dated November 29, 2019, Dr. Roy notified the Board that he had received the charges and requested more time to consider them. The Board allowed Dr. Roy additional time and, through Board counsel, followed up with him to determine the status of the case. During discussions about the case, Dr. Roy advised Board counsel that as of March of 2020, Dr. Roy temporarily closed his veterinary hospital.

On January 14, 2022, the Board scheduled a hearing for January 27, 2022. Prior to the hearing, Board counsel and Dr. Roy engaged in discussions aimed to resolve the case without a hearing. Following these discussions and his review of this Consent Agreement in draft form, on January 21, 2022, Dr. Roy agreed to waive his right to a hearing on the charges in Docket No. 18-61 and further agreed to the terms and conditions of this Consent Agreement. The veterinary hospital that is the subject of this case, Ambassador Animal Hospital, has been closed permanently, and the physical property where the hospital

was located has been sold. In addition, Dr. Roy, due to health issues, is not currently practicing veterinary medicine.

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 veterinarians charged with violating the provisions of the Veterinary Practice Act and related COMAR regulations adopted pursuant to this law. 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 may also 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 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 any history of prior violations, as well as the Board's civil penalty standards. Md. Code Ann., State Gov't § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Sailendra Roy, DVM, License Number 2775, individually and as the owner of Ambassador Animal Hospital (now closed), by entering into and signing this Consent Agreement, having had the opportunity to seek advice of counsel, agrees to the provisions of this Consent Agreement, acknowledging that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Roy violated COMAR 15.14.03.02H(1) (Sanitation Practices) and COMAR 15.14.01.012-3 (Expired Medications) as set forth herein:

1. At all times relevant to this charge, Dr. Roy was a veterinarian licensed to practice in Maryland, where he has been licensed since 1984. At the time of the incidents described in this charge, Dr. Roy was the owner and Responsible Veterinarian of a veterinary hospital known as Ambassador Animal Hospital ("Hospital"), located at 811 Sligo Avenue, Silver Spring, MD 20910. The Hospital was licensed by the

Board as License No. 15-001. As of the date of this Consent Agreement, the Hospital is no longer licensed or operating.

2. As part of its responsibilities administering the Veterinary Practice Act, the Board conducts inspections of licensed veterinary hospitals. On March 8, 2018, Board Investigator, Susan Husk ("Ms. Husk"), and Board Inspector, Pegeen Morgan ("Ms. Morgan"), conducted a routine inspection of the Hospital. During that inspection, Ms. Husk and Ms. Morgan identified several violations of the Maryland Veterinary Practice Act.

3. In addition to a number of sanitary issues identified as violations, Ms. Husk and Ms. Morgan found expired medications in the Hospital's working stock. These included several vials of Torbutrol that expired at the end of January 2018 and Mal-A-Ket Plus TrizEDTA that expired in July of 2012. In addition, the Hospital had 14 doses of Canine Corona Virus vaccine that expired on February 10, 2018 in the refrigerator, which were not labeled as expired. Ms. Husk and Ms. Morgan issued a COMAR Violation Sheet on that date documenting the expired medications.

4. In addition, photographs taken during the March 8, 2018 inspection showed sharps being stored in open containers. After viewing the photographs, the Board was concerned about the manner in which sharps were being stored and disposed of in the Hospital. In a letter dated July 2, 2018, which addressed a number of concerns, the Board specifically advised Dr. Roy that he should not keep syringes with needles in open buckets and instructed him to place sharps in rigid, tightly lidded containers in accordance with COMAR requirements.

5. Ms. Husk and Ms. Morgan conducted a follow-up inspection of the Hospital on August 10, 2018. At that time, they did not find any expired medications, but they did find that used sharps were still being stored in uncovered buckets and Styrofoam containers.

6. COMAR 15.14.03.02(H) provides as follows:

> A veterinarian shall handle waste materials that are generated from an animal that does not have a disease transmissible to humans as provided under this section:
>
> **(1) Sharps, including but not limited to syringes, needles, and surgical instruments, shall be placed in a rigid, tightly lidded container that is impervious to puncture. Before**

disposing of this container, it shall be placed in a leak-proof plastic sack or plastic-lined paper bag.

(Emphasis added).

7. By failing to place sharps in rigid, tightly lidded containers on August 10, 2018, Dr. Roy violated COMAR 15.14.03.02(H)(1). Although Dr. Roy had not been charged for similar violations in the past, Dr. Roy was warned about his storage of sharps following an inspection that took place on November 8, 2010.

8. COMAR 15.14.01.12-3 (Expired Medication), provides:

> A. A veterinarian may not administer expired medications to an animal.
>
> B. A veterinarian may not remove expiration dates from medications.
>
> C. Until a veterinarian has disposed of an expired medication, the veterinarian shall package and keep it separate and apart from unexpired medications.

9. By failing to remove expired medications from the Hospital's working stock, as documented during the March 8, 2018 inspection, Dr. Roy violated COMAR 15.14.01.12-3 at 3.

10. Dr. Roy has a history of failing to separate expired medications from unexpired medications in the working stock of his Hospital. In addition to receiving several warnings that did not result in charges, Dr. Roy has been subject to formal charges on two occasions since 2014. In Docket Nos. 17-49 and 14-56, the Board entered into Consent Agreements with Dr. Roy arising from inspections during which expired medications were found in the working stock of his Hospital. Dr. Roy paid civil penalties for expired medication violations in both cases.

11. Since the charges were issued, Dr. Roy has closed the Hospital and sold the property where the Hospital was located. *See* Affidavit of Sailendra Roy, DVM, attached as Exhibit A. In addition, due to COVID-19 issues, the closure of the hospital, and his own personal health issues, Dr. Roy is not currently practicing veterinary medicine. *Id.* He is not certain when, if at all, he will resume his practice.

Taking the facts and circumstances into consideration, including the nature of the violation, the veterinarian's disciplinary history, his acceptance of responsibility and promises to implement improvements to his practice as specified herein if he resumes his practice, and his representation that he is

not currently practicing, the Board concluded that the most reasonable and appropriate resolution includes the sanctions set forth below.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 31st day of January, 2022, by the State Board of Veterinary Medical Examiners, ORDERED that:

(a) For violating COMAR 15.14.03.02H (Sanitation Practices) by failing to dispose of sharps in rigid, tightly lidded containers that are impervious to puncture, Dr. Roy shall pay a civil penalty of $3000, stayed;

(b) For violating COMAR 15.14.01.12-1 (Expired Medications), Dr. Roy shall pay a civil penalty of $3,000, stayed;

(c) Due to Dr. Roy's health issues and at his request, Dr. Roy's registration to practice veterinary medicine in Maryland, which expires June 30, 2022, is hereby suspended;

(d) If, after June 30, 2022, Dr. Roy decides to return to the practice of veterinary medicine, Dr. Roy shall apply to reinstate his license in accordance with COMAR 15.14.01.11 (Annual Registration) and submit to a mental and/or physical examination as provided in Md. Code Ann., Agric. 2-307.1, to be paid for by the Board. Reinstatement of the license to practice shall be contingent on a determination that Dr. Roy is competent to practice;

(e) While Dr. Roy's registration is suspended and/or his license lapsed because he has not applied for or been granted reinstatement, Dr. Roy is not prohibited from earning credit hours of continuing education ("CE") which may be used to satisfy the CE requirements for reinstatement or licensure by the Board;

(f) If Dr. Roy's license to practice is reinstated and Dr. Roy returns to the practice of veterinary medicine as the owner or responsible veterinarian at a veterinary

hospital, Dr. Roy shall, at least 10 days before opening a new veterinary hospital or accepting the role of responsible veterinarian, submit receipts to the Board evidencing the purchase of a sufficient inventory of containers manufactured and designed for disposal of sharps which are rigid, tightly lidded, and impervious to puncture in accordance with COMAR 15.14.01.02H(1) and thereafter, continue to regularly use those sharps containers in the veterinary hospital for disposal of sharps;

(g) If Dr. Roy's license to practice is reinstated, the civil penalty for the expired medication violation ($3,000) shall be unstayed and paid by Dr. Roy in $500 monthly installments, with the first installment due within thirty (30) days from the date of reinstatement by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 18-61" and sent to MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401. Each monthly installment shall be due thirty (30) days after the first; and

(h) Failure to comply with the terms and conditions of this Consent Agreement may lead to lifting of the stayed portion(s) of the penalties provided for under this Consent Agreement, and/or additional charges and penalties for violation of a Board order following notice and opportunity to be heard.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 31st day of January, 2022.

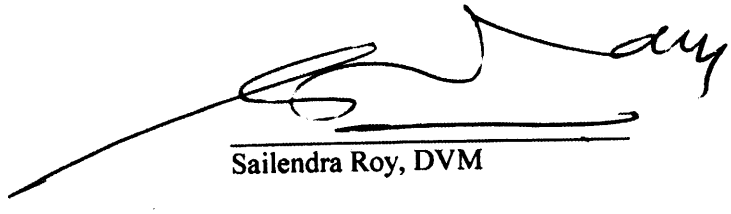
STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Elizabeth Callahan, DVM
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Sailendra Roy, DVM, acknowledge that I am competent and have had an opportunity to consult with counsel before entering into this Consent Agreement and Order ("Consent Agreement"). I hereby acknowledge the legal authority and jurisdiction of the Board over this matter to issue and enforce this Consent Agreement. To resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of seven pages, including this signature page. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

01/21/22
Date



Sailendra Roy, DVM

AFFIDAVIT OF SAILENDRA ROY, DVM

I, Sailendra Roy, DVM, hereby swear and affirm under the penalties of perjury, that I am over the age of eighteen (18) and am competent to testify as follows:

1. I am veterinarian currently registered and licensed to practice veterinary medicine in Maryland (License No. 2775).
2. I am the former owner of Ambassador Animal Hospital ("Hospital") (License No. 15-001) which was located at 811 Sligo Avenue, Silver Spring, MD 20910.
3. In March of 2020, I closed the Hospital due to COVID and never reopened it.
4. I sold the property where the Hospital is located on January 8, 2020.
5. I have not practiced veterinary medicine since I closed the Hospital. I do not currently own, operate, or work at any veterinary hospital. I do not have any immediate plans to open a new veterinary hospital.
6. Currently, I am experiencing some health issues that interfere with my ability to practice veterinary medicine. I have reported these issues to the Board. As such, I have agreed to suspension of my registration to practice veterinary medicine through the end of the current fiscal year, which ends June 30, 2022. I also do not plan to renew my registration for the next fiscal year, beginning July 1, 2022, until my health issues have resolved.
7. I understand that while my registration is suspended or has not been renewed or reinstated, I may not practice veterinary medicine, including purchasing, prescribing, or dispensing prescription medication to any animal patients.
8. I further understand that following the suspension of the registration, I will not be able to renew my registration and reinstate my license until after I have submitted to a mental and/or physical examination and been found to be capable of practicing competently. I

will provide the Board with notice of my intention to resume practice before attempting to reinstate my license and will cooperate with scheduling and attending the required physical or mental examination. I understand that, pursuant to COMAR 15.14.01.11 (Annual Registration), I may seek reinstatement of my veterinary license if the last registration certificate expired no more than 5 years before the date the application for reinstatement is made. If more than 5 years have lapsed since the date of the expiration of the last registration certificate, I must apply for a new veterinary license.

VERIFICATION

I HEREBY swear and affirm under the penalties of perjury that the contents of this Affidavit are true and correct.

Dated: 01/21/22

Sailendra Roy, DVM