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

IN THE MATTER OF:	*	
MATTHEW T. JONES, DVM	*	**DOCKET NO. 16-30**
LICENSE NO. 7007	*	

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DEFAULT DECISION AND ORDER

Under State law, the State Board of Veterinary Medical Examiners (Board) 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 provisions of the Veterinary Practice Act, Agriculture Article Sections 2-301 – 2-316, Annotated Code of Maryland and related Code of Maryland Regulations (COMAR). Under this authority, 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 rules and regulations after receiving a license[.]" Md. Code Ann., Agric. Section 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 or revoking a veterinarian's license. Md. Code Ann., Agric. Section 2-310.1.

FINDINGS OF FACT

1. Matthew T. Jones, DVM (Dr. Jones), License Number 7007, is a licensed veterinarian in Maryland and has been at all times relevant to this disciplinary action. Dr. Jones has no prior disciplinary history with the Board. Dr. Jones's employment as a veterinarian is currently unknown to the Board. Dr. Jones's last known employment as a veterinarian ended with termination on November 1, 2015 from Pet Health Clinic, 419 Dover Road in Easton, Maryland 21601.

2. On February 4, 2016, the Board formally charged Dr. Jones with a violation of COMAR 15.14.04 Professional Conduct. Specifically, the Board asserted that on or about October 31, 2015, Dr. Jones failed to conduct himself in a professional manner when he used an intoxicating inhalant, the anesthetic isoflurane, while

employed as an associate veterinarian at Pet Health Clinic, a veterinary hospital (License No. 20-016) in Easton, Maryland.

3. The charging document was sent to Dr. Jones at his residence and a second address of record by certified mail, return receipt requested, with a Notice of Agency Action letter (Notice) explaining that Dr. Jones had the right to a hearing before the Board if requested within ten days from receipt of the charging document. In the alternative, the Notice stated that Dr. Jones could waive a hearing and accept the proposed sanction, a $1,000 civil penalty, a three-year period of suspension with two years stayed, and a five-year period of probation, with the condition to participate in five years of substance abuse counseling and random substance abuse screening, and the condition of submission to the Board of quarterly reports from the substance abuse counselor. The letter also stated that Dr. Jones's failure to respond to the charge within ten calendar days might result in the Board issuing an order to impose the proposed sanctions. (Exhibit 1 Notice of Agency Action Letter and Charge under the Maryland Veterinary Practice Act).

4. On February 17, 2016, the Board received confirmation from the United States Postal Service of receipt of the Notice and Charge by Dr. Jones dated February 12, 2016.

5. After receiving this Notice, the Board received no response written or otherwise from Dr. Jones.

6. After no response from Dr. Jones or his legal counsel, the Board issued a Memorandum and Order of Default, sent by certified mail, return receipt requested to Dr. Jones at his residence, 8839 Roundhouse Circle in Easton, Maryland 21601 on March 16, 2016. The Order of Default notified Dr. Jones that he had fifteen days to file a motion seeking to vacate the order. (Exhibit 2, Order of Default.)

7. On March 22, 2016, the Board received confirmation from the United States Postal Service of receipt of the Memorandum and Order of Default with an illegible signature and no date.

8. Because more than fifteen days have passed since the Order of Default was issued and the Board has not received a motion to vacate from Dr. Jones or his legal counsel, the Board may now issue this Default Decision and Order.

CONCLUSIONS OF LAW

As a licensed veterinarian in Maryland, Matthew T. Jones, DVM, License No. 7007, is subject to the jurisdiction of the Board. By using an intoxicating inhalant, the anesthetic isoflurane, on or about October 31, 2015, while employed as an associate veterinarian at Pet Health Clinic, a veterinary hospital (License No. 20-016) located at 419 Dover Road in Easton, Maryland 21601, Dr. Jones violated the Board regulation regarding professional conduct; specifically, COMAR 15.14.01.04 Professional Conduct.

ORDER

Having determined that Matthew T. Jones, DVM, License No. 7007, has not filed a timely response to the Order of Default issued in this matter, and that he has waived his opportunity for a hearing after being afforded notice of the Board's action (including notice of: (1) the charge against him, (2) the proposed sanction, (3) his opportunity to request a hearing, including what he must do to receive a hearing, and (4) the direct consequences for failing to exercise in a timely manner his opportunity for a hearing, namely, the entry of a Default Decision and Final Order and the imposition of the proposed sanction), the Board, on this 6th day of APRIL, 2016, **ORDERS** that:

a. Dr. Matthew T. Jones shall pay a civil penalty of $1,000, to "Maryland Department of Agriculture" at 50 Harry S. Truman Parkway, Annapolis, MD, 21401, within 30 days of this Order with the notation "SBVME – 16-30";

b. Dr. Jones's License No. 7007 shall be suspended for a period of three years with two years stayed;

c. Dr. Jones shall serve a period of probation of five years with the conditions to obey all laws and regulations of the Board and this Order and to participate in five years of substance abuse counseling and random substance abuse screening and the submission to the Board of positive or missed tests and quarterly reports from the substance abuse counselor.

WITNESS the hand and seal of the State Board of Veterinary Medical Examiners, State of Maryland, this 6th day of APRIL, 2016.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

David L. Handel, DVM

David L. Handel, DVM
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture
50 Harry S. Truman Parkway, Room 102
Annapolis, Maryland 21401
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REVIEW RIGHTS

Within 30 days from the date of this decision, an aggrieved party may note an appeal to the Secretary of the Maryland Department of Agriculture by sending a written request for administrative review to the Secretary of Agriculture with a copy to the Board. The written request for administrative review shall be sent to each by registered or certified mail, return receipt requested (the mailing address for the Secretary is: Maryland Department of Agriculture, 50 Harry S. Truman Parkway, Annapolis, MD 21401). The decision of the Secretary is the final agency decision for purposes of judicial review by the circuit court under the Administrative Procedure Act.

Enc Exhibit 1 Notice of Agency Action and Charge

Exhibit 2 Order of Default

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

IN THE MATTER OF:	•	
MATTHEW T. JONES, DVM	•	DOCKET NO. 16-30
LICENSE NO. 7007	•	

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MEMORANDUM AND ORDER OF DEFAULT

In accordance with Agriculture Article § 2-311 of the Annotated Code of Maryland and related Code of Maryland Regulations (COMAR) 15.14.02.01-1, the State of Maryland Board of Veterinary Medical Examiners (Board) sent a Notice of Agency Action (Notice) and a charging document (Charge) on February 4, 2016, by certified mail – return receipt requested, to Matthew T. Jones, DVM (Dr. Jones), License No. 7007, at 141 Penny Lane, Stevensville, Maryland 21666 and 8839 Roundhouse Circle, Easton, Maryland 21601. Shortly thereafter, the Board received a card from the United States Postal Service, appearing to have the signature of Dr. Jones, indicating receipt of the Notice and Charge on or about February 12, 2016. As of the date of this Order of Default, well over the ten-day period provided in the Notice for reply, the Board has received no reply from Dr. Jones.

The Charge included the following alleged COMAR violation:

CHARGE

On or about October 31, 2015, Matthew T. Jones, DVM, License No. 7007, failed to conduct himself in a professional manner, a violation of COMAR 15.14.01.04 Professional Conduct, when he used an intoxicating inhalant, the anesthetic isoflurane, while employed as an associate veterinarian at Pet Health Clinic, a veterinary hospital (Hospital) located at 419 Dover Road, in Easton, Maryland 21601. Hospital employees observed Dr. Jones touching or near the isoflurane apparatus in the Hospital's surgery on or about August 5, 2015, and October 20 and 31, 2015, and appearing sluggish, confused, unable to speak clearly or to focus on Hospital tasks, and refusing to follow a direct order to stay out of the surgery after office hours.

Exhibit 2

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Accordingly, it is this 16th day of March, 2016, ORDERED:

1. That an Order of Default has been filed in Docket No. 16-30; and

2. That a motion to vacate this Order of Default under COMAR 15.01.01.03C shall be made within fifteen days of the date of entry of this Order of Default. The motion shall state with specificity the reasons for the failure to respond and the legal and factual bases for the defense to the charging document dated February 4, 2016. If good cause is shown, the Board may vacate or modify this Order of Default and set the case in for further proceeding. Failure to file a motion to vacate, however, may lead to the issuance of a decision and default order imposing the proposed sanctions in the Notice of Agency Action dated February 4, 2016.

WITNESS the hand and seal of the State Board of Veterinary Medical Examiners, State of Maryland, this 16th day of March, 2016.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

David L. Handel DVM

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