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

IN THE MATTER OF:	*	
GREG A. HERBERT, D.V.M. LICENSE NO. 2372	*	DOCKET NO. 14-18B
JOHN D. SCHRANK, V.M.D LICENSE NO. 5482	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Order (Order), dated this 30th day of January, 2014, is issued by the Maryland State Board of Veterinary Medical Examiners (Board) against Greg A. Herbert, D.V.M. (Dr. Herbert), License No. 2372, and John D. Schrank, V.M.D. (Dr. Schrank), License No. 5482. This Order confirms the intentions of Drs. Herbert and Schrank to waive their right to contest the charge filed by the Board on October 29, 2013 in Docket No. 14-18B, alleging that Drs. Herbert and Schrank violated the Veterinary Practice Act and a certain related Code of Maryland Regulation (COMAR). Specifically, in Docket No. 14-18B, the Board alleged that Drs. Herbert and Schrank violated COMAR 15.14.11.03J Violations, on certain days in July 2013 and August 2013, by permitting Dr. Jessica B. Gleeson, License No. 6665, to practice veterinary medicine at their veterinary hospital; specifically, Anne Arundel Veterinary Hospital, Hospital License No. 02-003, without a current registration from the Board for Fiscal Year (FY) 2014. On or about January 16, 2014, Drs. Herbert and Schrank submitted full payment of the civil penalty assessed by the Board as the only sanction in this matter, and thus voluntarily waived the right to a hearing and appeal on the charge in Docket No. 14-18B. Drs. Herbert and Schrank have no prior disciplinary histories with the Board.

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 charged with violating provisions of the Veterinary Practice Act, Agriculture Article §§ 2-301 – 2-316, Annotated Code of Maryland and related regulations, COMAR 15.14.01 – 15.14.17. 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 veterinary practitioner . . . [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, 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 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

Greg A. Herbert, D.V.M., License No. 2372, and John D. Schrank, V.M.D., License No. 5482, have submitted payment of the $600 civil penalty assessed by the Board in Docket No. 14-18B, and waived the right to a hearing or appeal of the charge. After having sought the advice of legal counsel, Drs. Herbert and Schrank voluntarily agreed to the Board's sanction, acknowledging that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that they did violate COMAR 15.14.11.03J Violations, by permitting Dr. Jessica B. Gleeson, License No. 6665, to practice veterinary medicine without a current registration from the Board for FY 2014, at their veterinary hospital, Anne Arundel Veterinary Hospital, located at 4800 Ritchie Highway, in Baltimore, Maryland 21225, on certain days in July and August 2013.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarians' lack of disciplinary histories with the Board, and the veterinarians' 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 30th day of January, 2014, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of COMAR 15.14.11.03J, Drs. Herbert and Schrank are assessed a civil penalty in the amount of $600. The Board acknowledges that payment of $600 was received from Drs. Herbert and Schrank on January 16, 2014.

Chris H. Runde, DVM

Chris H. Runde, D.V.M.
President
Maryland State Board of Veterinary Medical Examiners