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

IN THE MATTER OF:	*	
SARAH E. SEDRIKS-CALLAWAY, D.V.M.	*	**Docket No. 10-72**
LICENSE NO. 4911	*	

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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 §§ 2-301 et seq., Annotated Code of Maryland and related regulations. 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. 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. Md. Code Ann., Agric. Art., § 2-310.1.

FINDINGS OF FACT

1. Dr. Sarah E. Sedriks-Callaway (Dr. Sedriks-Callaway) is a licensed veterinarian in Maryland and has been at all times relevant to this disciplinary action.

2. Dr. Sedriks-Callaway was, at the time of certain incidents described herein until early December 2009, employed at Pets First, an animal hospital, which is located at 10829 Birmingham Way in Woodstock, Maryland. Dr. Sedriks-Callaway was, at the time of certain other incidents described herein, employed at Bayside Animal Medical Center, an animal hospital, which is located at 844 Ritchie Highway, in Severna Park, Maryland.

3. Heather M. Hendler, V.M.D. (Dr. Hendler), is the owner and operator of Pets First, and a veterinarian licensed to practice in the State of Maryland. Dr. Hendler employed Dr. Sedriks-Callaway at Pets First from January 2008 until the beginning of December 2009.

4. Dr. Hendler also employed Ms. Melissa Berry as an unregistered technician at Pets First until sometime in October 2009.

5. Ms. Berry's dog, named "Bullet," had a medical record at Pets First.

6. On or about September 22, 2009, when a pharmacy called Pets First for approval to fill a prescription written for Alprazolam 2 mg #60 (Xanax) for "Bullet" Berry, Dr. Hendler denied authorization for the pharmacy to fill the prescription.

7. When asked by Dr. Hendler about why she had written the prescription for "Bullet," Dr. Sedriks-Callaway told Dr. Hendler that she wrote the prescription for "Bullet" Berry, although the prescription was intended for use by Ms. Berry. The prescription written by Dr. Sedriks-Callaway appeared in the medical record for "Bullet" on September 1, 2009.

8. The medical record for "Bullet" indicated numerous prescriptions of Alprazolam, Hydrocodone (Vicodin), and Methylphenidate (Ritalin) written by Dr. Sedriks-Callaway, although the medical record did not indicate that a medical need had been established for the prescribed medications.

9. On or about April 2, 2010, Dr. Sedriks-Callaway entered Pets First and wrote a prescription for Oxycodone for use by Ms. Emily Bloom, a veterinary technician employed there, because Ms. Bloom stated that her physician's prescription for Oxycodone for wisdom teeth extraction had expired. Dr. Sedriks-Callaway wrote the prescription for Oxycodone in the name of "Chicken" Bloom, Ms. Bloom's dog.

10. On or about April 2, 2010, Dr. Barbara Press, a veterinarian licensed by the State of Maryland, was employed at Pets First. Dr. Press did not know that Dr. Sedriks-Callaway was no longer employed at Pets First.

11. Dr. Press was sitting in an office where prescription pads were located. When Dr. Press heard Dr. Sedriks-Callaway state that she (Dr. Sedriks-Callaway) needed a prescription for Alprazolam to benefit her dog, "Otis" Callaway, Dr. Press handed Dr. Sedriks-Callaway one blank script form.

12. On or about April 7, 2010, Eagle Pharmacy records indicate a prescription filled for "Otis" Callaway for Alprazolam 2 mg #30.

13. The Pets First medical record for "Otis Callaway" contains no notation for a prescription for Alprazolam for the period from April 2 through 7, 2010.

14. On or about July 20, 2010, Dr. Sedriks-Callaway applied to the Board for renewal of her registration as a veterinary practitioner, representing her place of practice as Bayside Animal Medical Center (Bayside) in Severna Park, Maryland.

15. On or about August 6, 2010, Dr. Sedriks-Callaway communicated in a letter to the Board in response to the complaint in this matter, that August 14, 2010, would be her last day of work as a relief veterinarian for Bayside and that she would not be practicing temporarily.

16. On or about January 4, 2011, Dr. Sedriks-Callaway communicated in a letter in response to an inquiry from the Board about her place of practice that she "continued to work in the fall/winter of 2010 and continue[s] to practice into 2011. [She] work[s] for over 25 practices in the state of Maryland[.]" Dr. Sedriks-Callaway stated that she retains the same address for her professional, home, and mailing address; that is, 7674 Swallow Road, Eldersburg, Maryland 21784.

17. On February 23, 2011, the Board formally charged Dr. Sedriks-Callaway with certain violations of the Veterinary Practice Act and related regulations. Specifically, the Board asserted that Dr. Sedriks-Callaway violated COMAR 15.14.01.04A(9) by prescribing drugs for Ms. Melissa Berry on or about September 1, 2009, and for Ms. Emily Bloom on or about April 2, 2010, outside the veterinarian-client-patient relationship as defined in COMAR 15.14.01.03B(10); Dr. Sedrik-Callaway violated COMAR 15.14.01.10 Record Keeping, by failing to document the prescribing of drugs to "Bullet" Berry and "Chicken" Bloom in the dogs' medical records at Pets First, and COMAR 15.14.01.12C(2)(e) by writing prescriptions for animals for whom she did not have a veterinarian-client-patient relationship; Dr. Sedriks-Callaway violated COMAR 15.14.01.09D by fraudulently using or issuing a blank Pets First' prescription form without the authorization of Dr. Hendler, the owner and operator of Pets First, on or about April 2 through 7, 2010; and Dr. Sedriks-Callaway violated COMAR 15.14.01.11A(4), when she failed to inform the Board within 30 days of August 14, 2010, her ostensible last day of work for Bayside, that she had continued to work as a relief veterinarian out of her home address.

18. The charging document was sent by certified mail, return receipt requested, along with a Notice of Agency Action letter (Notice) explaining that Dr. Sedriks-Callaway had a right to a hearing before the aboard if requested within ten days from receipt of the charging document. In the alternative, the Notice stated that Dr.

Sedriks-Callaway could waive a hearing and accept the proposed sanctions. The Notice also stated that Dr. Sedriks' failure to respond to the charges could result in the Board issuing an Order of Default. (Exhibit 1 Notice of Agency Action Letter and Charges Under the Maryland Veterinary Practice Act).

19. Having received no timely request for hearing from Dr. Sedriks-Callaway, the Board filed a Memorandum and Order of Default (Order) on April 19, 2011, against Dr. Sedriks-Callaway. The Order notified Dr. Sedriks-Callaway that she had fifteen days to file a motion seeking to vacate the Order. (Exhibit 2 Order of Default) The Order of Default was sent by certified mail, return receipt requested.

20. Because more than fifteen days have passed since the Order was issued and the Board has not received a response from Dr. Sedriks-Callaway, the Board may now issue this Default Decision and Order.

CONCLUSIONS OF LAW

As a licensed veterinarian in Maryland, Dr. Sedriks-Callaway is subject to the jurisdiction of the Board. Dr. Sedriks-Callaway violated the Veterinary Practice Act and applicable regulations, by prescribing or dispensing veterinary prescription drugs outside of the veterinarian-client-patient relationship, as defined in COMAR 15.14.01.03B(10), a violation of COMAR 15.14.01.04A(9):

a. For Ms. Melissa Berry on or about September 1, 2009; and

b. For Ms. Emily Bloom on or about April 2, 2010.

Dr. Sedriks-Callaway violated the Veterinary Practice Act and applicable regulations; specifically, COMAR 15.14.01.10 Record Keeping, by failing to document the prescribing of drugs to "Bullet Berry" and "Chicken" Bloom in the dogs' medical records at Pets First, and COMAR 15.14.01.12C(2)(e) by writing prescriptions for animals for whom she did not have a veterinarian-client-patient relationship; specifically, for "Bullet" Berry, on or about September 1, 2009, and for "Chicken" Bloom, on or about April 2, 2010.

Dr. Sedriks-Callaway violated the Veterinary Practice Act and applicable regulations by fraudulently using or issuing a blank Pets First prescription form used in the practice of veterinary medicine to dispense medication without the authorization of Dr. Hendler, the owner and operator of Pets First, a violation of COMAR 15.14.01.09D, on or about April 2 through 7, 2010.

Dr. Sedriks-Callaway violated the Veterinary Practice Act and applicable regulations; specifically, COMAR 15.14.01.11 Annual Registration, at .11A(4), when she failed to inform the Board within 30 days of August 14, 2010, her ostensible last day of work for Bayside, that she had continued to work as a relief veterinarian out of her home address.

ORDER

Having determined that Dr. Sedriks-Callaway has not filed a timely response to the Memorandum and Order of Default issued in this matter, and that she has waived her opportunity for a hearing after being afforded notice of the Board's action (including notice of: (1) the charge against her, (2) the proposed sanction, (3) her opportunity to request a hearing, including what she must do to receive a hearing, and (4) the direct consequences for failing to exercise in a timely manner her 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 18th day of MAY, 2011, **ORDERS** that:

a. Dr. Sarah E. Sedriks-Callaway's Maryland Veterinary License No. 4911 is suspended for four (4) weeks, of which two (2) weeks are stayed;

b. Dr. Sedriks-Callaway shall pay a civil penalty of $1,000.00, payable to "SBVME" at 50 Harry S. Truman Parkway, Room 102, Annapolis, MD, 21401, within thirty (30) days of this Order;

c. Dr. Sedriks-Callaway shall be placed on probation for a period of twelve (12) months effective on the date of this Order;

d. As a condition of probation, Dr. Sedriks-Callaway shall participate in twelve (12) credit hours of continuing education (CE) in ethics professionalism and record keeping, as pre-approved by the Board; this condition is in addition to the eighteen (18) credit hours of CE required annually prior to re-registering the veterinary license; and

e. As a condition of probation, Dr. Sedriks-Callaway shall inform the Board of all her places of practice (including relief work and house calls) within thirty (30) days of accepting a position as a relief veterinarian or performing a house call.

WITNESS the hand and seal of the State Board of Veterinary Medical Examiners, State of Maryland, this 18th day of MAY, 2011.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Chris H. Runde, DVM

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REVIEW RIGHTS

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