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

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| IN THE MATTER OF: | * | |
| MELISSA OGG, VMD<br>LICENSE NO. V-08150 | * | DOCKET NO. 21-85 |
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## CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 28th day of March, 2022, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Melissa Ogg, VMD ("Dr. Ogg"), License No. V-08150. This Civil Penalty Final Order resolves a pending disciplinary case involving allegations that Dr. Ogg violated the Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 – 2-316 and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17 as set forth herein.

On November 23, 2021, Dr. Ogg, through her legal counsel, notified Board counsel of her decision to resolve the complaint voluntarily without the issuance of formal charges. Subsequently, through counsel, Dr. Ogg agreed to the terms and conditions reflected in this Order and waived her due process rights attendant to the formal charging process.

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. 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. § 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. Agric. § 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**

Melissa Ogg, VMD, License Number V-08150, having had the opportunity to seek the advice of counsel, agrees to the provisions of this Order and acknowledges that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Ogg did not satisfy COMAR 15.14.01.09 (Maintenance of Professional Standards and Reporting Requirements) as set forth herein:

1. Dr. Ogg is a veterinarian licensed to practice in Maryland, where she has been licensed since 2019. Dr. Ogg was, at the time of the incidents described herein, working as a staff veterinarian at Pet + ER – Towson ("Hospital") (License No. 03-133), located at 1209 Cromwell Bridge Road, Towson, MD 21286. As of the date of this agreement, Dr. Ogg has moved out of state and has not renewed her Maryland license registration.

2. This case stems from a complaint filed on June 9, 2021, by Emily Chalmers ("Ms. Chalmers") and Carol Kalakay ("Ms. Kalakay") against Dr. Ogg.

3. Ms. Chalmers and Ms. Kalakay allege that Dr. Ogg did not diagnose rabies in Little Boy, a 3-year-old male domestic shorthaired cat. Little Boy was a feral "community cat" for which Ms. Kalakay routinely provided care. Ms. Kalakay was identified in the Hospital medical record as the owner of Little Boy, but Ms. Chalmers assisted Ms. Kalakay in the care of Little Boy and was a witness to the events that occurred while Little Boy was treated at Pet + ER.

4. On May 15, 2021, Ms. Kalakay took Little Boy to Pet + ER due to lethargy and labored breathing. Ms. Kalakay reported that Little Boy had visible bite wounds, and he was acting aggressively, chasing other cats. Dr. Ogg was Little Boy's attending veterinarian at the first visit. Upon presentation, Dr. Ogg found that Little Boy was dull and depressed with absent motor function in his tail. Little Boy was unable to sit up or stand on his own. Dr. Ogg also noted bite wounds on Little Boy's right ear.

5. Dr. Ogg called Ms. Kalakay to discuss her physical exam findings. Dr. Ogg told Ms. Kalakay that she was concerned that Little Boy could be septic secondary to his bite wounds or have severe systemic

disease. Dr. Ogg told Ms. Kalakay about her concerns regarding Little Boy's dyspnea (difficulty breathing). Dr. Ogg's differentials included possible pulmonary contusions, pleural effusion, or congestive heart failure. Further, Dr. Ogg told Ms. Kalakay that rabies was possible because Little Boy was not vaccinated. Dr. Ogg recommended bloodwork and radiographs. Ms. Kalakay only consented to the bloodwork.

6. Little Boy's bloodwork showed leukocytosis (increased level of white blood cells) and severe hyponatremia (low sodium levels). Dr. Ogg told Ms. Kalakay that she believed Little Boy's neurologic signs were related to his hyponatremia. Dr. Ogg recommended hospitalization with intravenous fluids (IVF) and frequent bloodwork monitoring for Little Boy. Ms. Kalakay consented. Dr. Ogg started Little Boy on normal saline IVF and administered Convenia subcutaneously.

7. After that, Little Boy's care was transferred between several veterinarians at Pet + ER.

8. On May 16, 2021, Dr. Ogg resumed responsibility for Little Boy's care. At approximately 4:00 p.m. on that date, Dr. Ogg called Ms. Kalakay and told her that Little Boy's sodium level was still low. She reported that the cat continued to be neurologically inappropriate, although he seemed brighter than when he first presented. Dr. Ogg discussed the possibility of rabies with Ms. Kalakay at that time. Dr. Ogg recommended continued hospitalization with IVF to treat Little Boy's hyponatremia. Ms. Kalakay elected to take Little Boy home, and he was discharged from Pet + ER at approximately 7:00 p.m.

9. On May 18, 2021, Dr. Ogg called Ms. Kalakay to check on Little Boy. Ms. Kalakay told Dr. Ogg that Little Boy had died the night prior, and Baltimore City Animal Services ("BCAS") had submitted his remains for rabies testing. Ms. Kalakay told Dr. Ogg that Little Boy was trying to bite immediately before his death. Little Boy's remains were submitted to the Maryland Department of Health ("MDH"), and he tested positive for rabies.

10. After Ms. Chalmers and Ms. Kalakay filed a complaint, the Board conducted an investigation. Having reviewed the case, including the medical records and Dr. Ogg's response, a Board team has found that Dr. Ogg did not satisfy COMAR 15.14.01.09 (Maintenance of Professional Standards and Reporting Requirements).

11. MDH has adopted regulations that require an individual to report to local authorities when an animal has rabies, is suspected of having rabies, or has had a bite or non-bite contact with an animal known to have or suspected of having rabies. *See* COMAR 10.06.02.04 (Animal Rabies). Given his behavior and wound of unknown origin, Dr. Ogg suspected rabies as a possible diagnosis for Little Boy, when she first evaluated him. Therefore, she was obligated to report the suspected rabies case at that time and should have followed quarantine procedures. The report and quarantine were necessary to protect the veterinarians, the hospital staff, as well as Ms. Chalmers and Ms. Kalakay and their families.

12. In her response to the Board, Dr. Ogg admits that she now recognizes that any patient presenting with a wound of unknown origin, and particularly an unvaccinated animal, should be reported as a possible rabies case and be subject to quarantine procedures.

13. According to the Board's regulation, COMAR 15.14.01.09A, it is a violation for any veterinarian to fail to report promptly when required by law or regulations any dangerous, infectious, or contagious disease known to the veterinarian. Dr. Ogg had an obligation to report the suspected rabies case under the MDH regulations, and she did not do so.

Taking the facts and circumstances into consideration, including the nature of the violation(s), the veterinarian's lack of disciplinary history, and her good faith cooperation in resolving this matter, 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 28th day of March, 2022, by the State Board of Veterinary Medical Examiners, ORDERED that:

(a) For not satisfying COMAR 15.14.01.09 (Maintenance of Professional Standards and Reporting Requirements) in the course of providing care and treatment to a domestic shorthair cat, Dr. Ogg is assessed a civil penalty of $300; and

(b) Dr. Ogg shall pay the civil penalty within thirty (30) days from the date of this Civil Penalty Final Order, by check payable to the Maryland Department of

Agriculture ("MDA") with the notation "SBVME – 21-85" mailed to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401; and

(c) This Civil Penalty Final Order is a public order.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 28th day of March, 2022.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Christine Calvert /NEB

Christine Calvert, DVM
Member
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture