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

IN THE MATTER OF:	*	
CHRIS H. RUNDE, DVM LICENSE NO. 2848	*	DOCKET NO. 22-72
TIDEWATER VETERINARY HOSPITAL, LLC HOSPITAL LICENSE NO. 18-003	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 15th day of April, 2022, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Chris H. Runde, DVM ("Dr. Runde"), License No. 2848, the responsible veterinarian at Tidewater Veterinary Hospital, LLC (License No. 18-0030)("Hospital"), located at 30079 Three Notch Road, Charlotte Hall, MD 20622.

This Order confirms Dr. Runde's agreement to resolve Docket No. 22-72 without the issuance of formal charges. By correspondence with Board counsel on April 11, 2022, Dr. Runde accepted the terms and conditions in this Civil Penalty Final Order, including the findings that he violated the Maryland Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 - 2-316 ("Veterinary Practice Act") and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17 in his capacity as responsibe veterinarian at the Hospital. Before agreeing to this Order, Dr. Runde was advised in writing regarding the due process rights available to him, including the right to receive formal notice of charges, request a hearing, retain legal counsel, and all other rights as set forth in Agric. § 2-311.

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 and related COMAR regulations. 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. § 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. Agric. § 2-310.1. In setting the amount of a civil penalty, the Board shall consider the severity of these violations, the good faith of the violator, and the 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

Dr. Runde, after having the opportunity to seek the advice of legal counsel, voluntarily waived his right to formal charges and a hearing and agreed to pay the civil penalty of $1000. In so doing, Dr. Runde acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he violated COMAR 15.14.01.12C (Expired Medications) as the responsible veterinarian at the Hospital as follows:

1. At all times relevant to this charge, Dr. Runde was a veterinarian licensed to practice in Maryland, where he has been licensed since 1985. Dr. Runde is the responsible veterinarian at the Hospital. Dr. Runde has a history of expired medication violations with include a Civil Penalty Final Order in Docket No. 22-37, which involved expired medications found at the Hospital during an inspection on August 8, 2021.

2. On December 15, 2021, during a follow-up inspection of the Hospital, Board Investigator Susan Husk ("Ms. Husk") and Board Inspector Sarah Hultz ("Ms. Hultz") found twenty-five (25) expired medications in various areas of the Hospital. These expired medications were allowed to remain mixed with the Hospital's working stock, despite an unfavorable inspection in August 2021 which resulted in the entry of a Civil Penalty Final Order.

3. Ms. Husk and Ms. Hultz prepared a Veterinary Hospital Inspection Report reflecting their findings on December 15, 2021, which is attached as Exhibit B. As noted in the handwritten pages attached to the Veterinary Hospital Inspection Report, some of these medications they found expired before the August 2021 inspection. Despite the adverse findings in August 2021, Hospital staff's post-inspection review of the working stock was not thorough enough to identify and remove the expired medications that existed at the time of the

August 2021 inspection. In addition, the Hospital protocols were not sufficient to continually monitor expiration dates and remove them in a timely manner.

4. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to an animal. COMAR 15.14.01.12-3C requires that expired medications be packaged and kept separate and apart from unexpired medications until disposal of such medications to prevent the administration of expired medications. While there is no evidence that expired medications were administered to any patients, Dr. Runde violated COMAR 15.14.01.12-3C in his role as the Hospital's responsible veterinarian by allowing expired medications to be stored with non-expired medications in the working stock of the Hospital. These violations were found despite recent instructions to review carefully all inventory to make sure that expired medications had been removed.

5. Ms. Husk and Ms. Hultz returned to the Hospital for a follow-up inspection on April 6, 2022. During that follow-up, they found that the Hospital staff, under Dr. Runde's leadership, had made significant improvements to the protocols for checking expiration dates and removing expired medications from the working stock in various areas of the Hospital. This is a large facility, which makes the process more difficult than it would be in a smaller hospital. Ms. Husk and Ms. Hultz took note of the considerable effort undertaken to address expired medication issues and to bring the Hospital into compliance.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's prior disciplinary history with the Board, the measures taken to address the problems identified, and the veterinarian's 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 15th day of April, 2022, by the State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Md. Code Ann., Agric. § 2-310(8) and COMAR 15.14.01.12-3C, Chris H. Runde, DVM, the responsible veterinarian at Tidewater Veterinary Hospital, LLC (License No. 18-003), is assessed a civil penalty of $1000. Dr. Runde shall pay the civil penalty within thirty (30) days of the date of this Order. Payment shall be by check payable to the Maryland

Department of Agriculture ("MDA") with the notation "SBVME 22-72" and mailed to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401. This is a public order.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

/NEB

Elizabeth Callahan, DVM
President