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

IN THE MATTER OF:	*	
ERIC P. WILES, D.V.M. LICENSE NO. 4543	*	DOCKET NO. 21-61
	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 11th day of May 2022, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Eric P. Wiles, D.V.M. ("Dr. Wiles"), License No. 4543. This Consent Agreement resolves a case arising from a complaint filed with the SBVME on March 9, 2021 in Docket No. 21-61, alleging violations of 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 set forth herein.

Following Board review of the case, the parties attempted to resolve the case without the need for formal charges. On May 6, 2022, Dr. Wiles, having been advised of all available due process rights, including his right to retain legal counsel, agreed to resolve this case under the terms and conditions reflected in this Consent Agreement. By signing this Consent Agreement, Dr. Wiles agrees to waive his right to formal charges in Docket No. 21-61 and further agrees to the terms and conditions of this Consent Agreement.

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 adopted pursuant to this law. 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

Eric P. Wiles, D.V.M., License Number 4543, by entering into and signing this Consent Agreement, having had the opportunity to seek the advice of counsel, agrees to the provisions of this Consent Agreement, acknowledging that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Wiles violated COMAR 15.14.01.10A (Record Keeping) as set forth herein:

1. Dr. Wiles is a veterinarian licensed to practice in Maryland, where he has been licensed since 1995. Dr. Wiles was, at the time of the incidents described herein, the owner and responsible veterinarian at Windsor Veterinary Services ("Hospital"), which is located in Dr. Wiles' residence. Dr. Wiles has no disciplinary history with the Board.

2. This case involves a complaint filed with the SBVME by Tammi Grubb ("Ms. Grubb").

3. As part of the investigation, the Hospital provided the SBVME with medical records indicating that Cass, a one-year-old Labrador Retriever, owned by Kim Beall ("Ms. Beall"), was seen by Dr. Wiles on January 30, 2021, and vaccinated for rabies.

4. After reviewing the medical records provided by Dr. Wiles, the Board identified multiple shortcomings.

5. COMAR 15.14.01.10A (Record Keeping) requires, for a companion pet animal, that a veterinarian prepare a legibly written record that accurately and thoroughly reflects the treatment provided, including the progress and disposition of the case. Dr. Wiles violated this standard in preparing the medical record for Cass's treatment, because the records contained mistakes and inconsistencies,

making it difficult to ascertain when the rabies vaccine was administered. The record also did not have information relevant to the treatment, such as the animal's correct age. *See* COMAR 15.14.01.10A(3).

6. In addition, an adequate record for a rabies certificate must include all necessary elements required under other laws and regulations. The Maryland Department of Health ("MDH") has promulgated regulations establishing additional requirements for completing rabies certificates. COMAR 10.06.02.10D(3) provides that a veterinarian administering a rabies vaccine to an animal shall prepare a certificate that contains the following:

- Vaccine manufacturer and lot or serial number;
- Date the vaccination was given;
- Date the next vaccination is due by;
- Signature of the veterinarian and the date the rabies certificate was signed;
- Veterinarian's name, address, telephone number, and veterinary license number legibly stamped, typed, or printed;
- Owner's name, address, and telephone number;
- Rabies tag number; and
- Animal's species, age, weight, predominant breed, and color.

COMAR 10.06.02.10D(3).

7. The rabies certificate evidencing the vaccination administered to Cass that Dr. Wiles signed does not contain the name of the manufacturer of the vaccine, the expiration date for the vaccine, or the rabies tag number. In addition, as noted above, Dr. Wiles failed to record a weight for Cass and had the birth date wrong.

Taking the facts and circumstances into consideration, including the nature of the violation(s), the veterinarian's lack of disciplinary history, his acceptance of responsibility and 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 11th day of May, 2022, by the State Board of Veterinary Medical Examiners, ORDERED that:

a) For violating COMAR 15.14.01.10A (Record Keeping) by failing to prepare a written record for his treatment and administration of a rabies vaccine for Cass, a young Labrador retriever owned by Kim Beall, that contains necessary information, including information required by the Maryland Department of Health, Dr. Wiles is assessed a civil penalty of $500;

b) Dr. Wiles shall pay the civil penalty within thirty (30) days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 21-61" sent to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401;

c) As an additional requirement of this Consent Agreement, Dr. Wiles shall complete six hours of continuing education ("CE") consisting of the Medical Record Keeping for Veterinarians course offered by Dr. Lance Roasa at drip.vet;

d) The CE shall be completed and verification of completion provided to the Board within thirty (30) days from the date of this Order. Verification should be sent by email to Nathaniel Boan, Executive Director, at nathaniel.boan@maryland.gov. Proof from the CE provider shall include the veterinarian's name, the number of hours of CE completed, the topics covered, and the date(s) the CE was given. This CE will not count toward the 18 credit hours required annually for re-registration of the veterinary license. To verify completion of the annual CE requirements and the CE required by this Consent Agreement, the Board may conduct an audit of the veterinarian's CE records for relevant years; and

e) This Consent Agreement is a public order.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 11th day of May, 2022.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Karena Joung /NEB

Karena Joung, V.M.D.
Vice-President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Eric P. Wiles, D.V.M., acknowledge that I have had an opportunity to consult with counsel before entering into this Consent Agreement. By this Consent, I hereby acknowledge the legal authority and jurisdiction of the Board over this matter to issue and enforce this Consent Agreement. To resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of 6 pages, including this Consent. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

Date: 5-6-22

Eric P. Wiles, D.V.M.