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

IN THE MATTER OF:	*	
VETCOR OF MARYLAND LLC 141 Longwater Drive, Suite 108 Norwell, MA 02061 Owner	*	DOCKET NO. 22-103A
CALVERT ANIMAL HOSPITAL Hospital License No. 04-00517	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order") dated this 28th day of June, 2022, is issued by the Maryland State Board of Veterinary Medical Examiners ("SBVME" or "Board") against VetCor of Maryland LLC ("VetCor" or "Owner"), the owner of Calvert Animal Hospital (new Hospital License No. 04-00517) ("CAH" or "Hospital"), located at 1923 Skinners Turn Road, Owings, Maryland 20736.

This Order confirms the intention of VetCor to waive the right to formal proceedings in this case, in which it is alleged that VetCor, Owner of CAH, violated the Maryland Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 - 2-316 ("the Act") and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17. Before agreeing to this Consent Agreement, the Owner's local representative was notified in writing of the available due process rights, 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. On June 16, 2022, VetCor's legal counsel informed Board counsel that VetCor would waive its rights to formal charges and a hearing and agree to the entry of this Order.

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 and veterinary hospital owners charged with violating provisions of the Act. 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 hospital owner] . . . [f]ails to comply with Board rules and regulations after receiving a license." 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 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 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

VetCor, after having the opportunity to seek the advice of legal counsel, voluntarily waived its right to formal charges and a hearing and agreed to pay a civil penalty of $400. In so doing, VetCor, through its legal counsel, acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that VetCor violated COMAR 15.14.03.01-1 (Licensing Requirements), as follows:

1. On March 2, 2022, Johnathan Stotler, DVM (License No. ("Dr. Stotler"), the owner and responsible veterinarian at Calvert Animal Hospital (Old License No. 04-001) ("CAH" or "Hospital"), sold his veterinary hospital to VetCor. On the day of the sale, the Board received an application for new ownership of an existing facility submitted by VetCor's local representative, Sarah Crispin ("Ms. Crispin"). However, VetCor had not completed the process to obtain the new license, so a new license was not issued at that time. CAH continued to operate.

2. Subsequently, the Board notified VetCor that it was required to designate a responsible veterinarian for the hospital and provide written affirmation that the veterinarian accepted that role before the Board could grant a license. The Board notified VetCor that it never received documentation designating a responsible veterinarian for the facility under new ownership, which is required before a hospital license can be issued.

3. SBVME regulations provide that a veterinary facility being purchased by a new owner may be granted a license without an inspection if the Board inspected the facility within the year before the sale. After the license is issued, the Board must inspect the hospital under new ownership within 60 days. On the other hand, if a facility being acquired by a new owner has not been inspected within the year before the change in ownership, the facility must be inspected before a license is granted. Under Dr. Stotler's ownership, the CAH facility had last been inspected by Peggy Morgan ("Ms. Morgan") on March 18, 2021.

4. On April 7, 2022, VetCor obtained Dr. Stotler's signed confirmation that he would continue as the responsible veterinarian at CAH and provided it to the Board.

5. On April 11, 2022, Board Inspector Pegeen Morgan performed a hospital inspection of CAH and determined that the facility complied with Board standards. The Board then issued a hospital license to VetCor for CAH.

6. Section 2-304.1 of the Agriculture Article requires that every veterinary hospital be licensed by the Board. COMAR 15.14.03.01-1 specifies the process and requirements for licensing and operation of veterinary hospitals. COMAR 15.14.03.01-1C provides that: "[a] person, including the owner, may not operate a veterinary facility unless it has a veterinary hospital license." COMAR 15.14.03.01-1E provides that: "[b]ecause a hospital license is issued in the name of a particular owner for a particular building or portion of it, **the owner may not transfer this license to either a new owner, including a person leasing or purchasing the owner's veterinary practice, or a different physical structure**." (Emphasis added).

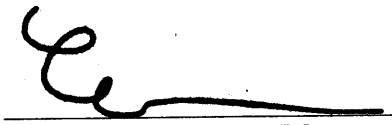
5. VetCor violated this regulation by purchasing CAH on March 2, 2022, and operating it from that date through April 11, 2022, without first obtaining a hospital license.

Taking all facts and circumstances into consideration, including the nature of the violation, the Owner's lack of prior disciplinary history with the Board, and its 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 28th day of June 2022, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Md. Code Ann., Agric. § 2-304.1, and COMAR 15.14.03.01-1, VetCor of Maryland LLC, the owner of Calvert Animal Hospital (License No. 04-00517), is assessed a civil penalty of $400, due thirty (30) days from the date of this Order. The civil penalty should be paid by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 22-103A" and mailed to MDA at the address below. This Civil Penalty Final Order is a public document.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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