

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

IN THE MATTER OF:

DONNA FLAGGS, D.V.M.
LICENSE NO. 4244

DOCKET NO. 22-94

* * * * *

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 12th day of September 2022, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Donna Flaggs, D.V.M. ("Dr. Flaggs"), License No. 4244. This Consent Agreement resolves a case arising from a complaint filed with the SBVME on March 28, 2022, alleging that Dr. Flaggs 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 September 9, 2022, Dr. Flaggs, having been advised in writing regarding her due process rights, agreed to resolve this case under the terms and conditions reflected in this Consent Agreement without formal charges. By signing this Consent Agreement, Dr. Flaggs agrees to waive her due process rights for Docket No. 22-94, including the right to a hearing and further agrees to the terms and conditions specified.

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

Donna Flaggs, D.V.M., License Number 4244, by signing and agreeing to this Consent Agreement after 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 she did not satisfy COMAR 15.14.01.10-1 (Client Consent for Companion Animals and Hospitalized Animals) as set forth herein:

1. Dr. Flaggs is a veterinarian licensed to practice in Maryland, where she has been licensed since 1993. Dr. Flaggs is the responsible veterinarian at Cabin Creek Animal Hospital (CCAH) (License No. 09-004), located at 8 Cambridge Avenue, East New Market, MD 21631. Dr. Flaggs has no disciplinary history with the Board.
2. This case involves veterinary care and treatment provided to Yoda, a 6-month-old male terrier mix owned by Catherine Blades ("Ms. Blades") and her son, Jimmy Walter ("Mr. Walter").
3. On December 29, 2021, Ms. Blades and Mr. Walter took Yoda to CCAH for an annual exam and vaccinations. Dr. Janice Tesi ("Dr. Tesi") (License No. 6256) was Yoda's attending veterinarian. Dr. Tesi examined Yoda and noted that both his testicles were descended, and his deciduous canines were still present. The rest of Yoda's physical exam was within normal limits. According to Dr. Tesi's medical notes, the owners planned to schedule an appointment to have Yoda neutered and wanted to get his rabies vaccination simultaneously.
4. Yoda's appointment for neuter surgery, a nail trim, and a rabies vaccination for Yoda was scheduled for March 17, 2022.
5. According to Ms. Blades, on March 17, 2022, she arrived fifteen minutes before Yoda's 10 a.m. appointment. When she arrived, CCAH staff informed her that Yoda was supposed to have been dropped

off at CCAH between 8:00 and 8:30 a.m. for surgery. Therefore, CCAH staff told Ms. Blades that Yoda's surgery would have to be rescheduled, and March 21, 2022, was selected as the new surgery date.

6. On March 21, 2022, when Ms. Blades arrived at CCAH, a receptionist, Samantha Simmons ("Ms. Simmons"), checked Yoda in and admitted him to the hospital. Dr. Flaggs was Yoda's attending veterinarian. Upon physical exam, Dr. Flaggs noted that Yoda had a retained upper right deciduous canine tooth. The rest of Yoda's exam was normal.

7. Dr. Flaggs premedicated Yoda with tobuterol. She then performed the neuter surgery and extracted Yoda's deciduous canine tooth before extubating him. Post-operatively, Dr. Flaggs administered injectable meloxicam and a rabies vaccine to Yoda.

8. After Yoda's surgery, Ms. Simmons called Ms. Blades and told her that she could pick Yoda up at 4 p.m. When Ms. Blades arrived at CCAH, the receptionist, Ms. Simmons, explained that a technician would go over Yoda's discharge instructions with her. Kelly Krivitski ("Ms. Krivitski"), a veterinary assistant, reviewed Yoda's discharge instructions with Ms. Blades and informed her that Dr. Flaggs had removed Yoda's tooth. According to Ms. Krivitski, when Ms. Blades asked about the tooth removal cost, she told Ms. Blades that she did not know, but another staff member would be able to provide that information at checkout.

9. After Ms. Krivitski reviewed Yoda's discharge instructions, Ms. Blades went to Ms. Simmons to check out. According to Ms. Simmons, Ms. Blades complained about the bill and argued that the verbal estimate Dr. Tesi gave her was lower. Ms. Simmons told Ms. Blades that CCAH does not provide verbal estimates. Instead, the veterinarians usually ask the staff to prepare written estimates. Ms. Simmons searched CCAH's computer and Yoda's medical records but could not find a written estimate.

10. Ms. Blades also complained about Yoda's dental extraction, stating that she had not given her consent for the tooth extraction.

11. On March 28, 2022, Ms. Blades filed a complaint with the SBVME against Dr. Flaggs, the owner and responsible veterinarian at CCAH, alleging that Yoda's tooth was extracted without consent and that

the bill was higher than the verbal estimate that Dr. Tesi gave her and her son on December 29, 2021.

Both Ms. Blades and Mr. Walter claim that they never received a written estimate for Yoda's surgery.

12. The Board opened a file, investigated, and reviewed the evidence, including the medical records for Yoda's treatment and written statements provided by Dr. Flaggs and CCAH staff members.

13. After its review, the Board concluded that Dr. Flaggs did not satisfy the standard set forth in COMAR 15.14.01.10-1 (Client Consent for Companion Animals and Hospitalized Animals). COMAR 15.14.01.10-1 requires, for a non-emergency presentation that a veterinarian inform the client in a manner that is understandable by a reasonable person, of the diagnostic and treatment plan . . .” **In addition, the regulation states that the veterinarian shall “. . . provide a written estimate of the charges for veterinary services, and obtain the client's signature indicating acknowledgment and approval . . .” before a veterinarian performs surgery or hospitalizes a companion animal.** (emphasis added).

14. In this case, Dr. Flaggs and her staff did not provide a written estimate of charges for Yoda's surgery to either Ms. Blades or Mr. Walter.

Taking the facts and circumstances into consideration, including the nature of the violation(s), the veterinarian's lack of disciplinary history, and her 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 12th day of September, 2022, by the State Board of Veterinary Medical Examiners, ORDERED that:

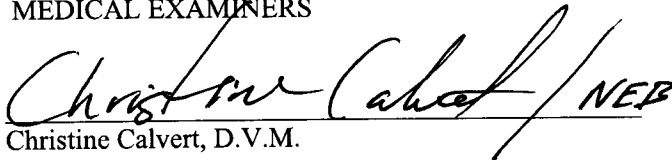
- (a) For not satisfying COMAR 15.14.01.10-1 (Client Consent for Companion Animals and Hospitalized Animals) by not preparing an estimate of charges or a diagnostic or treatment plan for services planned for Yoda, a 6-month-old male terrier mix owned by Catherine Blades (“Ms. Blades”) and her son, Jimmy Walter (“Mr. Walter”), Dr. Flaggs is assessed a civil penalty of \$300;

- (b) Dr. Flaggs shall pay the \$300 civil penalty within thirty (60) days from the date of this Order by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 22-94" sent to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401;
- (c) As an additional requirement of this Consent Agreement, Dr. Flaggs shall complete six hours of continuing education ("CE") consisting of the Medical Record Keeping for Veterinarians course found at drip.vet, or an equivalent course pre-approved by the Board.
- (d) The CE shall be completed, and verification of completion provided to the Board within sixty (60) days from the date of this Order, with verification 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 **may** be counted toward the 18 credit hours required annually for re-registration of the veterinary license; and
- (e) This Consent Agreement is a public document.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this

12th day of September, 2022.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS


Christine Calvert, D.V.M.

Member

State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Donna Flaggs, 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 six (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:

09/08/2022



Donna Flaggs, D.V.M.