

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

IN THE MATTER OF:

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KAREN K. MILLER, DVM
LICENSE NO. 2271

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DOCKET NO. 23-17

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BUCKEYSTOWN VETERINARY HOSPITAL
HOSPITAL LICENSE NO. 10-00390

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 13th day of October 2022, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Karen K. Miller, DVM ("Dr. Miller"), License No. 2271, the responsible veterinarian at Buckeystown Veterinary Hospital ("Hospital"), License No. 10-00390, located at 3820 Buckeystown Pike, Buckeystown, MD 21717, which is owned by VetEvolve MD, LLC.

This Order confirms Dr. Miller's agreement to resolve Docket No. 23-17 without the issuance of formal charges. By correspondence with Board counsel on October 12, 2022, Dr. Miller accepted the terms and conditions of this Order, including the findings that she 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. Before agreeing to this Order, Dr. Miller was advised in writing regarding her due process rights, including the right to receive formal notice of charges, request a hearing, retain legal counsel, and all other rights under 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 licensed [.]" 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 Art., § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After having the opportunity to seek the advice of legal counsel, Dr. Miller voluntarily waived her right to formal charges and a hearing and agreed to pay the civil penalty of \$1000. In so doing, Dr. Miller acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she violated COMAR 15.14.01.12-3C (Expired Medications) as follows:

1. Dr. Miller is a veterinarian who has been licensed to practice in Maryland since 1980. Dr. Miller is the responsible veterinarian at the Hospital and has no public disciplinary history with the Board involving expired medications.
2. On May 31, 2022, during an annual inspection of the Hospital, Board Inspector Ellen James ("Inspector James") found at least fifty-one (51) expired or unmarked medications in the Hospital's working stock. Of those drugs, thirteen were in the pharmacy and treatment room. An additional thirty-eight medications that were either expired, wholly unmarked, or marked but lacking an expiration date were in a closet in the x-ray room, mixed with unexpired and labelled drugs.
3. The oldest of the expired medications found at this Hospital included DermaVet ointment, which had expired in December of 2020, and injectable potassium phosphate which expired in January 2021.
4. Inspector James prepared a Veterinary Hospital Inspection Report reflecting her findings on May 31, 2022, and issued a COMAR Violation Sheet reflecting the expired medications found. Inspector James also prepared a complete list of expired medications found during the inspection, which a member of the Hospital staff signed.
5. Although the Hospital had not previously been charged with expired medications in its working stock, expired medications were identified during previous inspections of the Hospital.

6. On August 22, 2022, Inspector James conducted a follow-up inspection of the Hospital. She found that Dr. Miller and her staff had done an excellent with the areas in which expired drugs had been found previously. However, Inspector James noticed another area of the Hospital in which expired medications had not been removed.

7. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to an animal. To prevent administration of expired vaccines, 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. Dr. Miller violated COMAR 15.14.01.12-3C by allowing expired medications or medications whose expiration dates were unknown to be stored with non-expired medications in the working stock of the Hospital at which she serves as the responsible veterinarian.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of prior discipline for expired medications, 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. The amount of the civil penalty reflects the number of medications found that were either expired or not marked with an expiration date and the fact that there were prior inspections of the Hospital during which Board inspectors found expired medications and warned Dr. Miller to check inventory carefully.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 13th day of October, 2022, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED:**

- (a) That for the violation of Md. Code Ann., Agric. § 2-310(8) and COMAR 15.14.01.12-3C, Karen K. Miller, DVM (License No. 2271), the responsible veterinarian at Buckeystown Veterinary Hospital (License No. 10-00390), a veterinary hospital owned by Vet Evolve MD, LLC, is assessed a civil penalty of \$1000;
- (b) The civil penalty shall be paid within forty-five (45) days from the date of this Order by check payable to the Maryland Department of Agriculture ("MDA") with the notation ("SBVME 23-17") and mailed to MDA at the address below; and
- (c) This is a public order.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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