

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

IN THE MATTER OF:

MARCELLA BONNER, DVM
LICENSE NO. 5317

DOCKET NO. 21-48

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order (“Order”), dated this 23rd day of February 2022, is between the State Board of Veterinary Medical Examiners (“SBVME” or “Board”) and Marcella Bonner, DVM (“Dr. Bonner”), License No. 5317. This Consent Agreement resolves a pending disciplinary case involving allegations that Dr. Bonner 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 November 23, 2021, Dr. Bonner, through her legal counsel, notified Board counsel of her decision to resolve the complaint voluntarily without the issuance of formal charges. Subsequently, through counsel, Dr. Bonner agreed to the terms and conditions reflected in this Order and waived her due process rights attendant to the formal charging process.

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

Marcella Bonner, DVM, License Number 5317, by agreeing to this Civil Penalty Final Order having had the opportunity to seek the advice of counsel, agrees to the provisions of this Order and acknowledges that the SBVME has sufficient evidence to find, as fact, and to conclude as a matter of law that Dr. Bonner violated COMAR 15.14.01.09 (Maintenance of Professional Standards and Reporting Requirements) as set forth herein:

1. Dr. Bonner is a veterinarian licensed to practice in Maryland, where she has been licensed since 2001. Dr. Bonner was, at the time of the incidents described herein, the owner and responsible veterinarian at Diamond Veterinary Hospital ("Hospital") (License No. 15-049), located at 17000 Longdraft Road, Gaithersburg, MD 20878.
2. On January 21, 2021, the State Public Health Veterinarian at the Maryland Department of Health ("MDH") informed the SBVME of a laboratory-confirmed rabid cat in Montgomery County that was recently treated at the Hospital and noted that Dr. Bonner had not reported a potential rabies case to local authorities.
3. On January 4, 2021, Dr. Bonner treated a 5-year old domestic shorthair cat when the cat's owner ("the Owner") brought the cat to the Hospital. Dr. Bonner noted in the medical record that the cat had wounds of unknown origin on the left side of her nose and cheek.
4. The cat was treated and monitored at the Hospital from January 4, 2021, through January 7, 2021. During that time, the cat's health deteriorated. Dr. Bonner contacted the Owner to discuss the cat's decline and the most common feline neurological emergencies. Dr. Bonner stated that she also discussed infectious diseases, including rabies.
5. Dr. Bonner also advised the Owner to seek medical attention for a presumed scratch that the Owner reported receiving before January 4. Further, Dr. Bonner directed the Owner to call the Montgomery County

Office of Animal Services ("MCOAS") and the Owner's physician to discuss the Owner's possible rabies exposure. The Owner declined all further testing and opted to euthanize and cremate the cat.

6. The Owner contacted MCOAS to inform them of the incident and to inquire whether he should receive rabies post-exposure prophylaxis. The Owner was advised to do so.

7. Following the Owner's report, both State and local officials worked to submit the cat's remains for emergency rabies testing.

8. On January 9, 2021, the MDH Public Health Laboratory confirmed a rabies diagnosis. Both Dr. Bonner and the Owner were notified.

9. After these events, the Maryland State Public Health Veterinarian notified the SBVME of a concern that Dr. Bonner did not report a suspected rabies case that also involved non-bite contact with a human to either MCOAS or the Montgomery County Department of Health. The Board opened a case and conducted an investigation.

10. MDH has adopted regulations that require an individual to report to local authorities when an animal has rabies, **is suspected of having rabies**, or has had a bite or non-bite contact with an animal known to have or suspected of having rabies. *See* COMAR 10.06.02.04 (Animal Rabies). In addition, COMAR 10.06.02.05 requires any person having knowledge of an individual who has had a bite or non-bite contact with an animal to report immediately to local animal control the facts related to the contact.

11. The Owner thought he had non-bite contact with the cat close to the time the cat exhibited behavior and neurological symptoms that led Dr. Bonner to suspect that the cat might have rabies. While Dr. Bonner instructed the Owner to report this suspicion of rabies to the local authorities, and the Owner promptly called the local authorities, Dr. Bonner was required to report the non-bite contact to appropriate authorities. Dr. Bonner did not herself also report a suspicion of rabies to the local authorities, in violation of COMAR 10.06.02.04.

12. According to the Board's regulation, COMAR 15.14.01.09A, it is a violation for any veterinarian to fail to report promptly when required by law or regulations any dangerous, infectious, or contagious disease known to the veterinarian. While in this case, the Owner reported the possible rabies exposure to

animal control at the advice of Dr. Bonner, Dr. Bonner also had an obligation to report, and she did not do so.

Taking the facts and circumstances into consideration, including the nature of the violation(s), the veterinarian's lack of disciplinary history, and her 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 23rd day of February, 2022, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For violating COMAR 15.14.01.09 (Maintenance of Professional Standards and Reporting Requirements) in the course of providing care and treatment to a domestic shorthair cat, Dr. Bonner is assessed a civil penalty of \$1000; and
- (b) Dr. Bonner shall pay the civil penalty within sixty (60) days from the date of this Consent Agreement, by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 21-48" mailed to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 23rd day of February, 2022.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



Elizabeth Callahan, DVM
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture