

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

IN THE MATTER OF:

TIFFANY BOWERS, D.V.M.
LICENSE NO. V-08352

DOCKET NO. 21-15B

* * * * *

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 17th day of March, 2022, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Tiffany Bowers, D.V.M. ("Dr. Bowers"), License No. V-08352. This Consent Agreement resolves a case arising from a complaint filed with the SBVME in Docket No. 21-15A, alleging that Dr. Bowers 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 set forth herein.

On March 4, 2022, Dr. Bowers, agreed to resolve this case under the terms and conditions reflected in this Consent Agreement. By signing this agreement, Dr. Bowers agrees to waive her right to formal charges in Docket No. 21-15B and further agrees to the terms and conditions set forth herein.

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

Tiffany Bowers, D.V.M., License Number V-08352, 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. Bowers violated COMAR 15.14.01.07 (Professional Judgment and Practice) as set forth herein:

1. Dr. Bowers is a veterinarian licensed to practice in Maryland, where she has been licensed since 2020. At the time of the events described herein, Dr. Bowers was a veterinarian at Pet's ER ("PER") (License No. 22-00242) located at 402 Punkin Court, Salisbury, MD 21804. Dr. Bowers has no history of discipline with the Board.
2. This case involves the care and treatment provided to Koda, a 6-year-old neutered Shih Tzu owned by Janifer Phillips ("Owner" or "Ms. Phillips").
3. On August 16, 2020, Ms. Phillips took Koda to PER for vomiting, where Dr. Bowers became Koda's attending veterinarian.
4. Dr. Bowers performed a physical exam and noted that Koda was tense upon abdominal palpation. Dr. Bowers recommended abdominal radiographs and bloodwork. Ms. Phillips consented.
5. Dr. Bowers performed three-view abdominal radiographs on Koda, and they showed, "gas in the stomach and a focal, non-distended area of gas in the small intestine and descending colon, no obvious foreign body or obstruction." Further, Dr. Bowers noted that Koda was mild to moderately dehydrated and her SNAP cPL was normal.
6. According to the medical record, Dr. Bowers believed that Koda's symptoms were consistent with gastritis. Dr. Bowers further noted that she was "not overly suspicious of a blockage or a foreign body" at the time. Dr. Bowers recommended subcutaneous (SQ) fluids, a Cerenia injection, and oral sucralfate for Koda. Ms. Phillips consented.

7. Dr. Bowers administered SQ fluids and a Cerenia injection to Koda. She also prescribed oral sucral[fa]te and discharged Koda from PER.
8. On August 18, 2020, Ms. Phillips took Koda to Chesapeake Animal Clinic (Salisbury) ("CAC") (License No. 22-005) because Koda was still vomiting. According to Ms. Phillips, CAC was Koda's primary veterinary facility.
9. At CAC, James Nolte, DVM ("Dr. Nolte") (License No. 2076) the owner and responsible veterinarian, was Koda's attending veterinarian.
10. Dr. Nolte examined Koda and noted in the medical record that Koda's mucus membranes and conjunctiva were inflamed. He administered Koda Cerenia, Depo-Medrol, and dexamethasone. Koda was then discharged from CAC.
11. On August 20, 2020, Ms. Phillips took Koda to another veterinary hospital, Salisbury Animal Hospital ("SAH") (License No. 22-003), for lethargy and not eating. The attending veterinarian at SAH performed a physical exam on Koda and recommended abdominal and chest radiographs and bloodwork. Ms. Phillips consented.
12. According to SAH's medical records, Koda's chest radiographs were normal, but Koda's abdominal radiographs showed a possible foreign body within the stomach. The SAH veterinarian also noted that she reviewed Koda's radiographs from PER and could see a similar solid soft tissue density in the stomach. The veterinarian recommended that Ms. Phillips take Koda to a referral hospital for an exploratory surgery.
13. Subsequently, Ms. Phillips took Koda to Anne Arundel Veterinary Emergency Clinic, LLC (AAVEC) (License No. 02-00248) where Koda was hospitalized for supportive care and his radiographs from SAH sent out for review.
14. Following review by Synergy Veterinary Imaging Partners, the final radiology report confirmed a gastric pyloric foreign body. The AAVEC veterinarian recommended an exploratory surgery and Ms. Phillips consented.

15. Koda underwent a gastrotomy during which a small intact potato was found and removed. Koda recovered uneventfully from anesthesia and was discharged two days later.

16. Ms. Phillips later filed a complaint with the Board against Dr. Bowers. Ms. Phillips alleges that Dr. Bowers misdiagnosed Koda's foreign body because she did not properly interpret the abdominal radiographs. She alleges that Koda could have been treated sooner and suffered less if the body had been identified while Koda was in Dr. Bowers' care.

17. The Board opened a case and conducted an investigation, which included obtaining and reviewing the medical records. After considering the evidence presented, the Board concluded that Dr. Bowers provided substandard care to Koda.

18. COMAR 15.14.01.07A (Professional Judgment and Practice) provides that: "[a] veterinarian, when caring for and treating a patient, shall conform to those minimum standards of care and treatment which are customary among veterinarians in this State." Dr. Bowers failed to satisfy the applicable standard in her care and treatment of Koda when she failed to observe the "soft-tissue opacity area of concern near the pylorus" which suggested a mass.

Taking the facts and circumstances into consideration, including the nature of the violation(s), the veterinarian's lack of disciplinary history, 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 17th day of March, 2022, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For violating COMAR 15.14.01.07 (Professional Judgment and Practice) with respect to the care and treatment provided to Koda, a 6-year-old neutered Shih Tzu owned by Janifer Phillips, Dr. Bowers is assessed a civil penalty of \$300;
- (b) Dr. Bowers 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 – 21-15B" sent to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401;

- (c) As an additional requirement of this Consent Agreement, Dr. Bowers shall complete six hours of continuing education ("CE") in radiology. This CE shall be submitted to the Board's Executive Director by email and approved by the Board in advance to ensure that will satisfy the requirements of this agreement; and
- (d) The CE shall be completed and verification of completion provided to the Board within sixty (60) 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.

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

17th day of March, 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, Tiffany Bowers, 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 accept and submit to the foregoing Consent Agreement, consisting of _____ pages. 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:



Tiffany Bowers, D.V.M.