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

IN THE MATTER OF:	*	
JOHN KABLE, DVM LICENSE NO. 3098 Responsible Veterinarian	*	DOCKET NO. 23-39
AIRPARK ANIMAL HOSPITAL LICENSE NO. 06-024	*	
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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 6th day of February 2023, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against John Kable, DVM ("Dr. Kable"), License No. 3098, the responsible veterinarian at AirPark Animal Hospital ("Hospital"), License No. 06-024, located at 1000 Littlestown Pike, Westminster, MD 21157.

This Order confirms Dr. Kable's agreement to resolve Docket No. 23-39 without the issuance of formal charges. By email to Board counsel on February 2, 2023, Dr. Kable accepted the terms and conditions of this Order, including the findings that he 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. Kable received written notice of his due process rights in Board disciplinary matters, including the right to receive formal notice of charges, request a hearing, retain legal counsel, and all other rights under Section 2-311 of the Veterinary Practice Act.

Under State law, the Board is the licensing body responsible for regulating the practice of veterinary medicine in this State. Its authority 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 license [.]" 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

Dr. Kable, after having the opportunity to seek the advice of legal counsel, voluntarily waived his right to formal charges and a hearing and agreed to pay the civil penalty of $300. In so doing, Dr. Kable acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he violated COMAR 15.14.01.12-3C (Expired Medications) as follows:

1. Dr. Kable is a veterinarian who has been licensed to practice in Maryland since 1986. Dr. Kable is the responsible veterinarian at the Hospital and has no disciplinary history with the Board involving expired medications.

2. On September 15, 2022, Board Inspector Ellen James ("Inspector James") conducted an inspection of the Hospital, during which she identified twenty expired mediations mixed with the working stock of non-expired medications. The older medications found included Metodopramide injectables that expired in April of 2021, a bottle of Triamcinolene tablets that expired in January of 2020, and Ponazuril dewormer that expired in April of 2020. Inspector James also found six containers that either had no labels or were re-used bottles with expired labels that had been filled in unexpired medications, creating a risk of accidental usage of expired medications.

3. Inspector James prepared a Veterinary Hospital Inspection Report reflecting her findings and issued a COMAR Violation Sheet noting that expired medications were found.

4. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to an animal, and 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 to prevent such administration. Dr. Kable violated

COMAR 15.14.01.12-3C by allowing expired medications to be stored with non-expired medications in the working stock of the Hospital at which he 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.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 6th day of February 2023, 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, John Kable, DVM (License No. 3098), the responsible veterinarian at AirPark Animal Hospital (License No. 06-024), is assessed a civil penalty of $300;

(b) The civil penalty shall be paid within thirty (30) days from the date of this Order by check payable to the Maryland Department of Agriculture ("MDA") with the notation ("SBVME 23-39") and mailed to MDA at the address below, marked to the attention of Nathaniel Boan; and

(c) This Civil Penalty Final Order is a public document.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



Elizabeth Callahan, DVM
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture
50 Harry S. Truman Parkway, Room 102
Annapolis, Maryland 21401
Telephone: 410.841.5862