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

IN THE MATTER OF:	*	
DAVID CULLUM, DVM LICENSE NO. 5763 Owner and Responsible Veterinarian	*	DOCKET NO. 23-96
CRESWELL VETERINARY CLINIC HOSPITAL LICENSE NO. 12-033	*	
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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 18th day of May, 2023, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against David Cullum, DVM ("Dr. Cullum"), License No. 5763, the owner responsible veterinarian at Creswell Veterinary Clinic ("Hospital"), License No. 12-033, located at 2605 Creswell Road, Belair, MD 21015.

This Order confirms Dr. Cullum's agreement to resolve Docket No. 23-96 without the issuance of formal charges. By email to Board counsel on May 17, 2023, Dr. Cullum 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 as set forth herein. Before agreeing to this Order, Dr. Cullum was advised in writing regarding his due process rights, 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. Cullum, 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 $600. In so doing, Dr. Cullum acknowledged 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. Cullum is a veterinarian who has been licensed to practice in Maryland since 2004. Dr. Cullum has a prior Board disciplinary action involving expired medications. On October 25, 2019, the Board issued a Civil Penalty Final Order in Docket No. 20-18, finding that Dr. Cullum failed to remove at least forty expired medications from the working stock his veterinary hospital and imposing a civil penalty of $1000.

2. On January 24, 2023, Board Inspector Ellen James ("Inspector James") conducted an inspection of the Hospital, during which she found eight expired medications in the working stock in the surgical area among other non-expired medications. The expired medications included a tube of Viralys oral gel that had expired in August of 2017.

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. Cullum violated these regulations 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 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 18th day of May 2023, by the Maryland State Board of Veterinary Medical Examiners, hereby **ORDERED:**

(a) That for the violation of Md. Code Ann., Agric. § 2-310(8) and COMAR 15.14.01.12-3C, David Cullum, DVM (License No. 5763), the responsible veterinarian at Creswell Veterinary Clinic (License No. 12-033), is assessed a civil penalty of $600. The amount of this civil penalty reflects that while only a small number of expired medications were found, this was a second violation of COMAR 15.14.01.12-3C;

(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 23-96") and mailed to MDA at the address below to the attention of Nathaniel Boan, Executive Director; and

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

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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