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

IN THE MATTER OF:	*	
MARTHA L. BADURA, D.V.M. LICENSE NO. 3966	*	DOCKET NO. 22-50A
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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 2nd day of August 2023, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Martha L. Badura, D.V.M. ("Dr. Badura"), License No. 3966. This Consent Agreement resolves a case arising from a complaint filed with the SBVME in Docket No. 22-50A, alleging that Dr. Badura did not satisfy 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 July 14, 2023, Dr. Badura, through her legal counsel, agreed to resolve this case under the terms and conditions of this Consent Agreement without formal charges. Before agreeing to this Order, Dr. Badura was advised in writing regarding her due process rights, including the right to receive formal notice of charges, retain legal counsel, request a hearing, and all other rights under Agric. § 2-311. By signing this agreement, Dr. Badura agrees to waive the right to formal charges in Docket No. 22-50A 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

By signing and agreeing to this Consent Agreement, having had the opportunity to seek the advice of counsel, Martha L. Badura, D.V.M., License Number 3966, 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 she did not satisfy COMAR 15.14.01.10 (Record Keeping) as set forth herein:

1. Dr. Badura is a veterinarian licensed to practice in Maryland, where she has been licensed since 1991. At the time of the events described herein, Dr. Badura was a veterinarian at Rosedale Animal Hospital ("Hospital") (License No. 30-00461), located at 7611 Philadelphia Road, Baltimore, MD 21237. Dr. Badura has no history of discipline imposed by the Board.

2. This case involves Chelsea, a 6-year-old spayed female Old English Sheepdog owned by Ruth Stone ("Ms. Stone" or "Owner").

3. On October 23, 2021, Ms. Stone took Chelsea to the Hospital because Chelsea was having trouble with her ears and had hot spots under her tail. Dr. Badura was Chelsea's attending veterinarian at that time. Dr. Badura examined Chelsea, noting that the dog had gained weight and had a history of hip dysplasia. Chelsea was taking Deramaxx and Dasuquin long-term for her hip dysplasia and secondary arthritis. Chelsea had a "severe area of dermatitis with pruritis under her tail bud," and Dr. Badura could not perform a rectal exam. Dr. Badura cleaned the area under Chelsea's tail with a diluted chlorhexidine solution. Dr. Badura also diagnosed Chelsea with "AU otitis, with pruritis, and lots of debris." Dr. Badura performed ear cytology which showed a yeast infection. Dr. Badura cleaned Chelsea's ears with Micellar cleaner and applied Claro to each ear. Dr. Badura recommended a recheck appointment in 14 days. Dr. Badura also dispensed Apoquel, ketoconazole, and gabapentin for Chelsea.

4. On November 2, 2021, Ms. Stone called the Hospital to tell the staff that one of her dogs was vomiting. Sue Reiter, D.V.M. ("Dr. Reiter") (License No. 5634), the Hospital's owner and responsible veterinarian, called Ms. Stone back. By then, Ms. Stone had determined that Chelsea was the one vomiting. Dr. Reiter instructed her to discontinue Chelsea's ketoconazole and Deramaxx because both medications can cause vomiting. Dr. Reiter told Ms. Stone to feed Chelsea a bland diet and that she could restart the medications if the vomiting stopped. However, Dr. Reiter advised Ms. Stone that Chelsea needed to be examined if the vomiting persisted.

5. On November 3, 2021, Ms. Stone called the Hospital and spoke with Dr. Reiter. Ms. Stone told Dr. Reiter that Chelsea had vomited twice more on November 2nd but had not vomited that day. Ms. Stone said Chelsea was slightly lethargic but was eating and keeping food down.

6. Later that evening, Chelsea began vomiting again, so Ms. Stone took her back to the Hospital for reevaluation. According to Dr. Badura, Ms. Stone told her that Chelsea had been eating dogwood berries. Dr. Badura examined Chelsea, administered Cerenia for vomiting, and performed bloodwork and x-rays. Dr. Badura's assessment of the x-rays showed food and gas in the stomach but no apparent foreign body. There was some rounded appearance to Chelsea's spleen. Dr. Badura recommended feeding Chelsea hamburger meat and rice and keeping Chelsea off the medications until the following evening.

7. On November 4, 2021, Chelsea's blood work results returned, showing several abnormal values. After assessing the blood work, Dr. Badura was concerned about possible bone marrow issues. Dr. Badura called Ms. Stone and discussed her concerns about Chelsea's test results. According to Dr. Badura, she told Ms. Stone that many things could cause abnormalities in Chelsea's bone marrow. If Chelsea did not improve, they would recheck her blood work and refer her to a specialist if necessary. Ms. Stone told Dr. Badura that Chelsea could keep food and water down the previous night and had not vomited.

8. On November 6, 2021, Ms. Stone called the Hospital to request a recheck appointment because Chelsea had started vomiting again. Chelsea was also lethargic, not eating, and had defecated on herself. Still, Ms. Stone reported that Chelsea was drinking and urinating. Dr. Reiter was Chelsea's attending veterinarian for this visit. Dr. Reiter noted that Chelsea was stiff because she was not getting her

Deramaxx and that Ms. Stone felt like the gabapentin was making Chelsea too sedate. Ms. Stone also expressed concern about possible ketoconazole toxicity. According to the record, Dr. Reiter performed a physical exam, which was normal, except that Chelsea had soft stool in her rectum. Dr. Reiter took a fecal sample to send to Antech Laboratories and performed chest and abdominal x-rays, looking for any evidence of obstruction, foreign body, or esophageal enlargement. The x-rays taken did not appear to show any of those issues. (Chelsea's fecal results came back positive for hookworm on November 7, 2021.)

9. Dr. Reiter's differential diagnosis on November 6, 2021, included gastroenteritis or ulceration. Because the Hospital closed at 1 p.m. that day, Dr. Reiter treated Chelsea with subcutaneous rather than intravenous fluids. Additionally, Dr. Reiter administered Cerenia and an injection of famotidine (to decrease acid in the stomach). Chelsea was sent home on metronidazole, a Proviable kit, sucralfate, Cerenia tablets and EN diet.

10. Before discharge, Dr. Reiter discussed the option of repeating blood work, but Ms. Stone decided to wait until Chelsea's recheck appointment the following week. Dr. Reiter and Ms. Stone discussed sending Chelsea to an emergency facility ("ER") for supportive care, but, according to Dr. Reiter, "at that point other than lethargy she did not appear to be severely ill." Dr. Reiter advised Ms. Stone to take Chelsea to an ER if she seemed worse. Unfortunately, Chelsea passed away that evening at home. No necropsy was performed.

11. Ms. Stone later submitted a complaint to the SBVME, alleging that Dr. Badura and Dr. Reiter did not listen to her concerns regarding Chelsea's medications.

12. The Board opened a case and investigated, which included obtaining and reviewing the medical records. After considering the evidence presented, the Board did not identify issues with the medications prescribed by the veterinarians, nor could they reach a conclusion regarding the cause of Chelsea's death. However, they found that Dr. Badura's record keeping was deficient.

13. COMAR 15.14.01.10A (Record Keeping) requires, for a companion animal, that a veterinarian prepare a legibly written record that accurately and thoroughly reflects the treatment provided, including

the progress and disposition of the case, as well as the patient's physical condition at the beginning of custody. Dr. Badura did not satisfy the Board's record keeping standards because she did not document Chelsea's pulse or respiration. While Dr. Badura maintains that she checked a box in the record to indicate that these values were "normal," the checkmark is placed in a way that makes it difficult to tell whether the "normal" or "abnormal" box was checked. Moreover, the record does not specify the range the veterinarian considers normal, leaving a reviewer to speculate about these measurements. In addition, Dr. Badura's findings regarding pulse, respiration, and weight were not noted in the transcribed medical records, making it difficult to follow the progress of the case.

14. Dr. Badura's lack of assessment and documentation of differential diagnoses is another shortcoming. When assessing Chelsea's bloodwork, the only notes in the record are: "Concerned with BM (bone marrow) issue – dysplasia, neoplasia?" No other possible diagnoses or rule-outs are mentioned.

15. Finally, although Dr. Badura claims in her response to the Board that she discussed a referral to a specialist with Ms. Stone during conversations on November 3rd or 4th, 2021, nothing in the medical record documents any such recommendation. Overall, Dr. Badura's record of her communications with Ms. Stone lacks detail. Based on Ms. Stone's complaint, her conversations with Dr. Badura led her to believe Chelsea might have died of bone cancer. The records offer little information about what other diagnoses Dr. Badura considered, which likely led to Ms. Stone feeling unheard, uninformed, and guilty for not seeking specialty care when she lost her pet only days later,

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 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 2nd day of August, 2023, by the State Board of Veterinary Medical Examiners, ORDERED that:

(a) For not satisfying COMAR 15.14.01.10 (Record Keeping) while providing care and treatment to Chelsea, a 6-year-old spayed Sheepdog owed by Ruth Stone, by not including information reflecting physical exam findings such as the patient's pulse and respiration in the medical record, not documenting her differential diagnoses and rule outs, providing a limited assessment of the bloodwork, and not documenting client discussions about seeking emergency care, Dr. Badura is assessed a civil penalty of $300;

(b) Dr. Badura 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 – 22-50A" sent to the MDA at 50 Harry S. Truman Parkway, Annapolis, MD 21401; and

(c) This Consent Agreement is a public document.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 2nd day of August, 2023.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Christine Calvert/CPS
Christine Calvert, D.V.M.
Vice-President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Martha L. Badura, 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, including this Consent. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel. I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

Date: 7/31/2023

Martha L. Badura, D.V.M.