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

IN THE MATTER OF:	*	
KATELIN MCCONKEY, D.V.M. LICENSE NO. 09-00506	*	DOCKET NO. 22-84
	*	

* * * * * * * * * * * * * *

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 18th day of August 2023, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Katelin McConkey, D.V.M. ("Dr. McConkey"), License No. 7198. This Consent Agreement resolves a case assigned Docket No. 22-84, which the Board initiated when it received notice that Dr. McConkey 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 July 29th, 2023, Dr. McConkey, through legal counsel, agreed to resolve this case under the terms and conditions reflected in this Consent Agreement. By signing this agreement, Dr. McConkey agrees to waive her right to formal charges in Docket No. 22-84 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 entering into and signing this Consent Agreement, having had the opportunity to seek the advice of counsel, Katelin McConkey, D.V.M., License No. 7198, 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. McConkey violated COMAR 15.14.01.04 (Professional Conduct) and Agric. § 2-310(8), (9) & (11) as set forth herein:

1. Dr. McConkey is a veterinarian licensed to practice in Maryland, where she has been licensed since 2014. Dr. McConkey is also licensed to practice in Delaware (License No. N1-0002882).

2. Dr. McConkey currently serves as the responsible veterinarian at VCA Choptank Animal Hospital ("VCA") (License No. 09-00506), which is located at 430 Dorchester Avenue, Cambridge, MD 21613. Dr. McConkey is the only veterinarian regularly practicing at VCA, although relief veterinarians may work there from time to time. Dr. McConkey has no history of discipline with the Board.

3. In January 2022, the Board received notice that the Delaware Board of Veterinary Medicine ("Delaware Board") had entered an Order against Dr. McConkey in Case No. C-VMB-2020-00001 on January 12, 2022. A copy of this order is attached as Exhibit A ("Delaware Order") and incorporated as though fully set forth herein.

4. The Delaware Order contained the following factual findings, to which Dr. McConkey, who was the Respondent in that case, agreed:

. . .

> 3. Between May 2019 and June 2020, Respondent practiced veterinary at Seaford Animal Hospital ("SAH") in Seaford, Delaware.
> 4. During her time working at SAH, Respondent was perceived to be physically aggressive and [sic] toward several patients of SAH. In certain instances, the physical contact observed was necessary to protect Respondent and the patients. Some of the patients handles are extremely aggressive and some are very ill, requiring strict physical restraint to treat the patient.

5. On multiple occasions during her employment at SAH, Respondent was observed by SAH staff getting physical with Respondent's own pet canine, Teddy, while in the office.
6. Respondent has been diagnosed with bi-polar disorder and was treating with medication.
7. Respondent became pregnant and was required to cease her medication.
8. During the time Respondent was not on her medication she [sic] symptoms of bi-polar were exacerbated. As a result, she had extreme difficulty communicating with others, her responses to staff were curt and she was easily agitated and quick to respond.
9. Since delivery [sic] her baby, Respondent is back on her medication and continues with her treatment plan.

Exhibit A, Paragraphs 2-9.

10. The findings of fact and conclusions of law in the Delaware Order are the basis for this Consent Agreement.

11. Under the Maryland Veterinary Practice Act, the Board may take disciplinary action against a veterinary practitioner who:

> (1) Is unable to practice veterinary medicine competently;
> . . .
> (8) fails to comply with a Board regulation after obtaining a license; and
> (9) Is grossly negligent or deliberately cruel to an animal;
> .....

See Md. Code Ann., Agric. § 2-310.

12. The Board's regulations, specifically COMAR 15.14.01.04B (Professional Conduct), provide that "[a] veterinarian may not act in an unprofessional or immoral manner in the practice of veterinary medicine."

13. In its order, the Delaware Board found that Dr. McConkey violated 24 De. C. Section 3316(a)(1), as she was guilty of unprofessional conduct in violation of Board regulation 3.1.10, through conduct that constitutes **animal cruelty to the animals under her care**. In addition, Dr. McConkey was found to have violated 24 Del. C. Section 3316(a)(3) by illegally, incompetently, or negligently practicing veterinary medicine. Copies of the statutes referenced in the Delaware Order are attached as Exhibit B.

14. Dr. McConkey's actions, as reflected by the findings of fact and conclusions of law in the Delaware Order, demonstrate conduct that is unprofessional or immoral in the practice of veterinary medicine for which the SBVME could discipline Dr. McConkey under Section 2-310(8) of the Practice Act. In addition, the Delaware Order findings prove that Dr. McConkey was deliberately cruel to an animal, which is

additional grounds for disciplinary action under Section 2-310(9) of the Act. Therefore, the SBVME may discipline Dr. McConkey based on the Delaware Order under Section 2-310(11).

15. After the SBVME received and reviewed the Delaware Order, it received a new complaint in Maryland alleging that Dr. McConkey engaged in similar unprofessional conduct to that which was reflected in the Delaware Order, which was assigned Docket No. 22-96, which is attached as Exhibit __.

16. The facts giving rise to the Delaware Order and the allegations outlined in the new complaint raised concerns about Dr. McConkey's competency and fitness to practice veterinary medicine, for which the Board opened an investigation.

17. As noted in the Delaware Order, Dr. McConkey has been diagnosed with bipolar disorder and is being treated with medication to manage her symptoms. During the instances of unprofessional conduct and cruelty to animals in her care described in the Delaware Order, Dr. McConkey was not able to take her bipolar medications because she was pregnant. According to Dr. McConkey, she feels "foggy" and has difficulty thinking without the medications. During a manic phase, without medications, Dr. McConkey is prone to anger, which manifests itself in outbursts against others.

18. After receiving the new complaint, Board President Elizabeth Callahan requested a meeting with Dr. McConkey, Board staff, and legal counsel. Dr. McConkey agreed to the meeting, which took place on May 4, 2022. Dr. McConkey attended that meeting with her legal counsel. During the meeting, Dr. McConkey answered questions about the circumstances giving rise to the Delaware Order, her current health status, and other issues of concern. Following that meeting, Dr. McConkey agreed to be evaluated by the Maryland Physicians Health Program ("MPHP").

19. The MPHP evaluation took place on May 9, 2022.

20. On May 26, 2022, Martin Rusinowitz, M.D., the Medical Director at MHPP sent a report to the SBVME noting that on-boarding of Dr. McConkey was going "normally" and that a final assessment was forthcoming.

21. The final MHPP assessment of Dr. McConkey's case was provided to the SBVME on June 22, 2022. In it, Dr. Rusinowitz noted that his team had received and reviewed Dr. McConkey's records from

the Delaware Professionals' Health Monitoring Program ("DPHMP"), which indicated that as of June 13, 2022, Dr. McConkey had complied with the requirements of the monitoring agreement since her enrollment on February 17, 2022. Her monitoring with the DPHMP included bi-weekly calls to her agreement-monitor, medication management appointments as deemed necessary, and random toxicology testing.

22. In addition, the MHPP team reviewed Dr. McConkey's psychological assessment completed by Michael J. Hurd, Ph.D., LCSW on February 27, 2022, in which his conclusion was: "I believe she is able to continue working in her job and is safe to practice, at this time. I would become concerned if she went off her medication, but she acknowledges no history of having done this, nor of wanting to do so, and the only complication could be an inability to take/hold her medication due to the present pregnancy. However, she states that she is able to deal with her job and the medication during this pregnancy."

23. The MHPP also contacted multiple individuals in "multiple spheres" of Dr. McConkey's life, who provided information about her condition.

24. Overall, the MHPP evaluators concluded:

> Along with our entire team, I believe that we can predict with reasonable probability, based on meetings with Dr. McConkey and review of her extensive historical record, that she is safe to practice veterinary medicine. We absolutely support and insist that she find a psychiatrist with whom the medical management of her bipolar affective disorder might continue to be administered, even though it appears to be under good medical control at this time. In order that this be accomplished with certainty, we would like to follow Dr. McConkey for the next six months, after which time we are hopeful that she may be successfully discharged from the Maryland HealthCare Professionals Program (MHPP).

25. On June 30, 2022, MHPP sent a follow-up recommendation to the SBVME. Following conversations with the Delaware program ("DPHMP"), MHPP staff recommended that MHPP assume responsibility for monitoring Dr. McConkey. This recommendation was based primarily on the fact that Dr. McConkey is no longer actively practicing medicine in the State of Delaware but has an active practice in Maryland.

26. Based on this recommendation, Board counsel contacted Dr. McConkey's counsel to discuss the entry of this Consent Agreement, which would be based on the findings of the Delaware Order and the conclusions of the MHPP regarding Dr. McConkey's fitness to practice.

27. At the Board's request, on April 19, 2023, Dr. McConkey, through her legal counsel, Cory Silkman, Esquire, provided the Board with a status report reflecting Dr. McConkey's medical and psychological treatment, her current practice, and the monitoring she is receiving in Delaware and by VCA management.

28. In that report, Dr. McConkey described how she is being monitored in Delaware while on probation, as provided in the Delaware Order. The Delaware Board has assigned Dr. McConkey to an Agreement Monitor, who is responsible for monitoring aspects of compliance with the Delaware Order. Dr. McConkey speaks with the Agreement Monitor by phone once per month and communicates by email once per month to discuss compliance with the order. There is no evidence that Dr. McConkey has failed to comply with the Delaware Order. As of February 15, 2023, Dr. McConkey completed and no longer requires daily check-ins for random drug testing. All randomized drug test results were negative for controlled dangerous substances.

29. Earlier in 2023, the Medical Director for the Delaware Board recommended that Dr. McConkey attend routine counseling sessions. This recommendation was also made when Dr. McConkey was evaluated in Maryland. Dr. McConkey reported that she now attends therapy sessions with a licensed counselor every two weeks. The counselor submits monthly progress reports to the Delaware case manager. Dr. McConkey has signed necessary releases to allow the Delaware Board and Dr. McConkey's Agreement Monitor to share information with the SBVME. This will allow the SBVME to monitor Dr. McConkey's compliance with the Delaware Order.

30. When it requested the report from Dr. McConkey, the Board asked for information about how the owners of VCA Choptank Animal Hospital monitor and supervise Dr. McConkey's practice. Monitoring and support from ownership are necessary because Dr. McConkey is the only staff veterinarian at VCA Choptank.

31. In her report to the Board, Dr. McConkey indicated that she speaks approximately twice a month to the VCA medical director. They discuss specific cases, facility operations, the facility's statutory and regulatory compliance, staff management, and other topics, as necessary. Both the area manager and medical director visit the facility at their discretion. The hospital's practice manager and tech supervisor

directly observe Dr. McConkey's conduct each workday and have agreed to report any concerns to VCA or the SBVME. The facility is equipped with numerous video cameras that record Dr. McConkey and other staff during their work and interactions with patients and owners. Given Dr. McConkey's diagnosis of bipolar disorder, her violations of Delaware law that are also grounds for discipline in Maryland, and her status as the sole veterinarian regularly practicing at VCA Choptank, regular monitoring and reporting is imperative to protect the health and safety of Dr. McConkey's patients and other staff at the hospital.

32. As a business entity, VCA monitors and addresses all client complaints relating to its facilities and staff. As of the date of this Consent Agreement, VCA has attested that Dr. McConkey has no outstanding complaints other than the matters referred to herein.

33. VCA Choptank was also recently subject to a routine inspection by Board inspectors. No issues of concern were identified.

Taking the facts and circumstances into consideration, including the serious nature of the violation(s), Dr. McConkey's acceptance of responsibility and good faith cooperation in resolving this matter, the conclusions of the medical evaluators, her employer's agreement to monitor Dr. McConkey's practice, and the continued monitoring to which Dr. McConkey is subject in Delaware, the Board concluded that the most reasonable and appropriate resolution includes the sanctions and conditions set forth below.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 18th day of August, 2023, by the State Board of Veterinary Medical Examiners, ORDERED that:

(a) Based on the findings of fact and conclusions of law in the Delaware Order, Dr. McConkey is subject to discipline under the Maryland Veterinary Practice Act, Maryland Annotated Code, Agriculture Article, § 2-310(11), because she engaged in unprofessional conduct and was deliberately cruel to an animal, Dr. McConkey is assessed a civil penalty of $ 3000, stayed;

(b) If the civil penalty becomes unstayed. Dr. McConkey shall pay it within (60) days from the date she is notified of a failure to satisfy the terms and conditions of this agreement

by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 22-84" sent to the MDA at 50 Harry S. Truman Parkway, Suite 102, Annapolis, MD 21401, marked "Attn: Nathaniel Boan;"

(c) Dr. McConkey's license to practice veterinary medicine is suspended for two years, stayed;

(d) Payment of the civil penalty and the suspension of Dr. McConkey's license shall be stayed, effective immediately, as long as Dr. McConkey remains in compliance with the Delaware Order;

(e) Should issues of compliance with the Delaware Order arise which suggest that Dr. McConkey is unable to practice veterinary safely and competently due to medical or psychological issues, Dr. McConkey shall, at the Board's request, submit an additional evaluation by the Maryland Health Professional Program ('MHPP"). The Board will pay for this evaluation. If the evaluators determine that Dr. McConkey should be monitored to ensure effective management of her bipolar disorder and continued safe, competent, and professional practice of veterinary medicine, in lieu of paying the civil penalty, Dr. McConkey shall pay fifty percent (50%) of the cost of the monitoring;

(f) Dr. McConkey shall serve a period of probation of two years. While on probation, the veterinarian shall obey all laws and regulations governing the practice of veterinary medicine in this State and the conditions of this Consent Agreement. Violation of probation means that the veterinarian is charged, and the Board ultimately concludes that the veterinarian violated the Veterinary Practice Act, related regulations, or the terms of this Consent Agreement during the probation period. Violation of probation may result in the stay of sanctions provided for in this Consent Agreement being lifted and imposition of additional penalties, following notice and an opportunity to be heard;

(g) Based on Dr. McConkey's agreement to the terms and conditions in this Consent Agreement, the complaint against Dr. McConkey assigned Docket No. 22-96 is stayed

and will remain stayed as long as Dr. McConkey remains in compliance with the Delaware Order and this Consent Agreement. Because no final order has been entered in that case, any documents related to that complaint will remain confidential and may only be disclosed pursuant to a court order or lawful subpoena; and

(h) This Consent Agreement is a public order.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 18th day of August, 2023.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Elizabeth Callahan, D.V.M.
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Katelin McConkey, 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 10 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: July 29 2023

Katelin McConkey, D.V.M.

07-29-2023

RONNIE LEE WROTEN
Notary Public-Maryland
Dorchester County
My Commission Expires
May 03, 2026

RONNIE LEE WROTEN NOTARY PUBLIC DORCHESTER COUNTY, MD MY COMMISSION EXPIRES 05-03-2026

Exhibit A

BEFORE THE DELAWARE BOARD OF VETERINARY MEDICINE

IN RE: KATELIN MCCONKEY	)	
	)	**Case No.: C-VMB-2020-00001**
LICENSE NO.: N1-0002883	)	

ORDER

WHEREAS, the Delaware Board of Veterinary Medicine has reviewed this matter and hereby approves the Consent Agreement of the parties, and enters it now as an Order of the Delaware Board of Veterinary Medicine;

IT IS SO ORDERED this __11_____ day of January_____, 2022___

/s/ Dr. Danielle Downs
Dr. Danielle Downs, President

Date mailed: 12 January 2022

Certified True Copy
Delaware Division of Professional Regulation

BEFORE THE DELAWARE BOARD OF VETERINARY MEDICINE

IN RE: KATELIN MCCONKEY	)	
	)	**Case No.: C-VMB-2020-00001**
LICENSE NO.: N1-0002883	)	

CONSENT AGREEMENT

A written Complaint has been filed with the Delaware Board of Veterinary Medicine ("Delaware Board") alleging that Katelin McConkey ("Respondent"), a licensed veterinarian in the State of Delaware, has engaged in conduct which constitutes grounds for discipline under the *Veterinary Practice Act* (24 *Del. C.* Ch. 33).

Respondent and the State enter into this Consent Agreement and submit it to the Board for review and approval as a means of resolving the pending administrative prosecution against Respondent pursuant to 24 *Del. C.* Ch. 33 and 29 *Del. C.* Ch. 101.

IT IS UNDERSTOOD AND AGREED THAT:

1. Respondent is a licensed veterinarian in the State of Delaware, license number N1-0002883. The Respondent's license was first issued on February 26, 2018, expires July 31, 2022 and is currently active.

2. Respondent is also licensed to practice veterinary medicine in the State of Maryland, license No. 7198.

3. Between May 2019 and June 2020, Respondent practiced veterinary medicine at Seaford Animal Hospital ("SAH") located in Seaford, Delaware.

4. During her time working at SAH, Respondent was perceived to be physically aggressive and towards several patients of SAH. In certain instances, the physical contact

observed was necessary to protect Respondent and the patients. Some of the patients handles are extremely aggressive and some are very ill, requiring strict physical restraint to treat the patient. ,

5. On multiple occasions during her employment at SAH, Respondent was observed by SAH staff getting physical with Respondent's own pet canine, Teddy, while in the office.

6. Respondent has been diagnosed with bi-polar and was treating with medication.

7. Respondent became pregnant and was required to cease her medication.

8. During the time Respondent was not on her medication she symptoms of bi-polar were exacerbated. As a result, she had extreme difficulty communicating with others, her responses to staff were curt and she was easily agitated and quick to respond.

9. Since delivery her baby, Respondent is back on her medication and continues with her treatment plan.

10. Respondent violated 24 *Del. C.* § 3316(a)(1), as she is guilty of unprofessional conduct in violation of Board Regulation 3.1.10, in that the above-referenced conduct constitutes cruelty to the animals under her care.

11. Respondent violated 24 *Del. C.* § 3316(a)(3) by illegally, incompetently or negligently practicing veterinary medicine.

12. Respondent hereby admits that the allegations set forth in paragraphs one (1) through twelve (12) above are true and correct.

13. Respondent and the State agree that the appropriate disciplinary sanctions shall be as follows:

a. Respondent's license issued by the Delaware Board is hereby placed on suspension for a period of three years;

b. The suspension of Respondent's license shall be stayed immediately, and her license placed on probation for three years contingent upon her

enrollment in the Delaware Professionals' Health Monitoring Program (DPHMP) within 30 days of this Order for a mental health evaluation and a substance abuse evaluation. If Respondent does not enroll in the DPHMP, her suspension shall commence immediately at the close of said 30-day period without further action by the Board;

c. Respondent shall continue with any current treatment program, if deemed appropriate by the DPHMP;

d. During the period of probation, Respondent's practice of veterinary medicine in the State of Delaware shall be monitored by a manger whom works with a supervising veterinarian and shall report any concern or issues related to Respondent's conduct or behavior to the Board. The supervising manager and or veterinarian shall inform the Board in writing that they are aware of their responsibility for overseeing Respondent. Respondent shall provide her employer with a copy of the consent agreement as singed by the Board within 10 days of her receipt of the singed consent. If Respondent changes employers, she must provide her new employer with the consent agreement within 10 days of the date of employment start, and the new supervisor has to submit written notification to the Board that the supervisor will be responsible for Respondent.

e. Any violation of any of the terms of the probation including noncompliance with the terms and conditions of the DPHMP will result in the immediate conversion of Respondent's probation to suspension for the remainder of the term without further notice or hearing;

f. Should Respondent's license be suspended pursuant to this Order, such suspension will not lift until she petitions the Board. At the time of such petition, the Board may continue the suspension if it finds such action necessary to appropriately protect the public, or lift the suspension and impose any additional conditions it finds necessary to appropriately protect the public at that time;

g. Within 90 days of this Order, Respondent must complete nine acceptable continuing education contact hours. Of the nine, six of the contact hours must be in the subject area proper restraint of animals, and three must be in the subject of ethics. These nine hours must be in addition to, and not in lieu of, the continuing education hours required for renewal; and

h. Failure to comply with this Order may result in further discipline. This is a public disciplinary action reportable to the national practitioner databank.

14. The parties to this Consent Agreement are the State of Delaware and

Respondent.

15. The parties agree and acknowledge that nothing contained in this Consent Agreement shall affect any rights or interests of any person not a party to this Agreement.

16. Respondent acknowledges that she is waiving her rights under 24 *Del. C.* Ch. 33 and 29 *Del. C.* Ch. 101 to a hearing before the Board prior to the imposition of disciplinary sanctions.

17. Respondent acknowledges that she has carefully read and understands this Consent Agreement, and is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

18. Respondent acknowledges that this Consent Agreement is a public record within the meaning of 29 *Del. C.* § 10002 and will be available for public inspection and copying as provided for by 29 *Del. C.* § 10003.

19. The parties acknowledge and agree that this Consent Agreement is subject to approval by the Board.

20. The parties acknowledge and agree that if the Board does not accept this Consent Agreement, it shall have no force or effect, except as follows:

a. Neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Board or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;

b. The Consent Agreement, or conduct or statements made in negotiating the Consent Agreement, will be inadmissible at any administrative, civil or criminal legal proceeding; and

c. No provision contained in the Agreement shall constitute or have the effect

of an admission by Respondent as to any fact alleged in the Complaint in this matter or in this Agreement.

21. If the Board accepts the Consent Agreement and enters it as an Order, the Consent Agreement shall be admissible as evidence at any future proceedings before the Board.

22. The parties acknowledge and agree that this Consent Agreement, along with any exhibits, addendums, or amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

23. This Consent Agreement shall be effective upon acceptance by the Board and entry of the Board's Order.

Katelin McConkey
Respondent

Dated: 10-12-21

Zoe Plerhoples
Deputy Attorney General
Delaware Department of Justice

Dated: 11/11/2022