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

IN THE MATTER OF:	*	
MICHELLE DANNA, DVM LICENSE NO. 6705	*	DOCKET NO. 22-75
	*	

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement") dated this 19th day of October 2023, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Michelle Danna, DVM ("Dr. Danna"), License No. 6705. This Consent Agreement resolves a case arising from a complaint filed on February 5, 2022, which the SBVME, assigned Docket No. 22-75, alleging that Dr. Danna 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, as set forth herein.

On September 26, 2023, Dr. Danna, having been advised in writing regarding her due process rights and acting through legal counsel, agreed to resolve this case under the terms and conditions of this Consent Agreement. By signing this Consent Agreement, Dr. Danna agrees to waive her right to formal proceedings in this case, including the issuance of charges and a hearing, and further agrees to the terms and conditions of this Consent Agreement.

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 adopted pursuant to this law. 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 and signing this Consent Agreement after having had the opportunity to seek the advice of legal counsel, Michelle Danna, DVM, License Number 6705, 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. Danna did not satisfy COMAR 15.14.01.04 (Professional Conduct) as described below:

1. Dr. Danna is a veterinarian licensed to practice in Maryland, where she has been licensed since 2010. Dr. Danna has a prior history of discipline by the Board, which includes a Consent Agreement and Order entered in Docket No. 18-54A&B. In that two-part case, the Board found that Dr. Danna engaged in unprofessional conduct during conversations with her clients and another veterinarian that occurred after a patient suffered cardiac arrest during surgery.

2. This case involves events that occurred while Dr. Danna was working as a relief veterinarian performing surgeries at Elkridge Animal Hospital ("EAH") (License No. 13-059) located at 6270 Washington Blvd, Elkridge, MD 21075.

3. On February 2, 2022, EAH had seven patients scheduled for anesthetic procedures. Dr. Danna's second procedure of the day was a spay surgery on a dog ("the patient").[1] An EAH veterinary assistant, Kimberly Spadafora, assisted Dr. Danna and monitored the patient during surgery. A second veterinarian, who was visiting from India, was also present in the surgery room.

4. During the surgery, Dr. Danna and the other veterinarian began to discuss differences in their cultures. As the conversation continued, Dr. Danna stated her beliefs regarding several topics.

[1] Because the complaint was filed by an EAH staff member, the patient's name is not included in this Consent Agreement.

5. At some point, Ms. Spadorfora, the veterinary assistant, left the surgery suite and told the office manager at EAH, Heather Osbourne ("Ms. Osbourne"), that the discussions in the surgery suite were making her uncomfortable. Dr. Danna believes this happened while she was closing the patient's surgical incision.

6. According to Dr. Danna, the patient's surgery was uneventful. She finished the surgery and began to remove her gloves. As she did so, Ms. Osbourne came into the suite and loudly directed the staff members in the surgery suite to change their conversation to something more work appropriate.

7. Dr. Danna was surprised and upset by Ms. Osbourne's comments. She did not believe her conversation with the other veterinarian was harmful, offensive, or inappropriate.

8. With the patient still intubated and being monitored by Ms. Spadorfora, Dr. Danna quickly left the suite and approached the responsible veterinarian at EAH, Davinder Verma, DVM ("Dr. Verma") (License No. 5816), at his desk. Dr. Danna told Dr. Verma that she did not feel welcome at EAH and that her ability to "have a conversation, or even express her feelings or opinions, was being unnecessarily restricted and looked down upon." Dr. Danna was upset and immediately gave her two weeks' notice. According to Dr. Danna, she intended to continue fulfilling her professional responsibilities for the remaining two weeks.

9. While Dr. Danna was talking to Dr. Verma, Ms. Osbourne approached them to discuss what had happened. According to Ms. Osbourne, Dr. Danna began yelling at her, proclaiming that Ms. Osbourne had no right to restrict her First Amendment rights. Ms. Osbourne alleges that Dr. Danna proceeded to speak at a high volume and indicated she should be able to speak freely. Dr. Danna also stated that any offended parties should have approached her directly or closed the surgery suite doors. Ms. Osbourne alleges that Dr. Danna's behavior quickly became unprofessional. Numerous staff members from EAH overheard or witnessed Dr. Danna speaking to Ms. Osbourne in a raised voice while Ms. Osbourne remained silent.

10. Redacted surveillance video from EAH, which lacks sound, shows Dr. Danna exhibiting agitated body language and gestures. A client of EAH, who was in the waiting room, also overheard Dr. Danna.

11. Dr. Verma and Ms. Osbourne discussed whether Dr. Danna should finish her remaining surgeries that day. Dr. Danna specifically told Dr. Verma and Ms. Osbourne that she was able and willing to complete the remaining procedures for the day.

12. Ms. Osbourne and Dr. Verma decided it would be better if Dr. Danna left due to her "emotional state."

13. After Dr. Danna's conversations with Dr. Verma and Ms. Osbourne, Ms. Spadafora moved the patient into EAH's treatment room for recovery. Ms. Spadafora extubated the patient moments after Dr. Danna left the building. While doing so, she realized that Dr. Danna had not yet extracted the patient's two teeth.

14. The patient, now under Dr. Verma's care, was then moved back into the surgical suite, and isoflurane was administered via a mask. The patient was intubated again, her teeth were extracted, and she recovered without complications.

15. According to Ms. Osbourne, she later realized that no medical record for Dr. Danna's surgical patients that day had been finalized. Ms. Spadafora used EAH's surgical template and completed the notes to the best of her ability. Additionally, Dr. Verma reviewed the records for accuracy.

16. On February 5, 2022, Ms. Osbourne filed a complaint with the SBVME against Dr. Danna.

17. In her complaint, Ms. Osbourne expressed concern about Dr. Danna's workplace behavior.

18. The Board opened a case, investigated, and reviewed the materials gathered, including statements provided by Dr. Danna through her counsel, Ms. Osbourne, and various EAH staff members.

19. After considering the evidence, the Board determined that Dr. Danna's behavior and communications with EAH staff did not satisfy COMAR 15.14.01.04 (Professional Conduct).

20. COMAR 15.14.01.04A (Professional Conduct) prohibits unprofessional conduct and requires veterinarians to ". . . act in relation to the public, the veterinarian's colleagues, and their patients . . . so as to merit their full confidence and respect." COMAR 15.14.01.04B states that a veterinarian may not act in an unprofessional or immoral manner in the practice of veterinary medicine.

21. Dr. Danna's conduct and behavior on February 2, 2022, did not satisfy these professional standards for veterinarians in this State. Dr. Danna's raised voice and disruptive behavior demonstrated a lack of professionalism and respect for the staff and clients at EAH. As a result of this behavior, the staff at EAH felt it necessary to direct Dr. Danna to leave the hospital before her last patient was fully recovered and before Dr. Danna completed medical records for her patients. According to Ms. Osbourne, Dr. Danna's behavior was so disruptive that she was forced to apologize on behalf of EAH to a client in an adjacent room who overheard Dr. Danna speaking at a high volume.

Considering the facts and circumstances, including the nature of the conduct; the veterinarian's disciplinary history, which included two separate prior findings of unprofessional conduct; and 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 19 day of October 2023, by the State Board of Veterinary Medical Examiners, ORDERED that:

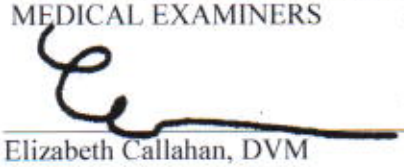
(a) For not satisfying COMAR 15.14.01.04A & B (Professional Conduct) in her behavior, communications, and interactions with staff members at Elkridge Animal Hospital on February 2, 2022, Dr. Danna is assessed a civil penalty of $3000;

(b) Dr. Danna shall pay the civil penalty ($3000) within ninety (90) days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 22-75" sent to the MDA at 50 Harry S. Truman Parkway, Room 102, Annapolis, MD 21401 – Attn: Nathaniel Boan; and

(c) This Consent Agreement is a public document.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 19 day of October 2023.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



Elizabeth Callahan, DVM
President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Michelle Danna, DVM, acknowledge that I have had an opportunity to consult with counsel before entering into this Consent Agreement. To resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of seven (7) pages, including this Consent. By this Consent, I acknowledge the Board's legal authority and jurisdiction over this matter to issue and enforce this Consent Agreement. I sign this Consent Agreement without reservation as my voluntary act and deed after having had an opportunity to consult with counsel. I fully understand and comprehend this Consent Agreement's language, meaning, and terms.

Date: 10/19/2023

Michelle Danna, DVM