

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

IN THE MATTER OF:

IRA LUSKIN, DVM
License No. 2581

DOCKET No. 23-120A

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order"), dated this 9th day of November, 2023, is issued by the Maryland State Board of Veterinary Medical Examiners ("SBVME" or "Board") against Ira Luskin ("Dr. Luskin") the responsible veterinarian at NVA Animal Dental Center (Towson) ("NVA Animal Dental- Towson") (License No. 03-109), which was located at 1209 Cromwell Bridge Road, Towson, MD 21286 and which moved to its current location at 1018 Cromwell Bridge Road, Towson, MD 21286 (License No. 03-00603) on April 3, 2023. National Veterinary Associates ("NVA") was the hospital owner for both locations.

This Order confirms the intention of Dr. Luskin to waive the right to formal proceedings in this case, in which it is alleged that he violated the Maryland Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 - 2-316 ("the Act") and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17, as set forth herein.

Before agreeing to this Order, Dr. Luskin was notified in writing of the due process rights available to him, including the right to receive formal notice of charges, request a hearing, retain legal counsel, and all other rights as set forth in Agric. § 2-311. On November 8, 2023, Dr. Luskin informed the Board's legal counsel by email that he would waive his rights to formal charges and a hearing and agree to the entry of this Order.

Under State law, the Board is the licensing authority responsible for regulating the practice of veterinary medicine in this State, which includes filing disciplinary actions against veterinarians and veterinary hospital owners charged with violating provisions of the Act. 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 hospital owner] . . . [f]ails to comply with Board rules and regulations after receiving a license." 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 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 violator's good faith, and any 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

Ira Luskin, DVM, having had the opportunity to seek the advice of legal counsel, voluntarily waives his right to formal charges and a hearing and agrees to pay a civil penalty of \$300. In so doing, Dr. Luskin acknowledges that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that he, as the responsible veterinarian for NVA Animal Dental -Towson, violated the Veterinary Practice Act and regulations, including COMAR 15.14.03.01-1 (Licensing Requirements) as follows:

1. Dr. Luskin is a veterinarian who has been licensed to practice in Maryland since 1983. In April 2023, Dr. Luskin was the responsible veterinarian at NVA Animal Dental - Towson located at 1209 Cromwell Bridge Road, Towson, MD. Dr. Luskin has no history of discipline by the Board.
2. On May 15, 2023, Board inspector, Ellen James ("Ms. James"), was inspecting a veterinary hospital when a veterinarian mentioned that several veterinary hospitals were planning to move from 1209 Cromwell Bridge Road, Towson, MD. During this discussion, the veterinarian indicated that NVA Animal Dental -Towson had already moved to a new nearby location at 1018 Cromwell Bridge Road, Towson, MD.
3. On May 16, 2023, Ms. James drove to 1018 Cromwell Bridge Road. While she found that the hospital was closed for the day, it was clear that NVA Animal Dental -Towson had moved to that location. Subsequently, Ms. James contacted Mary Krakowski Volker, DVM ("Dr. Volker") (License No. 6743), who was the designated local representative for the hospital, via telephone. Ms. James explained that the hospital should have applied for and obtained a license for the new location before opening for business. Ms. James advised Dr. Volker to apply for a license immediately so that the new location could be inspected and licensed.
4. A hospital license application was submitted by Dr. Volker on the same day, May 16, 2023, in which Dr. Volker was designated as the responsible veterinarian for the new location. Ms. James went to meet Alex Luskin ("Mr. A. Luskin"), the Director of Operations and Marketing for NVA Animal Dental, later that afternoon at 1018 Cromwell

Bridge Road to inspect the hospital. The hospital passed inspection, and a hospital license (License No. 03-00603) was issued to the owner, NVA.

5. Mr. A. Luskin informed Ms. James that the hospital had opened at the new location on April 3, 2023. He thought that a new hospital license application had been submitted on March 20, 2023.

6. Based on that information, Tonya Kendrick-Green ("Mrs. Kendrick-Green"), License Administrator for the SBVME, reviewed Board records to locate the earlier application. She confirmed that the SBVME had received an application for the new NVA Animal Dental - Towson location on March 20, 2023. However, the application was incomplete because it lacked the signature of the responsible veterinarian designated by the owner, Dr. Luskin.

7. According to Mrs. Kendrick-Green, an email was sent to Dr. Luskin on March 20, 2023, advising him that his signature was required before the application could move forward. Mrs. Kendrick-Green did not receive a reply, so the application was not approved.

8. Section 2-304.1 of the Agriculture Article, Md. Ann. Code, requires that every veterinary hospital be licensed by the Board. COMAR 15.14.03.01-1C states, "[a] person, including the owner, may not operate a veterinary facility unless it has a veterinary hospital license." Section 2-313(a)(2)(iv) of the Agriculture Article prohibits any person from owning or operating a veterinary hospital unless the person is a licensed veterinarian or "[t]he office is under the direct supervision and control of a licensed and registered veterinarian and a licensed and registered veterinarian is employed in the office or hospital." As part of the application process, a non-veterinarian owner of a veterinary hospital must designate a "responsible veterinarian" for the hospital to satisfy this requirement. *See* COMAR 15.14.03.01B(5) (defining responsible veterinarian) and COMAR 15.14.03.01-1B(4) (requiring the name and signature of the responsible veterinarian as part of the hospital license application).

9. COMAR 15.14.03.01-1 specifies the process and requirements for licensing and operating veterinary hospitals. COMAR 15.14.03.01-1E provides that: "[b]ecause a hospital license is issued in the name of a particular owner for a particular building or portion of it, **the owner may not transfer this license to either a new owner, including a person leasing or purchasing the owner's veterinary practice, or a different physical structure.**" (Emphasis added).

10. COMAR 15.14.01.09E prohibits a veterinarian from conducting a practice in violation of the regulations prescribed by the Board for proper sanitary and hygienic methods in the care and treatment of animals. These standards

for sanitation and hygiene are reflected in the Board's facility licensing requirements and enforced through the inspection process. A responsible veterinarian who allows a hospital to operate without a valid license and/or inspection by the Board is in violation of this regulation.

11. Dr. Luskin, as the responsible veterinarian at the old NVA Animal Dental – Towson location who continued in that role after the move, violated the statutes and regulations described above, by serving as the responsible veterinarian for NVA Animal Dental – Towson at the 1018 Cromwell Bridge Road location from April 3, 2023, through May 16, 2023, and allowing the hospital to operate during that time without a license.

Taking all facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of prior discipline, and his 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 9th day of November, 2023, by the Maryland State Board of Veterinary Medical Examiners, **ORDERED** that for the violation of Md. Code Ann., Agric. § 2-304.1, COMAR 15.14.03.01-1, and COMAR 15.14.01.09E, Ira Luskin, DVM (License No. 2581), the responsible veterinarian at NVA Animal Dental Center (Towson) operating under License No. 03-109, and the acting responsible veterinarian at the hospital after NVA Animal Dental (Towson) moved to 1018 Cromwell Bridge Road, Towson, MD 21286 on April 3, 2023 and operated at that location without a license until May 16, 2023, is assessed a civil penalty of \$300, due sixty (60) days from the date of this Order.

The civil penalty should be paid by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 23-120A" and mailed to:

Maryland Department of Agriculture
State Board of Veterinary Medical Examiners
Harry S. Truman Parkway, Room 102
Annapolis, Maryland 21401
Attn: Nathaniel Boan

This Civil Penalty Final Order is a public document.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



Elizabeth Callahan, DVM
President
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