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

| | | |
|---|---|---|
| IN THE MATTER OF: | * | |
| MATTHEW FELRICE, DVM<br>LICENSE NO. 5600 | * | DOCKET NO. 23-67 |
| | * | |

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

## CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement") dated this 16th day of November 2023, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Matthew Felrice, DVM ("Dr. Felrice"), License No. 5600. This Consent Agreement resolves a case arising from a complaint filed on January 9, 2023, with the SBVME, assigned Docket No. 23-67, alleging that Dr. Felrice 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 October 25, 2023, Dr. Felrice, after receiving written notice of his due process rights and while represented by legal counsel, agreed to resolve this case under the terms and conditions reflected in this Consent Agreement. By signing this Consent Agreement, Dr. Felrice agrees to waive his right to formal proceedings in this case, including the issuance of charges and a hearing. He 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, and while represented by legal counsel, Matthew Felrice, DVM, License Number 5600, 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. Felrice did not satisfy COMAR 15.14.01.10 (Record Keeping) as described below:

1. Dr. Felrice is a veterinarian licensed to practice in Maryland, where he has been licensed since 2003. Dr. Felrice has no formal disciplinary history with the Board.

2. At the time of the events described herein, Dr. Felrice was working as a veterinarian at Bennett Creek Animal Hospital ("BCAH" or "Hospital") (License No. 15-133), located at 22416 Frederick Road, Clarksburg, MD 20871.

3. This case involves care and treatment provided to Archie, a 2-year-old male guinea pig owned by Sophia Castro ("Ms. Castro" or "the owner").

4. On August 29, 2022, Ms. Castro took Archie to BCAH due to blood in his urine. Dr. Felrice was Archie's attending veterinarian. Radiographs were performed, which led Dr. Felrice to diagnose Archie as having a bladder stone. Dr. Felrice told Ms. Castro that administering furosemide and Metacam may help Archie pass the stone on his own. However, Dr. Felrice recommended a cystotomy to remove the stone because it was unlikely to dissolve on its own. Ms. Castro opted for the cystotomy.

5. On September 8, 2022, Ms. Castro took Archie to BCAH for his cystotomy with Dr. Felrice, which was successful. Dr. Felrice removed a 1.0 cm stone from Archie's bladder. Post-operative radiographs were taken to confirm that all bladder stones had been removed. At approximately 10:00 a.m., Dr. Felrice spoke over the phone with Ms. Castro and told her that Archie was recovering from

anesthesia. Archie was placed in an incubator for warmth. Subcutaneous ("SQ") fluids, an antibiotic injection, and oral Meloxicam were also administered. At approximately 4:30 p.m., Ms. Castro arrived at BCAH to take Archie home. Archie was discharged home with oral gabapentin, Tribrissen, and Meloxidyl.

6. Later that day, Ms. Castro brought Archie back to BCAH, and Archie received an additional surgery to fix a herniation. Additional sutures were placed cranially, and Archie's skin was closed.

7. On January 9, 2023, Ms. Reeves filed a complaint with the SBVME against Dr. Felrice alleging various errors related to Archie's treatment at BCAH.

8. The Board opened a case and investigated, which included obtaining and reviewing medical records and obtaining statements from the parties involved.

9. After considering the evidence gathered during the investigation, the Board concluded that Dr. Felrice did not satisfy the Board's record-keeping standards.

10. COMAR 15.14.01.10A (Record Keeping) requires, for a companion pet 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. COMAR 15.14.01.10A(10) specifies that the medical record shall include a surgery log and anesthesia log, if applicable.

11. Dr. Felrice's records from Archie's surgery did not include an anesthesia log, as required by the Board's regulations. While Dr. Felrice maintains that an anesthesia log was prepared for Archie's case, this anesthesia log cannot be located. The records provided to the Board include a list of medications used during surgery, essential information such as the time, heart rate, respiration, and temperature were not recorded.

Taking the facts and circumstances into consideration, including the nature of the violation(s); the veterinarian's lack of disciplinary history; and his acceptance of responsibility and good faith cooperation in resolving this matter, the Board concluded that the most reasonable and appropriate resolution includes the sanction(s) set forth below.

## ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the State Board of Veterinary Medical Examiners, ORDERED that:

(a) For not satisfying COMAR 15.14.01.10A(10) (Record Keeping) by not preparing or including an anesthesia log in the medical record for surgery performed on Archie, a 2-year-old male guinea pig owned by Sophia Castro, Dr. Felrice is assessed a civil penalty of $300;

(b) Dr. Felrice shall pay the $300 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 – 23-67" 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 16th day of November 2023.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

Christine Calvert /NEB

Christine Calvert, DVM
Vice-President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

## CONSENT

I, Matthew Felrice, DVM, 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 to issue and enforce this Consent Agreement. To resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of five (5) 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 Consent Agreement's language, meaning, and terms.

Date: 11/15/23

Matthew Felrice, DVM