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

IN THE MATTER OF:	*	
CHRISTINE GERNHART, DVM LICENSE NO. 4063 Responsible Veterinarian	*	DOCKET NO. 24-43
TIMONIUM ANIMAL HOSPITAL HOSPITAL LICENSE NO. 03-00394	*	

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order") dated this 13th day of December 2023, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Christine Gernhart, DVM ("Dr. Gernhart"), License No. 4063, who at all times relevant to this case was the responsible veterinarian at Timonium Animal Hospital ("Hospital"), License No. 03-00394, located at 2411 York Road, Timonium, MD 21093.

This Order confirms Dr. Gernhart's agreement to resolve Docket No. 24-43 without the issuance of formal charges. In a telephone conversation with Board counsel on December 8, 2023, Dr. Gernhart accepted the terms and conditions of this Order, including the findings that she violated the Maryland Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 - 2-316 ("Veterinary Practice Act") and related Code of Maryland Regulations ("COMAR") 15.14.01 – 15.14.17 as set forth herein. Before agreeing to this Order, Dr. Gernhart was advised in writing regarding her due process rights, including the right to receive formal notice of charges, request a hearing, retain legal counsel, and all other rights under Section 2-311 of the Veterinary Practice Act.

Under State law, the Board is the licensing body responsible for regulating the practice of veterinary medicine in this State. Its authority includes filing disciplinary actions against veterinarians charged with violating provisions of the Veterinary Practice Act and related COMAR regulations. 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 veterinary practitioner . . . [f]ails to comply with Board rules and regulations after receiving a license

[.]" Md. Code Ann., 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 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 these violations, the violator's good faith, the history of prior violations, and 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

After having the opportunity to seek the advice of legal counsel, Dr. Gernhart waived her right to formal charges and a hearing and agreed to pay the civil penalty of $300. In so doing, Dr. Gernhart acknowledged that the Board has sufficient evidence to find, as fact, and conclude as a matter of law that she violated COMAR 15.14.01.12-3C (Expired Medications) as follows:

1. Dr. Gernhart is a veterinarian licensed to practice in Maryland since 1992. Dr. Gernhart has never been subject to Board disciplinary action.

2. On October 16, 2023, during a routine annual inspection of the Hospital, Board Inspector Ellen James ("Ms. James") found at least twelve expired medications. Most of these medications were in a bin of drugs donated by clients mixed with non-expired medications.

3. Ms. James prepared a Veterinary Hospital Inspection Report reflecting her findings and issued a COMAR Violation Sheet noting that expired medications were found. The expired medications included Triple Antibiotic Ophthalmic Ointment (expired in March 2022), two bottles of Carprofen 75 mg (one expired in May of 2022), and Ketoconazole/Triamcinolone (expired in December 2022).

4. COMAR 15.14.01.12-3C requires that expired medications be packaged and kept separate and apart from unexpired medications until disposal of such medications. Dr. Gernhart violated this regulation by allowing expired medications to be stored with non-expired medications in a donation bin at the Hospital where she serves as the responsible veterinarian. There is no evidence that the expired medications were administered to patients.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian's lack of prior similar discipline, and the veterinarian's 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 13th day of December 2023, by the Maryland State Board of Veterinary Medical Examiners, hereby **ORDERED:**

(a) For the violation of Md. Code Ann., Agric. § 2-310(8) and COMAR 15.14.01.12-3C, Christine Gernhart, DVM (License No. 4063), the responsible veterinarian at Gernhart Animal Hospital (License No. 02-00417), is assessed a civil penalty of $300;

(b) The civil penalty shall be paid within thirty (30) days from the date of this Order by check payable to the Maryland Department of Agriculture ("MDA") with the notation ("SBVME 24-43") and mailed to MDA at the address below and marked "Attn: Nathaniel Boan;" and

(c) This Civil Penalty Final Order is a public document.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

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