

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

IN THE MATTER OF:

JONATHAN FEAR, DVM
LICENSE NO. V-08440
Responsible Veterinarian

VETEVOLVE MD, LLC (D/B/A BUCKEYSTOWN
VETERINARY HOSPITAL)
HOSPITAL LICENSE NO. 10-00390

DOCKET NO. 24-63

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CIVIL PENALTY FINAL ORDER

This Civil Penalty Final Order ("Order") dated this 7th day of March, 2024, is issued by the Maryland State Board of Veterinary Medical Examiners ("Board" or "SBVME") against Jonathan Fear, DVM ("Dr. Fear"), License No. V-08440, the owner and responsible veterinarian at VetEvolve MD, LLC (d/b/a Buckeystown Veterinary Hospital) ("BVH") or "Hospital"), License No. 10-00390, located at 3820 Buckeystown Pike, Buckeystown, MD 21717.

This Order confirms Dr. Fear's agreement to resolve Docket No. 24-63 without the issuance of formal charges. By email to Board counsel on March 6, 2024, Dr. Fear accepted the terms and conditions of this Order, including the findings that he 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. Fear was advised in writing regarding his 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 good faith of the violator, and the history of prior violations, as well as the Board's civil penalty standards. Md. Code Ann., State Gov't Art., § 10-1001(b); COMAR 15.14.11 (Civil Penalty Standards for Veterinarians).

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

1. Dr. Fear is a veterinarian licensed to practice in Maryland since 2020. Dr. Fear has no history of formal disciplinary action involving expired medications.
2. On November 13, 2023, Board Inspector Ellen James (" Ms. James") inspected BVH, during which she identified eighteen expired medications in the hospital's working stock, the oldest of which expired in October of 2022.
3. Ms. James prepared a Veterinary Hospital Inspection Report reflecting her findings and issued a COMAR Violation Sheet noting that expired medications were found and listing the name of each medication, along with the expiration date for each.
4. Ms. James also informed BVH staff that her inspection did not encompass all areas of the hospital so it did not reflect a comprehensive count of all expired medications in the working stock at that time. She instructed BVH staff that a thorough inspection of all areas of the hospital should be performed and all expired medications removed or separated from the working stock of unexpired medications. As is reflected in the Veterinary Hospital Inspection Report, Ms. James also told staff that she would conduct a follow-up investigation in approximately thirty (30) days.

5. Ms. James returned to BVH on December 13, 2023, for a follow-up inspection. During this inspection, she found an additional fourteen expired medications, some of which had expired as far back as July 2021.
6. COMAR 15.14.01.12-3A prohibits veterinarians from administering expired medications to an animal, and 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 to prevent such administration.
7. Section 2-304.1 of the Agriculture Article, Md. Ann. Code requires that every veterinary hospital be licensed by the Board. 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).
8. As the responsible veterinarian at BVH, Dr. Fear is responsible for ensuring that expired medications are removed from the working stock of medications so that they are not administered to patients. While there is no evidence of administration, Dr. Fear violated COMAR 15.14.01.12-3C by allowing expired medications to be stored with non-expired medications in the working stock of the Hospital.

Taking all the facts and circumstances into consideration, including the nature of the violation, the veterinarian’s lack of prior discipline for expired medications, 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 7th day of March 2024, by the Maryland State Board of Veterinary Medical Examiners, hereby **ORDERED**:

- (a) That for the violation of Md. Code Ann., Agric. § 2-310(8) and COMAR 15.14.01.12-3C, Jonathan Fear, DVM (License No. V-08440), the responsible veterinarian at VetEvolve MD, LLC (d/b/a Buckeystown Veterinary Hospital) (License No. 10-00390), 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 24-63") and mailed to MDA at the address below to the attention of Nathaniel Boan, Executive Director; and
- (c) This Civil Penalty Final Order is a public document.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



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