

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

IN THE MATTER OF:

SUSAN MCDONOUGH, VMD
LICENSE NO. 3240

DOCKET NO. 24-39 (Liberty)

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

IN THE MATTER OF:

SUSAN MCDONOUGH, VMD
LICENSE NO. 3240

DOCKET NO. 24-42 (Olive)

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 3 day of MAY 2024, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Susan McDonough, VMD ("Dr. McDonough"), License No. 3240. This Consent Agreement resolves two cases. The first case, Docket No. 24-39, arises from a complaint to the SBVME filed on October 19, 2023, and the second case, Docket No. 24-42, arises from a complaint dated October 25, 2023. Both cases involve allegations that Dr. McDonough 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 April 24, 2024, Dr. McDonough, having been advised in writing regarding her 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. McDonough agrees to waive

her right to formal proceedings in this case, including the issuance of charges and a hearing. She 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 not satisfying the provisions of the Veterinary Practice Act and related COMAR regulations adopted under 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, any 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

By entering and signing this Consent Agreement while represented by legal counsel, Susan McDonough, VMD, License Number 3240, 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. McDonough did not satisfy COMAR 15.14.01.07 (Professional Judgment and Practice) and COMAR 15.14.01.10A (Record Keeping) as described below:

1. Dr. McDonough is a veterinarian licensed to practice in Maryland, where she has been licensed since 1987. At the time of the events described herein, Dr. McDonough was the owner and responsible veterinarian at Animal Birth Control ("ABC" or "Hospital") (License No. 02-071), located at 8424 Veterans Highway, Millersville, MD 21108.
2. Docket No. 24-39 involves care provided to Liberty, an approximately 1-year-old female Labrador Retriever owned by Jana Fee ("Ms. Fee").

3. On April 13, 2023, Ms. Fee took Liberty to ABC for an ovariectomy-only spay. Dr. McDonough was Liberty's attending veterinarian.

4. Dr. McDonough performed Liberty's spay surgery. Afterward, she dispensed carprofen for pain control. She also offered trazodone, which ABC strongly recommended for post-operative anxiety/activity, but Ms. Fee declined.

5. According to Ms. Fee, Liberty's surgery was uneventful, and after returning home, Liberty was fine. However, according to Dr. McDonough, later that same day (April 13, 2023), Ms. Fee called Dr. McDonough's cell phone to report that Liberty was experiencing postoperative vomiting. Following their conversation, as they agreed, Ms. Fee returned to ABC without Liberty to pick up three cc of Cerenia injectable to administer at home. Ms. Fee is a registered nurse, and she assured Dr. McDonough that she could administer the Cerenia. Dr. McDonough also gave Ms. Fee a prescription for ondansetron tablets to fill if needed. Dr. McDonough stated that she and Ms. Fee corresponded via text message, and on April 14, 2023, Ms. Fee indicated that Liberty was "back to normal."

6. Liberty's incision site opened several days later, so Ms. Fee returned to ABC, where Dr. McDonough repaired Liberty's incision.

7. On October 13, 2023, Liberty started dripping blood from her vagina. Ms. Fee called Greater Annapolis Veterinary Hospital ("GAVH") (License No. 02-092), her primary veterinary practice. However, GAVH only had emergency appointments available that day. Ms. Fee opted to wait until the following day for an appointment.

8. On October 14, 2023, Ms. Fee took Liberty to GAVH with concerns that Liberty was bleeding, had a swollen vulva, and was excessively licking her vulva. Veronica Kiely, DVM ("Dr. Kiely") (License No. V-08290) was Liberty's attending veterinarian. Dr. Kiely examined Liberty and told Ms. Fee that Liberty was in heat. Ms. Fee explained that Liberty had recently been spayed at ABC.

9. Dr. Kiely recommended performing cytology on Liberty's bloody discharge. After obtaining consent from Ms. Fee, Dr. Kiely performed cytology, which confirmed that Liberty was in heat. Dr. Kiely diagnosed Liberty with an ovarian remnant and recommended exploratory surgery to find the tissue and

remove it. Dr. Kiely advised Ms. Fee that it would be best to perform the surgery while Liberty's symptoms were present. Ms. Fee agreed, and surgery was scheduled for October 18, 2023.

10. After this visit, Ms. Fee called ABC to inform them of recent events. According to Ms. Fee, Dr. McDonough offered to do the exploratory surgery free of charge. Ms. Fee declined this offer.

11. On October 18, 2023, Dr. Kiely performed pre-surgical bloodwork and exploratory surgery on Liberty. Dr. Kiely's medical records reflect that the majority of Liberty's ovaries and uterus were still in place, but there were adhesions that took "a good bit of time to break down to ensure there was minimal bleeding." Dr. Kiely explained to Ms. Fee that Liberty's right ovary was "very large, loose, and adhered to her omentum and her left ovary was small and in the normal location." Dr. Kiely told Ms. Fee that Liberty's anatomy was "very altered and it appeared that all the ovarian tissue was removed." Still, she could not be one hundred percent sure she removed everything.

12. Dr. Kiely recommended sending tissue to Colorado State University ("CSU") for biopsies to see if the lab could determine if all ovarian tissue was removed. Ms. Fee consented. Further, Dr. Kiely discussed discharge activity and restrictions, medications, and using an Elizabethan collar at home. Dr. Kiely told Ms. Fee that she wanted Liberty hospitalized overnight to make sure that her pain was well controlled, her membrane colors remained normal, and that there were no signs of internal hemorrhage.

13. Liberty recovered from her surgery, and on November 2, 2023, she had her sutures removed at GAVH.

14. The final pathology report from CSU, dated November 6, 2023, reflects that multiple sections were examined for the presence of ovaries on each side. The uterus and one ovary were identified via histologic examination.

15. On October 19, 2023, Ms. Fee filed a complaint with the SBVME against Dr. McDonough, alleging that Dr. McDonough provided substandard care when performing ovariectomy surgery.

16. Docket No. 24-42 involves the care provided by Dr. McDonough to Olive, an approximately 1-year-old female hound mix owned by Lauren Turnbow ("Ms. Turnbow"). On August 3, 2023, Ms. Turnbow took Olive to ABC for spay surgery to be performed by Dr. McDonough.

17. Dr. McDonough performed an ovariectomy-only spay and microchipped Olive.

18. When Ms. Turnbow's husband, Robert Turnbow ("Mr. Turnbow"), arrived to pick Olive up from ABC, he noted that Olive had a tattoo on her stomach and an incision site closed with glue. At discharge, Mr. Turnbow received pain medication and trazodone for Olive, as well as discharge instructions that included Dr. McDonough's cellphone number for follow-up.

19. Olive appeared to recover uneventfully. However, on October 20, 2023, more than three months after the surgery, Olive vomited at least six times, and Ms. Turnbow noticed drips of blood on the floor. Ms. Turnbow initially thought Olive might have eaten something that caused her to vomit, but upon further investigation, she realized that the blood was coming from Olive's vagina.

20. Later that day, Ms. Turnbow took Olive to Veterinary Emergency Group ("VEG") (License No. 13-00626), where Melissa McNabb, DVM ("Dr. McNabb") (License No. V-08834) was Olive's attending veterinarian.

21. According to VEG's records, Ms. Turnbow's concerns included Olive's vomiting and soft stool. Olive also had a swollen vulva and specks of blood from her hind end. Ms. Turnbow reported that Olive would sit sideways as if she was uncomfortable, and their male dog had been humping Olive.

22. Dr. McNabb examined Olive and discussed her differentials for vomiting and diarrhea with Ms. Turnbow. Dr. McNabb explained that hemorrhagic vulvar discharge is abnormal for a spayed dog, and she expressed concerns about possible stump pyometra, vaginal trauma, or other genitourinary tract issues. Dr. McNabb recommended performing diagnostics, including bloodwork, a urinalysis ("UA"), an x-ray, and/or abdominal ultrasound ("AUS"). Ms. Turnbow consented to bloodwork and a UA. Dr. McNabb also performed a point of care ultrasound ("POCUS"), which was negative for effusion and showed no obvious stump pyometra. Olive's diagnostic results did not reveal a cause for her clinical signs. Dr. McNabb told Ms. Turnbow that Olive might have some uterine tissue remaining and recommended an AUS. However, VEG could not facilitate an AUS that day, so they recommended that the Turnbows take Olive to AAVEC for AUS.

23. Unfortunately, AAVEC was also unable to perform an AUS that day. Ms. Turnbow, her husband, and VEG staff made numerous phone calls, but they could not find a veterinary facility to perform an AUS that day.

24. The earliest that Ms. Turnbow's primary care veterinary hospital, Howard County Animal Hospital ("HCAH") (License No. 13-00588), could perform an AUS was Tuesday, October 24, 2023.

25. Because they could not find a veterinary facility that day that could perform an AUS, Ms. Turnbow took Olive back to VEG for further diagnostics and supportive care.

26. On October 24, 2023, Ms. Turnbow took Olive to HCAH for an AUS, which was performed by Ally Imaging and interpreted by Holly Polf, DVM ("Dr. Polf") (License No. 7083). The results revealed that Olive was intact with the left ovary, both uterine horns and uterine body. HCAH staff called Ms. Turnbow to inform her of the AUS results. The medical records reflect that Olive had stopped vomiting on probiotics. HCAH staff advised the Turnbows to continue giving Olive probiotics and feed Purina Pro Plan's EN gastroenteric diet.

27. Ms. Turnbow called ABC to inform Dr. McDonough about Olive's diagnosis and to ask questions about why Olive was not spayed. The conversation between Ms. Turnbow and Dr. McDonough became contentious.

28. On October 25, 2023, Ms. Turnbow filed a complaint with the SBVME alleging that Dr. McDonough provided substandard care when performing Olive's spay surgery.

29. On November 21, 2023, Ms. Turnbow took Olive to HCAH for spay surgery. Eric Patrick Keil, DVM ("Dr. Keil") (License No. 7368), HCAH's owner and responsible veterinarian, performed a pre-op exam, bloodwork, and an ovariohysterectomy on Olive. Dr. Keil's surgery records reflect that Olive did not have a right ovary present at the caudal pole of the kidney, but the left ovary was present. He removed the left ovary. Olive recovered uneventfully and was discharged with carprofen and trazodone.

30. Following the receipt of both complaints, the SBVME opened cases and investigated. The Board gathered and reviewed relevant medical records and statements from the veterinarians involved, including Dr. McDonough.

31. Dr. McDonough provided statements through her legal counsel. Regarding the case involving Liberty and Ms. Fee, Dr. McDonough recounted some of her communications with Ms. Fee. On November 29, 2023, Ms. Fee emailed ABC asking Dr. McDonough to reimburse Liberty's expenses, including her medical bills from GAVH for Liberty's visits on October 14, 2023, and her surgery on October 19, 2023.

32. On December 20, 2023, Dr. McDonough called Ms. Fee and apologized for not adequately performing Liberty's surgery. Dr. McDonough informed the Board that she reimbursed Ms. Fee for all of Liberty's medical bills.

33. Concerning Olive's case, Dr. McDonough submitted a response to the SBVME in which she acknowledged that she did not remove Olive's left ovary. Dr. McDonough stated that she wished the Turnbows had contacted her when Olive had post-surgery issues. Dr. McDonough noted that when Ms. Turnbow contacted her on October 24, 2023, she offered to perform surgery immediately and that Ms. Turnbow did not accept her offer.

34. For both cases, Dr. McDonough noted that during her career, she has performed thousands of canine spays and can only remember being made aware of one other ovarian remnant syndrome in a dog. She admitted that she made a mistake in both Liberty's and Olive's cases and deeply apologized for the stress and hardship she caused the Fees, Liberty, the Turnbows, and Olive.

35. According to Dr. McDonough, she implemented new surgery protocols beginning on December 4, 2023, as a result of these two cases. Per the revised protocols, when Dr. McDonough performs a spay or neuter surgery, she puts the patient's ovaries/testes on a tray, and she and the veterinary assistant then count and document that both ovaries/testes have been removed. Both parties then initial the patient's medical record to confirm that both ovaries/testes were removed.

36. After considering the evidence gathered during the investigation, including Dr. McDonough's admissions and remorse, the Board concluded that Dr. McDonough did not satisfy the standard of care for veterinarians in this State in Liberty's and Olive's cases. Dr. McDonough did not remove both ovaries, which caused the patients to undergo additional tests and surgery.

37. COMAR 15.14.01.07A (Professional Judgment and Practice) provides that: "[a] veterinarian, when caring for and treating a patient, shall conform to those minimum standards of care and treatment which are customary in this State."

38. In addition, with regard to Docket No. 24-42, the SBVME also found that Dr. McDonough's record-keeping was not sufficient.

39. COMAR 15.14.01.10A (Record Keeping) requires, for a companion 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. The record should include a short history of the animal's condition as it pertains to the animal's medical status, as well as the animal's physical condition at the beginning of custody and the initial diagnosis, if any. *See* COMAR 15.14.01.10A(5) & (6). In addition, the records must describe the treatment provided and, if medication is given, the amount in milligrams or the volume and concentration of the substance used, the frequency, and the route of administration. *See* COMAR 15.14.01.10A(8). If applicable, the records must also contain a surgery and anesthesia log. *See* COMAR 15.14.01.10A(10).

40. Dr. McDonough's records for Olive's treatment did not satisfy these record-keeping standards, as detailed. First, regarding her examination of the patient, the records do not reflect Olive's temperature, pulse, or respiration to reflect that animal's physical condition. Secondly, the records do not document the unit of measure and dose of Trazadone for post-surgical use. While there is pre-surgery documentation and a surgical record, the medical records for Olive's surgery do not contain a sufficiently detailed anesthesia log.

Considering the facts and circumstances, including the nature of the violation(s), the veterinarian's lack of prior discipline in almost thirty-seven years of practice in the state of Maryland, 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 ORDERED by the State Board of Veterinary Medical Examiners that:

- (a) For not satisfying COMAR 15.14.01.07 (Professional Judgment and Practice) in Docket No. 24-39 in the care and treatment provided to Liberty, an approximately 1-year-old female Labrador Retriever owned by Jana Fee ("Ms. Fee"), by not removing all ovarian tissue during a spay surgery, Dr. McDonough is assessed a civil penalty of \$300;
- (b) For not satisfying COMAR 15.14.01.07 (Professional Judgment and Practice) in Docket No. 24-42 in the care and treatment provided to Olive, an approximately 1-year-old female hound mix, owned by Lauren Turnbow ("Ms. Turnbow"), by not removing Olive's left ovary during a spay surgery, Dr. McDonough is assessed a civil penalty of \$300;
- (c) For not satisfying COMAR 15.14.01.10A (Record Keeping) in Docket No. 24-42 in the care and treatment provided to Olive, an approximately 1-year-old female hound mix, owned by Lauren Turnbow ("Ms. Turnbow"), by not including the unit of measure and doses of trazadone prescribed post-operatively, not documenting temperature pulse, and respiration, and not keeping an anesthesia log, Dr. McDonough is assessed a civil penalty of \$300;
- (d) Dr. McDonough shall pay the \$900 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 - 24-39 & 24-42" sent to the MDA at 50 Harry S. Truman Parkway, Room 102, Annapolis, MD 21401 - Attn: Nathaniel Boan; and
- (e) As an additional condition of this Consent Agreement, Dr. McDonough shall complete six (6) hours of continuing education ("CE") in recordkeeping consisting of the Legal

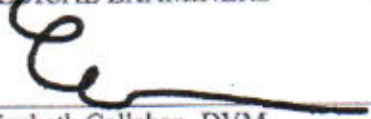
Requirements of Medical Records module found at drip.vet, or satisfactory equivalent pre-approved by the Board. To obtain Board approval for CE, the veterinarian shall send information describing each course proposed to be taken along with attachments or links to course descriptions and syllabi by email to the Board's Executive Director, Nathaniel Boan ("Mr. Boan"), at Nathaniel.boan@maryland.gov; and

(f) This Consent Agreement is a public document.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this

3 day of MAY, 2024.

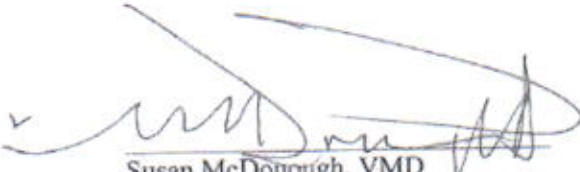
STATE BOARD OF VETERINARY
MEDICAL EXAMINERS


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

CONSENT

I, Susan McDonough, VMD, 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 ~~ten~~ (10) 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 fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

Date: MAY 3, 2024


Susan McDonough, VMD