

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

IN THE MATTER OF:

JEREMY SHUMAKER, DVM
LICENSE NO. 6838

DOCKET NO. 24-41B

* * * * *

CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (“Consent Agreement”), dated this 9th day of September 2024, is between the State Board of Veterinary Medical Examiners (“SBVME” or “Board”) and Jeremy Shumaker, DVM (“Dr. Shumaker”), License No. 6836. This Consent Agreement resolves a case arising from a complaint filed with the SBVME on October 23, 2023, assigned Docket No. 24-41B, alleging that Dr. Shumaker did not satisfy the Veterinary Practice Act, Md. Code Ann., Agric. §§ 2-301 – 2-316 (“the Veterinary Practice Act”) and related Code of Maryland Regulations (“COMAR”) 15.14.01 – 15.14.17, as set forth herein.

On August 21, 2024, Dr. Shumaker, having been advised in writing regarding 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. Shumaker agrees to waive his right to formal proceedings in this case, including the issuance of charges and a hearing, and 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 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 after having had the opportunity to seek the advice of legal counsel, Jeremy Shumaker, DVM, License Number 6836, 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. Shumaker did not satisfy COMAR 15.14.01.10 (Record Keeping) as described below:

1. Dr. Shumaker has been a veterinarian licensed to practice in Maryland since 2011.
2. At the time of the events described herein, Dr. Shumaker was the owner and responsible veterinarian at North Branch Animal Hospital (“NBAH” or “Hospital”) (License No. 01-008), located at 13701 McMullen Highway SW, Cumberland, MD 21502.
3. Dr. Shumaker has no history of discipline with the Board.
4. This case involves care and treatment provided to Marin, a 14-month-old neutered male domestic shorthair cat owned by Nichole Whisner (“Ms. Whisner”) and her wife, Cyerra Berkenbaugh (“Ms. Berkenbaugh”) (collectively, “the owners”).
5. On Wednesday, October 18, 2023, Ms. Whisner and Ms. Berkenbaugh took Marin to NBAH because the cat had blood in his urine. Darin Matlick, DVM (“Dr. Matlick”) (License No. 5463) was Marin's attending veterinarian initially. Dr. Matlick examined Marin and performed a SediVue urinalysis and radiographs, which indicated that Marin had bladder stones. Dr. Matlick recommended a cystotomy as soon as possible.
6. Because Dr. Matlick was leaving for the day, he transferred Marin’s care to Troy Foland, DVM (“Dr. Foland”)(License No. 3162), another staff veterinarian at NBAH. Dr. Foland discussed the morbidity

and risk of providing only medical therapy with the owners. Marin's owners consented to a cystotomy and stone removal.

7. Dr. Foland performed a cystotomy that day. According to Dr. Foland, during Marin's procedure, he removed "many stones" with a snook hook/forceps/bladder spoon; however, there was one suspected stone Dr. Foland could not remove. The presence of that stone was confirmed in post-operative radiographs.

8. Marin was discharged later that day with an Elizabethan Collar ("EC"), Clavamox, and gabapentin. NBAH sent multiple intact stones that had been removed during the surgery to the University of Minnesota's Urolith Center for analysis. The results revealed that Marin's bladder stones were 100% cystine.

9. On Thursday, October 19, 2023, the owners returned with Marin to NBAH for a postoperative evaluation and re-check. At this time, Marin had blood around his rear end, was whining as if he was in pain, was straining when in the litter box, and was not eating. Dr. Foland was Marin's attending veterinarian for this visit. Dr. Foland noted that the owners were seeing blood on Marin's penis. Marin had pollakiuria (increased frequency of urination) and stranguria (slow, painful urination).

10. Dr. Foland examined Marin and noted red, urine-soaked hindquarters. He observed that the patient's penis appeared normal, and he did not seem to be in obvious pain. Dr. Foland noted that Marin could not groom himself while wearing his EC. Dr. Foland advised the owners to do warm, wet soaks and blot or pat Marin dry until the EC could be removed.

11. According to Dr. Foland, Marin exhibited a 3/10 pain response at the incision site and upon abdominal palpation. Dr. Foland's differentials were a ruptured bladder, urethral blockage, uroabdomen, peritonitis, or simple urethritis. He performed a FAST scan, which revealed no free fluid in Marin's abdomen, normal details, and a medium-small bladder.

12. Dr. Foland advised the owners to keep Marin as comfortable as possible. He did not recommend NSAIDs, at least not initially, due to Marin's high Creatinine/BUN levels. However, Dr. Foland noted that if Marin was not eating the following day, he would consider recommending steroids for inflammation,

pain medication, and an appetite stimulant. Dr. Foland told the owners that they could take off Marin's EC "to groom, eat, and love."

13. On Saturday, October 21, 2023, at approximately 11:46 a.m., the owners brought Marin back to NBAH because he was still not urinating. For this visit, Dr. Shumaker was Marin's attending veterinarian. NBAH's medical records reflect that Marin urinated on the day of the cystotomy but had not urinated since. Marin had been straining in his litter box, had head tremors, and was shaking.

14. Dr. Shumaker performed a physical examination and x-ray. He reviewed Marin's x-ray and noted that the imaging reflected litter around Marin's prepuce and a small bladder with no signs of leaking. Dr. Shumaker also saw possible mineral opacity between the pelvic outlet and the prepuce. He recommended anti-inflammatory treatment and pain medication and advised the owners to monitor Marin closely for urine production. The records reflect that the owners had prednisolone at home for another pet, so Dr. Shumaker advised the owners to give .08 ml PO once daily for five days. He advised continuing the Clavamox and gabapentin as previously prescribed by Dr. Foland and recommended repeating Marin's prescribed steroid, buprenorphine SR.

15. On Sunday, October 22, 2023, Ms. Berkenbaugh sent a text message to Dr. Foland informing him that Marin died overnight. She was upset that they had taken Marin back to NBAH twice after his surgery because he was unable to urinate, but, from her point of view, nothing was done to rectify the problem.

16. On Monday, October 23, 2023, Ms. Whisner submitted a complaint to the SBVME alleging that NBAH staff provided substandard care to Marin.

17. The Board opened this case against Dr. Shumaker and investigated.

18. After its review, the Board identified deficiencies in the medical records Dr. Shumaker prepared.

19. 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) requires that a veterinarian include both a surgery log and an anesthesia log in the record, where applicable. COMAR 15.14.01.10A(8) states

that the veterinarian must record the amount in milligrams or the volume and concentration of any medication given.

20. The hospital records for Dr. Foland's surgery performed on Marin's do not contain an anesthesia log. Dr. Foland stated that a log was prepared but not retained with the other records. Dr. Shumaker explained that there had been issues at the hospital with electronic anesthesia records being saved and uploaded to the patient's electronic medical record. As the responsible veterinarian for NBAH, Dr. Shumaker was responsible for training staff and establishing procedures to ensure that required medical record information was retained and available for review, which was not done in this case.

21. In addition, Dr. Shumaker's medical records contained an error, which Dr. Shumaker has acknowledged was an oversight. For Marin's October 21, 2023, visit to NBAH, the record indicates that the patient's urinary system was "normal," even though that was not the case.

22. Finally, Dr. Shumaker did not record the concentration in milligrams for two medications prescribed for Marin, prednisolone and buprenorphine SR, which did not satisfy the Board's record-keeping standards. In his response to the SBVME, Dr. Shumaker explained that for both medications, he relied on the fact that the concentrations are typically listed along with the drug being dispensed or administered in the drop-down menu that appears in the record-keeping system. However, because these medications were either not dispensed from the hospital pharmacy or were not charged to the owners' account, the concentration and volume of the medications were not recorded in the medical record.

Considering the facts and circumstances, 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 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 15.14.01.10A (Record Keeping) in his treatment of Marin, a 14-month-old neutered male domestic shorthair cat owned by Nichole Whisner and Cyerra Berkenbaugh, by not retaining the anesthesia log for the cystotomy performed at the veterinary hospital at which he is the responsible veterinarian, not accurately documenting Marin's urinary status on October 21, 2023, and not including the volume and concentration in milligrams for two medications prescribed for Marin, Dr. Shumaker is assessed a civil penalty of \$300;
- (b) Dr. Shumaker shall pay the 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 – 24-41B" sent to the MDA at 50 Harry S. Truman Parkway, Room 102, Annapolis, MD 21401 – Attn: Nathaniel Boan; and
- (c) As an additional requirement of this Consent Agreement, Dr. Shumaker shall complete six hours of continuing education ("CE"), consisting of the Legal Requirements of Medical Records course found at drip.vet or an equivalent course pre-approved by the Board. To obtain pre-approval of an alternative course, Dr. Shumaker must submit the CE proposed to satisfy this agreement to the Board before completion by emailing Nathaniel Boan, Executive Director, at Nathaniel.boan@maryland.gov with descriptive information about each course proposed to be taken. Descriptive information may be provided through a link to each course or by attaching a syllabus to the email;
- (d) The CE shall be completed, and verification of completion provided to the Board within sixty (60) days from the date of this Order, with verification sent by email to

Nathaniel Boan, Executive Director, at nathaniel.boan@maryland.gov. Proof from the CE provider shall include the veterinarian's name, the number of hours of CE completed, the topics covered, and the date(s) the CE was given. This CE may not be counted toward the 18 credit hours required annually for re-registration of the veterinary license; and

(e) This Consent Agreement is a public document.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland,
this 9th day of September 2024.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

A handwritten signature in black ink, appearing to read "Christine Calvert DVM", written over a horizontal line.

Christine Calvert, DVM
President

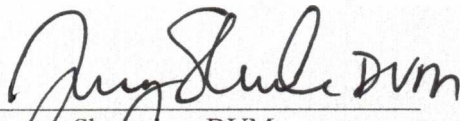
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Jeremy Shumaker, 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 eight (8) 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 this Consent Agreement's language, meaning, and terms.

Date:

9-9-2024



Jeremy Shumaker, DVM