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

IN THE MATTER OF:	*	
MARGARET HOFFECKER, DVM LICENSE NO. 2634	*	DOCKET NO. 24-67
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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 10th day of September 2024, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Margaret Hoffecker, DVM ("Dr. Hoffecker"), License No. 2634. This Consent Agreement resolves a case arising from a complaint filed with the SBVME on January 10, 2024 (assigned Docket No. 24-67) alleging that Dr. Hoffecker 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 August 16, 2024, Dr. Hoffecker, having been advised in writing regarding her due process rights, including the right to retain legal counsel, agreed to resolve this case under the terms and conditions reflected in this Consent Agreement. By signing this Consent Agreement, Dr. Hoffecker 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 after having had the opportunity to seek the advice of legal counsel, Margaret Hoffecker, DVM, License Number 2634, 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. Hoffecker did not satisfy COMAR 15.14.01.07A (Professional Judgment and Practice), COMAR 15.14.01.10-1 (Client Consent for Companion Animals and Hospitalized Animals), and COMAR 15.14.01.10 (Record Keeping) as described below:

1. Dr. Hoffecker is a veterinarian licensed to practice in Maryland, where she has been licensed since 1983.

2. At the time of the events described herein, Dr. Hoffecker was the owner and responsible veterinarian at Shawsville Veterinary Hospital & Pet Care Center ("SVH") (License No. 03-068), located at 4534 Norrisville Road, White Hall, MD 21161. SVH is a veterinary hospital that also provides animal boarding.

3. Dr. Hoffecker has a history of discipline by the Board, which includes a recent Consent Agreement and Order in which the Board found that she did not comply with the Board's record-keeping regulations. As part of the agreement in that case, Dr. Hoffecker was ordered to complete record-keeping continuing education ("CE"), which she completed on April 4, 2024, after the events giving rise to this case.

4. This case involves care provided to Cash, a 1-year-old intact male Walker Coonhound owned by Donald Adams ("Mr. Adams" or "Owner").

5. On January 2, 2024, Mr. Adams took Cash to SVH for a canine influenza vaccine. Dr. Hoffecker was Cash's attending veterinarian. In her statement to the Board, Dr. Hoffecker said that she spoke to Mr.

Adams about breeding Cash and discussed removing the dog's rear dew claws. However, these discussions are not reflected in the medical record.

6. According to Tracy Caban ("Ms. Caban"), a receptionist at SVH, when Mr. Adams came to the front desk to check out that day, he asked her to schedule a surgery appointment for Cash. He did not specify what procedure he wanted to be performed. Ms. Caban assumed that Mr. Adams was interested in neuter surgery and scheduled surgery for January 9, 2024.

7. On January 9, 2024, Mr. Adams took Cash to SVH intending to have his rear dewclaws removed, unaware that Ms. Caban had scheduled neuter surgery.

8. According to Ms. Caban, she and Mr. Adams had a long conversation while checking Cash in for what she believed was to be neuter surgery. Mr. Adams denies ever discussing or consenting to neuter surgery for Cash.

9. Ms. Caban presented Mr. Adams with an "anesthesia release" sticker affixed to the medical record next to a column where the word "neuter" was written. Mr. Adams signed the anesthesia consent and left the hospital. He was not wearing his glasses at the time.

10. Mr. Adams was never given a written treatment plan for the surgery or an estimate of the charges at the time of drop-off or during any prior appointment.

11. Dr. Hoffecker was Cash's attending veterinarian for the surgery on January 9, 2024. The medical records reflect that Cash weighed 45.6 lbs. at the time of surgery, but they contain little additional information reflecting that Dr. Hoffecker performed a physical exam of Cash before the surgery.

12. Dr. Hoffecker neutered Cash.

13. When Mr. Adams arrived to take Cash home, he was surprised and upset to learn that Cash had been neutered. He filed a complaint with the SBVME on January 10, 2024, against Dr. Hoffecker. In it, Mr. Adams noted that during Cash's previous vaccine appointments, he never discussed any surgery other than removing the dog's dew claws.

14. The Board opened a case and investigated.

15. Dr. Hoffecker provided a written response to the complaint as part of the investigation. In it, she stated that she had seen Cash for four vaccine appointments before January 9, 2024. During those appointments, she and Mr. Adams talked about his hopes and aspirations for Cash. Dr. Hoffecker now recalls that Mr. Adams told her he purchased Cash because of his excellent pedigree and intended to use him for hunting and as a stud dog.

16. Dr. Hoffecker explained that when she arrived at SVH on January 9, 2024, all her surgical patients had been admitted to the hospital, and no owners were present. Dr. Hoffecker performed two feline spays, one dental extraction, and Cash's neuter surgery that day. Dr. Hoffecker does not remember every pet she sees or the pet's owner. She acknowledged that Mr. Adams was not present to "jog her memory" about their prior discussions; therefore, she relied on Cash's medical record, which indicated he was admitted for neuter surgery.

17. Finally, Dr. Hoffecker apologized for the mistake, which she understands dashed Mr. Adams' hopes of standing a potentially superior dog at stud.

18. After it reviewed the case, the Board found that Dr. Hoffecker did not exercise appropriate professional judgment when she neutered Cash by mistake. 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 among veterinarians in this State."

19. Dr. Hoffecker did not satisfy this regulation because she performed a surgery that Mr. Adams did not want and to which he did not consent.

20. Dr. Hoffecker's mistake, which she has admitted and apologized for, occurred in large part due to the lack of good record-keeping practices and protocols for surgical patients and her failure to discuss and inform Mr. Adams regarding the risks of the surgery being performed and to obtain written consent for the surgery.

21. In addition to performing the wrong surgery, Dr. Hoffecker's care had other deficiencies. There is no evidence that she performed a pre-operative examination of Cash, which is necessary before surgery.

Dr. Hoffecker also failed to prescribe post-operative pain medication, which is standard for patients following neuter surgery.

22. While Dr. Hoffecker's staff pointed to the anesthesia consent form Mr. Adams signed as evidence that he agreed to neuter surgery, Mr. Adams noted that he was not wearing his glasses when he signed the form. He further denies that there were any discussions during drop-off about neuter surgery.

23. Dr. Hoffecker also violated COMAR 15.14.01.10-1 (Client Consent for Companion Animals and Hospitalized Animals). This regulation requires ". . . for a non-emergency presentation, that a veterinarian inform the client in a manner that is understandable by a reasonable person, of the diagnostic and treatment plan . . ." In addition, the regulation states that the veterinarian shall ". . . provide a written estimate of the charges for veterinary services, and obtain the client's signature indicating acknowledgment and approval . . ." before a veterinarian performs surgery or hospitalizes a companion animal. (emphasis added).

18. In this case, Dr. Hoffecker should have informed Mr. Adams about the treatment plan and the risks and benefits of the surgery. She also did not provide a written estimate of the charges for the surgery or obtain Mr. Adams' written (or oral) consent. Had she complied with this regulation, she could have ascertained from the record what surgery Mr. Adams had requested and consented to.

19. The Board also found serious deficiencies in Dr. Hoffecker's record-keeping. 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(6) requires that the record include documentation of the animal's condition, as evidenced through a physical examination not more than twelve hours before administering anesthesia, injectable sedative, or injectable tranquilizing agent. COMAR 15.14.01.10A(8) provides that if medication is given, the record must contain the amount in milligrams or the volume and concentration of the medication used, as well as the frequency and route of administration. COMAR 15.14.01.10A(10) specifies that the medical record shall include a surgery and anesthesia log, if applicable.

20. The Board's review of Dr. Hoffecker's medical records revealed no physical exam findings as required by the regulations. Important observations, such as temperature, pulse, and respiration, are not

recorded. The records contain no units of measures for the doses of medication, as required by COMAR 15.14.01.10A(8). In addition, there is no anesthesia log or procedure report as required by COMAR 15.14.01.10A(10).

21. An additional problem with the records, which is at the heart of error in this case, is Dr. Hoffecker's failure to document her communications with Mr. Adams, including their discussions about Mr. Adams' intention to breed Cash and his desire to remove the dog's dew claws. Understandably, Dr. Hoffecker might not remember each owner when treating their hospitalized pet, which is why client communications should be recorded and consent for procedures, especially surgeries, obtained in writing following a detailed discussion of the risks and benefits associated with the proposed treatment plan.

22. While the Board acknowledges that Dr. Hoffecker recently completed six hours of record-keeping CE as part of an agreed resolution in another case, the nature and scope of the record-keeping shortcomings in this case are too significant to be overlooked.

Taking the facts and circumstances into consideration, including the nature, number, and significance of the violation(s); the veterinarian's disciplinary history, which includes a prior standard of care violation; 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 15.14.01.07A (Professional Judgment and Practice) in connection with the care provided to Cash, a 1-year-old male Walker Coonhound owned by Donald Adams, by performing the wrong surgery on the patient, not obtaining the client's informed consent for surgery, not performing a physical examination of a patient before surgery, and not prescribing medication for post-surgical pain, Dr. Hoffecker is assessed a civil penalty of $6000 (second offense);

(b) For not satisfying COMAR 15.14.01.10-1 (Client Consent for Companion Animals and Hospitalized Animals) by not obtaining written consent for surgery and not providing her client, Mr. Adams, with a written statement of charges for the treatment and obtaining written consent, Dr. Hoffecker is assessed a civil penalty of $1000 (first offense);

(c) For not satisfying COMAR 15.14.01.10A (Record Keeping) by not recording physical examination findings, including temperature, pulse, and respiration in the record, not documenting history or notes of client communications from previous visits that reflected the surgery the owner wanted for the patient, not preparing an anesthesia log or procedure report, and not documenting the units of measure for medications prescribed, Dr. Hoffecker is assessed a civil penalty of $3000 (counted as a first offense);

(d) Dr. Hoffecker shall pay the total civil penalty ($10,000) within ninety (90) days from the date of this Consent Agreement by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 24-67" sent to the MDA at 50 Harry S. Truman Parkway, Room 102, Annapolis, MD 21401 – Attn: Nathaniel Boan; and

(e) This Consent Agreement is a public document.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 10th day of September 2024.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

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

CONSENT

I, Margaret Hoffecker, 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: 9/10/24

Margaret Hoffecker

Margaret Hoffecker, DVM