

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

IN THE MATTER OF:

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BRADLEY PRICE, DVM
LICENSE NO. 4623

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DOCKET NO. 24-13

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (“Consent Agreement”), dated this 2nd day of October 2024, is between the State Board of Veterinary Medical Examiners (“SBVME” or “Board”) and Bradley Price, DVM (“Dr. Price”), License No. 4623. This Consent Agreement resolves a case arising from a complaint filed with the SBVME on July 24, 2023, assigned Docket No. 24-13, alleging that Dr. Price 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 September 4, 2024, Dr. Price, 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. Price agrees to waive his right to formal proceedings in this case, including the issuance of charges and a hearing. He 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, Bradley Price, DVM, License Number 4623, 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. Price did not satisfy COMAR 15.14.01.07 (Professional Judgment and Practice) and COMAR 15.14.01.10 (Record Keeping) as described below:

1. Dr. Price has been a veterinarian licensed to practice in Maryland since 1996.
2. At the time of the events described herein, Dr. Price was the owner and responsible veterinarian at Friendly Paws Veterinary Clinic ("FPVC") (License. 12-036), located at 951 Beards Hill Road, Aberdeen, Maryland 21001.
3. This case involves care Dr. Price provided to Rose, an eight-month-old female Corgi owned by Shelby Kirby ("Ms. Kirby").
4. Ms. Kirby took Rose to FPVC on May 12, 2023, because she suspected Rose was pregnant. Dr. Price, the owner and responsible veterinarian of FPVC, was Rose's attending veterinarian. Ms. Kirby had observed Rose and her male dog, Ranger, mating 10-14 days prior. Dr. Price's physical exam showed a cherry-sized umbilical hernia, inflammation in the left ear, and a turgid/enlarged vulva, suggestive of recent estrus.
5. Dr. Price recommended blood work, heartworm, and flea/tick preventative, but Ms. Kirby declined. Dr. Price told Ms. Kirby to schedule future appointments to check Rose's weight and perform radiographs at 51-55 days post-breeding to count fetuses.
6. According to Ms. Kirby, no appointments were available at FPVC to obtain radiographs in the time frame she needed, so she took Roses to All Creatures Veterinary Service ("ACVS") (License No. 07-018)

on June 12, 2023. Erin Keys, DVM (“Dr. Keys”) (License No. 7420), the owner and responsible veterinarian at ACVS, performed a quick scan ultrasound and confirmed six fetuses. On June 21, 2023, Rose returned to ACVS for radiographs, and Dr. Keys saw nine fetuses.

7. On June 23, 2023, Ms. Kirby took Rose back to FPVC. Ms. Kirby told Dr. Price that four days prior, she noticed that Rose had green vaginal discharge. Ms. Kirby showed Dr. Price a picture of Rose’s radiograph taken at ACVS two days prior, which had been captured on her phone. Dr. Price identified ten calcified skeletons in that image and marked them with a red dot. Dr. Price recommended radiographs again, but Ms. Kirby declined.

8. Rose was at 53 days gestation at the time of this visit. Dr. Price performed an exam and did not see any vaginal discharge. He dispensed dewormer for Rose and told Ms. Kirby that Rose could whelp any time from day 55 to day 62 gestation. Dr. Price was concerned that Rose’s gestation days 54-55, would be on a weekend, and gestation days sixty through sixty-four would be during the 4th of July holiday weekend. To avoid the possibility that Rose would need care from an emergency clinic if she had complications whelping, Dr. Price recommended scheduling a cesarean section for July 3, 2023. Dr. Price further suggested that the puppies have their tails docked and dew claws removed on July 7, 2023.

9. According to Dr. Price, throughout the next few days (gestation days 54-60), he had several telephone conversations with Ms. Kirby about her concerns and procedures for the puppies (tail docking and dewclaw removal). He provided Ms. Kirby with an estimate for a cesarean section, but she decided not to pursue it.

10. On June 30, 2023, Rose delivered seven puppies without complication. After that, Rose had difficulty delivering puppies eight and nine, which subsequently died.

11. On July 1, 2023, Ms. Kirby took Puppy #7, which, according to Ms. Kirby, was the runt of the litter, to Animal Emergency Hospital (“AEH”) (License No. 12-00276). The AEH veterinarian noted that Puppy #7 was agonal breathing and obtunded and offered a grave prognosis. Ms. Kirby elected to euthanize Puppy #7.

12. On July 3, 2023, Ms. Kirby took Rose and six puppies to FPVC for exams and tail docking. Dr. Price reviewed Rose's medical records from AEH and noted that Rose had delivered nine puppies, although a previous radiograph showed ten fetuses. Dr. Price made note of the inconsistency between the six puppies delivered, plus the two that died, versus the nine or ten identified in the radiographs.

13. Dr. Price examined Rose and noted that her abdomen was soft and not tender but ropery, suggesting bowel inflammation. Rose's vulva was enlarged with brown mucoid discharge (typical post-delivery), and her mammary glands were empty and soft, producing milk. In his response to the SBVME, Dr. Price stated that he observed Rose produce purulent vaginal discharge and mucoid diarrhea during this visit; however, the medical records do not reflect this.

14. Dr. Price performed a cytology of Rose's colon, which showed many cocci and large rods suggestive of colitis. Rose's vaginal cytology showed epithelial cells and degenerated polymorphonuclear leukocytes (PMNs are a type of white blood cell) but no bacteria. Abdominal radiographs showed an enlarged liver, a large amount of gas in the colon, and significant ingesta in the stomach and small intestine. There were no visible fetal skeletons.

15. According to Dr. Price, Ms. Kirby was unsure if Rose had delivered all her placenta. Based upon the questionable fetal numbers, the possibility of a retained placenta, purulent vaginal discharge, and multiple dead puppies, Dr. Price recommended performing exploratory surgery. He also recommended repairing Rose's umbilical hernia and spaying her simultaneously. Dr. Price also discussed the possibility that Rose might have pyometra with Ms. Kirby, which could be fatal. Based on Dr. Price's assessment of Rose's status, Ms. Kirby consented to the exploratory surgery.

16. Preoperative blood work showed a low lymphocyte count and borderline elevated neutrophil count. Dr. Price concluded that Rose's blood work supported his assessments of pyometra/vaginitis/retained placenta/fetus. During surgery, Dr. Price noted that Rose's uterus was large and flaccid but did not contain purulent discharge or retained fetuses. Rose's pancreas was inflamed and swollen. Dr. Price spayed Rose and repaired her umbilical hernia.

17. Post-operatively, Dr. Price prescribed Clavamox, carprofen, and famotidine for Rose. He told Ms. Kirby that these medications can enter the milk and be toxic to neonates. As such, he recommended that she bottle-feed the puppies rather than allow them to nurse.
18. On July 21, 2023, Ms. Kirby took Rose and four puppies to another veterinary practice for a wellness exam. According to Ms. Kirby, the veterinarian at the other practice told her that in the absence of evidence of an infection, Rose likely had not needed surgery to resolve a pyometra. However, this conversation is not reflected in their medical records.
19. On July 24, 2023, Ms. Kirby filed a complaint with the SBVME against Dr. Price, alleging, among other things, that he recommended and performed an unnecessary exploratory surgery for Rose.
20. The Board opened a case and investigated. Dr. Price submitted a response through his legal counsel as part of the investigation. In it, Dr. Price denied Ms. Kirby's allegation that Rose would die without exploratory surgery. Instead, he claims to have informed her of the potential risks of not doing the surgery, which included possible pyometra (as evidenced by a purulent vaginal discharge) and retained fetuses and placenta could potentially be fatal to Rose.
21. Following its investigation, the Board reviewed the case. It determined that Dr. Price did not satisfy COMAR 15.14.01.01A (Professional Judgment and Practice) when caring for Rose because he recommended and proceeded with Rose's exploratory surgery without sufficient justification.
22. The first issue with Dr. Price's professional judgment involved his assessment of risks associated with the possibility of one or more retained fetuses. The images taken before the surgery show no evidence of a retained fetus.
23. The ten fetuses identified on the earlier X-ray were not an exact number. When so many fetuses are present, it is not uncommon for the count to be off by one or two. When no fetal skeletons are visible on an X-ray, that generally means that no fetuses have been retained. As such, a reasonable veterinarian acting in accordance with the standard of care expected of veterinarians in this state would not have recommended surgery in the absence of images showing one or more remaining fetuses.

24. In addition, Dr. Price's assessment of other potential risks associated with not performing surgery was not supported. Some of Rose's symptoms, including lethargy and diarrhea, were consistent with a post-whelping bitch who ate placenta rather than evidence of illness. Metritis would be more likely than pyometra immediately after birth, given that Rose had a normal temperature and white blood cell count and was not systemically ill. White blood cells are always found in normal postpartum discharge. White blood cells do not necessarily mean that the bitch has an infection; it is the body's way of cleaning the uterus and is perfectly normal. Retained placentas are also not a reason for exploratory surgery, as the body will degrade them.

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 15.14.01.07 (Professional Judgment and Practice) in the care and treatment provided to Rose, an eight-month-old female Corgi, owned by Shelby Kirby ("Ms. Kirby"), by recommending and performing surgery without sufficient medical justification or evidence of necessity, Dr. Price shall pay a civil penalty of \$600;
- (b) The civil penalty is due within sixty (60) days from the date of the Consent Agreement by check payable to the Maryland Department of Agriculture ("MDA") with the notation "SBVME – 24-13" sent to the MDA at 50 Harry S. Truman Parkway, Room 102, Annapolis, MD 21401 – Attn: Nathaniel Boan; and
- (c) This Consent Agreement is a public order.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this
2nd day of October, 2024.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

A handwritten signature in black ink, appearing to read 'P. Crankshaw-Quimby', written over a horizontal line.

Patty Crankshaw-Quimby
Vice-President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Bradley Price, 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 this Consent Agreement's language, meaning, and terms.

Date:

09/20/2024


Bradley Price, DVM