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

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| IN THE MATTER OF: | * | |
| ROBERT BRENNER, DVM<br>LICENSE NO. 1107 | * | DOCKET NO. 23-105A |
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## CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 25TH day of Oct, 2024, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Robert Brenner, DVM ("Dr. Brenner"), License No. 1107. This Consent Agreement resolves a case arising from a complaint filed on May 23, 2023, with the SBVME, assigned Docket No. 23-105A, alleging that Dr. Brenner 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 October 25, 2024, Dr. Brenner, having been advised in writing regarding his 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. Brenner 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 instead 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, Robert Brenner, DVM, License Number 1107, agrees to the provisions of this Consent Agreement, acknowledging that the SBVME has sufficient evidence to find as a fact and to conclude as a matter of law that Dr. Brenner did not satisfy COMAR 15.14.01.10 (Record Keeping) as described below.

1. Dr. Brenner is a veterinarian licensed to practice in Maryland, where he has been licensed since 1963.

2. At the time of the events described herein, Dr. Brenner was the owner and responsible veterinarian at Brenner Animal Hospital ("BAH") (License No. 13-010), located at 10100 Washington Road, Laurel, MD 20723.

3. Dr. Brenner has no prior history of discipline by the Board involving record-keeping.

4. This case involves care provided to Panda, an 11-year-old spayed Shih Tzu owned by Denise Reddix ("Ms. Reddix" or "Owner").

5. On January 25, 2021, Ms. Reddix took Panda to BAH for a routine exam. Panda had a history of protein-losing nephropathy and allergies, which were being treated with Enapril and Apoquel.

6. Dr. Brenner's physical exam of Panda that day noted moderate dermatitis around her vulva, periodontal disease, and mild bilateral otitis. A senior profile was submitted to Idexx Laboratories, and Dr. Brenner prescribed Animax and Synotic to treat Panda's ears.

7. The following day, January 26, 2021, Dr. Brenner called Ms. Reddix to discuss Panda's lab work results. His medical records reflect that Dr. Brenner told Ms. Reddix that Panda's blood work was within normal limits, but her urine protein creatinine ("UPC") was 1.2. This value suggests glomerulonephritis. Dr. Brenner recommended maintaining Panda's Enalapril at the current dosage.

8. Throughout 2021 and 2022, Ms. Reddix continued to take Panda to BAH for routine medical care with Dr. Brenner, mainly for expression of Panda's anal glands.

9. On November 5, 2022, Ms. Reddix took Panda to the Animal Medical Center of Watkins Park ("AMC") (License No. 16-00363) for a dental consultation. Panda was examined by Kristen Hogue, DVM ("Dr. Hogue") (License No. 6602), AMC's responsible veterinarian.

10. According to AMC's medical records, Ms. Reddix told Dr. Hogue that Panda had increased urination and was panting. Ms. Reddix mentioned that Dr. Brenner had previously discussed testing Panda for Cushing's disease, but she never pursued it.

11. Dr. Hogue noted that Panda had generalized pruritus and heavy dental tartar. Dr. Hogue discussed Panda's allergies with Ms. Reddix, recommending the following: repeating her Cytopoint injections, a medicated shampoo, a food trial, and a dermatology consultation. Dr. Hogue also discussed testing Panda for Cushing's disease.

12. Dr. Hogue performed ear cytology on Panda, submitted blood work for a complete blood count, chemistry, and T4, and ordered a urinalysis. He planned to recheck Panda's skin in two weeks and schedule a dental prophylaxis.

13. On November 7, 2022, Dr. Hogue called Ms. Reddix to discuss Panda's blood work results. Panda's ALT was elevated at 322 U/L (normal range is 18-121 U/L), and her urinalysis showed inflammation without the presence of bacteria. Dr. Hogue recommended an ultrasound.

14. On November 16, 2022, Panda had an abdominal ultrasound performed by Shadawn Salmond-Jimenez, DVM ("Dr. Salmond-Jimenez") (License No. 6390), from Mobile Imaging Veterinary Ultrasound ("MIVU"). Based on the results, Panda was diagnosed with a right-sided liver mass and a small splenic nodule. Dr. Hogue recommended a referral to an oncologist to discuss surgical or chemotherapy options.

15. On December 2, 2022, Ms. Reddix took Panda to Dogs and Cats Veterinary Referral of Bowie ("DCVR") (License No. 16-00221) for a consultation with Megan Mathews, DVM ("Dr. Mathews") (License No. V-08588). During the consultation, Ms. Reddix told Dr. Mathews that she thought Panda might have Cushing's disease, based on current symptoms of panting and increased thirst.

16. Dr. Mathews informed Ms. Reddix that the most common liver tumor in dogs is hepatocellular carcinoma ("HCC"), which is typically better treated with surgery rather than chemotherapy. Dr. Mathews recommended a liver lobectomy and discussed the risks associated with the surgery.

17. According to Dr. Mathew, she noted that Panda had a grade II/VI heart murmur and recommended a cardiology consultation. She also recommended testing Panda for Cushing's disease before surgery to reduce the risk of bleeding issues. Further, Dr. Mathews suggested an optional CT scan before surgery.

18. On December 30, 2022, Panda returned to DCVR for a liver lobectomy and possible splenectomy. A PT/PTT panel and chest radiographs were performed preoperatively on Panda.

19. According to Dr. Mathews' surgical report, intraoperatively, a seven by eight centimeter mass at the caudate process of the caudate liver lobe and the right adrenal gland was observed. There were multiple adhesions between the liver and adrenal mass and omentum. Once she removed some adhesions, Dr. Mathews was able to better visualize Panda's mass. Due to the large size of the mass, the risk of complications from removing it increased. Subsequently, Dr. Mathews called Ms. Reddix to tell her that Panda had an adrenal mass in addition to the liver mass. Dr. Mathews discussed treatment options, including proceeding with surgery to remove the masses or stopping the surgery. Ms. Reddix elected to proceed. Dr. Mathews then performed a partial liver lobectomy and an adrenalectomy.

20. Postoperatively, Panda was in critical condition. She was hypotensive, hypoxemic, and had greater than 200 mls of blood loss. Panda received a packed red blood cell transfusion, was on oxygen support, and a norepinephrine CRI.

21. Overnight, Panda's care was transferred to an emergency veterinarian. Panda was dull and depressed, and her heart rate was progressively dropping. At 3:45 a.m., Panda went into cardiac arrest. Cardiopulmonary resuscitation was initiated, and Panda was intubated. Panda received epinephrine and atropine injections and returned to sinus tachycardia. However, after Ms. Reddix visited Panda, she elected euthanasia, which the emergency veterinarian performed.

22. Histopathology results were finalized on January 6, 2023. Panda's mass was an HCC, as Dr. Mathews had suspected, with possible peritoneal implantation.

23. On May 23, 2023, Ms. Reddix submitted a complaint to the SBVME against Dr. Brenner. Ms. Reddix stated that after Panda's death, she looked back at previous medical records from BAH and discovered that Panda's ALT was "slightly elevated" in January 2021 while Dr. Brenner was treating her. Ms. Reddix alleges that Dr. Brenner never informed her of this elevation and was concerned that Panda's mild ALT elevation was the initial symptom of her HCC. She further alleged that if she had been told about this elevation in January 2021, Panda could have received appropriate medical treatment sooner.

24. The Board opened a case and investigated.

25. On October 23, 2023, Dr. Brenner submitted a response to the SBVME in which he denied Ms. Reddix's allegations. Dr. Brenner stated that on January 26, 2021, he discussed Panda's blood work with Ms. Reddix. He noted that he would have "almost certainly" discussed the ALT of 127, which was slightly out of range and, therefore, not alarming.

26. Further, Dr. Brenner pointed out that he examined Panda on September 3, 2022, and found that the patient was showing signs of Cushing's disease (voracious appetite, potbellied). He recommended ACTH testing at that time. However, Ms. Reddix never pursued it.

27. After it reviewed the case, the Board did not find issues with Dr. Brenner's professional judgment requiring public discipline. However, the Board found that Dr. Brenner did not satisfy its record-keeping regulations.

28. 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. To document the progress and disposition of the case, the Board expects that veterinarians will document important physical examination findings (including temperature, pulse and respiration) as well as client communications reflecting the discussion about potential diagnoses, diagnostic and treatment recommendations, and the client's decisions, including diagnostics recommended and declined by the client.

29. Based on the Board's review, Dr. Brenner's medical records lacked information about the physical exams of Panda that he conducted on January 21, 2021, and December 6, 2021. On both dates, the medical records do not document pulse and respiration, nor do they provide an assessment of Panda's physical condition. Dr. Brenner did complete a check box for each visit indicating that the patient's pulse and respiration were "normal," but the records do not indicate the range of values considered to be "normal."

30. In addition, the medical record indicates that Dr. Brenner assessed the January 21, 2021, blood work as "WNL," meaning "within normal limits," except for UPC. However, the "WNL" characterization was inaccurate, given the elevated ALT value. While the ALT value was only slightly out of the normal range, it was elevated, nonetheless. The records contain little to no information about Dr. Brenner's assessment of the results, including possible diagnoses and rule outs.

31. Moreover, Dr. Brenner did not document his conversations with Ms. Reddix about the lab work. In his statement to the Board, Dr. Brenner claims that he "would have discussed" the ALT values when he talked to Ms. Reddix about the UPC values. However, if the discussion took place, it was not appropriately documented.

32. Dr. Brenner noted in his statement to the SBVME that having a slight elevation in one of the twelve liver tests performed was not alarming, but the value would have triggered recommending monitoring the patient's chemistries on a regular basis. He referred to two occasions (July 1, 2021, and November 27, 2021) when Ms. Reddix did not schedule or did not keep an appointment for a recommended follow-up exam and blood work.

33. The medical records reflecting Panda's care document that on July 1, 2021, Ms. Reddix promised to schedule an appointment for an exam and blood work for Panda in two weeks but did not follow through. In fact, she brought Panda back to BAH on September 27, 2021, for anal gland expression, but did ask for a physical examination or blood work as had been recommended. The records also reflect that an appointment for blood work for Panda was scheduled for November 27, 2021, and subsequently canceled by Ms. Reddix. However, there is no documentation reflecting Dr. Brenner's discussions with the owner

about why these services were recommended, the importance of following these recommendations, or the consequences of declining recommended services or canceling appointments.

Considering the facts and circumstances, including the nature of the violation(s), the veterinarian's 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) by not recording physical examination findings, including pulse and respiration in the record, not documenting his conversations and recommendations with the owner, in the care provided to Panda, an 11-year-old spayed Shih Tzu owned by Denise Reddix Dr. Brenner is assessed a civil penalty of $300 (first offense);

(b) Dr. Brenner shall pay the total civil penalty ($300) 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 – 23-105A" sent to the MDA at 50 Harry S. Truman Parkway, Room 102, Annapolis, MD 21401 – Attn: Nathaniel Boan;

(c) As an additional requirement of this Consent Agreement, Dr. Brenner shall complete six (6) hours of continuing education ("CE") in record keeping, consisting of the Legal Requirements of Medical Records course found at drip.vet or an equivalent course pre-approved by the Board. Any CE other than the drip.vet course proposed to satisfy this requirement must be submitted to and approved by the Board in advance. Pre-approval requests shall be emailed to Nathaniel Boan, Executive Director, at Nathaniel.boan@maryland.gov. The request should include a link to the CE or detailed information about the course content, including a syllabus;

(d) The CE shall be completed, and verification of completion provided to the Board within ninety (90) 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 will not count toward the 18 credit hours required annually for re-registration of the veterinary license. To verify completion of the annual CE requirements and the CE required by this Consent Agreement, the Board may conduct an audit of the veterinarian's CE records for relevant years; and

(e) This Consent Agreement is a public document.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 25th day of October 2024.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

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

## CONSENT

I, Robert Brenner, 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 nine (9) 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: 10/25/24

Robert Brenner, DVM