

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

IN THE MATTER OF:

*

VALORIE VAUGHN, VMD
LICENSE NO. 3478

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DOCKET NO. 22-93A

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 21st day of June, 2023, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Valorie Vaughn, VMD ("Dr. Vaughn"), License No. 3478. This Consent Agreement resolves a case arising from a complaint filed on March 2, 2022, with the SBVME, assigned Docket No. 22-93A, alleging that Dr. Vaughn violated 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 May 22, 2023, Dr. Vaughn, through counsel, having been advised in writing regarding her due process rights, agreed to resolve this case under the terms and conditions reflected in this Consent Agreement. By signing this Consent Agreement, Dr. Vaughn 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 violating the provisions of the Veterinary Practice Act and related COMAR regulations adopted pursuant to 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, and any history of prior violations, as well as 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

Valorie Vaughn, VMD, License Number 3478, having had the opportunity to seek the advice of legal counsel, 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. Vaughn did not satisfy COMAR 15.14.01.07 (Professional Judgment) as described below:

1. Dr. Vaughn is a veterinarian licensed to practice in Maryland, where she has been licensed since 1988. At the time of the events described herein, Dr. Vaughn was working as a veterinarian at Banfield Pet Hospital #1182 ("BPH" or "Hospital") (License No. 16-075), located at 10464 Campus Way South, Largo, MD 20774. Dr. Vaughn has no history of formal disciplinary action.
2. This case involves care and treatment provided to Q, a 6-year-old male American bulldog mix owned by Edith Gonzalez Aguirre ("Ms. Gonzalez" or "Owner").
3. On February 10, 2022, Ms. Gonzalez took Q to BPH for a wellness exam, where Dr. Vaughn was Q's treating veterinarian. Ms. Gonzalez stated that this was Q's first visit to the BPH in Largo, Maryland.
4. According to Dr. Vaughn, due to previous behavioral concerns, Q had been prescribed Trazodone for Ms. Gonzalez to give before his physical exam. Dr. Vaughn stated that Ms. Gonzalez confirmed that she had given Q his Trazodone that morning.
5. According to Ms. Gonzalez, a veterinary assistant asked her to place a muzzle on Q. Ms. Gonzalez then put the muzzle on Q. Ms. Gonzalez told the assistant that Q might do better with an E collar than a muzzle. The assistant then escorted Q to the treatment area.
6. Once Q was in the treatment area, the veterinary assistant placed a leash around Q's neck. When she attempted to secure Q to the exam table, the dog became agitated. BPH provided surveillance video that shows the interactions between BPH staff members and Q while in the treatment area.

7. The veterinary assistant then tied Q's leash to the treatment table. He continued to be distressed and began thrashing and twisting his body. The assistant attempted to place an e-collar around Q's neck, but he continued to twist his body aggressively. Q then laid down on the ground quietly, and Dr. Vaughn drew a blood sample from his back leg for his bloodwork.
8. According to Dr. Vaughn, she and the assistant noticed that Q had labored breathing. The assistant removed Q's e-collar and muzzle, and Dr. Vaughn removed Q's collar from around his neck. Q then went into cardiac arrest, and cardiopulmonary resuscitation ("CPR") was initiated.
9. Q was intubated, and an intravenous catheter was placed. Dr. Vaughn administered Q epinephrine and atropine intravenously. After approximately 10 minutes of CPR, Dr. Vaughn declared Q deceased. Dr. Vaughn told Ms. Gonzalez that Q had suspected cardiac arrest, which could not be confirmed without a necropsy. Dr. Vaughn stated that Ms. Gonzalez declined a necropsy of Q the following day.
10. On March 27, 2022, Ms. Gonzalez filed a complaint with the SBVME against Dr. Vaughn. Ms. Gonzalez alleges substandard care by Dr. Vaughn in her treatment of Q, which led to his death.
11. The Board opened a case and investigated.
12. After considering the evidence gathered during the investigation, the Board concluded that Dr. Vaughn provided substandard care to Q in several ways.
13. 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." The Board identified two areas in which Dr. Vaughn did not satisfy the applicable standard in her care and treatment of Q. First, Dr. Vaughn did not satisfy the applicable standard when she allowed Q to be tethered to the exam table using a slip-lead, likely resulting in Q's suffocation and death. The use of a slip-lead and tethering) was standard operating procedure at Banfield at the time of the incident.
14. In addition, Dr. Vaughn's efforts to administer CPR, documented in the surveillance video, were wholly inadequate. CPR was not initiated promptly and was not performed correctly. Specifically, chest compressions were not performed at the rate and depth known to be effective, IV access and intubation were delayed, EKG leads were not attached promptly, and compressions were not maintained without interruption. In short, proper CPR techniques

and procedures were not recognized or adhered to. In the crucial period after Q went limp, many staff members were present and available, yet it took several minutes before the crash cart was brought in and prepped for use.

Taking the facts and circumstances into consideration, including the extreme nature of the violation(s); the tragic outcome, the veterinarian's lack of formal disciplinary history; 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 this 21st day of June, 2023, by the State Board of Veterinary Medical Examiners, ORDERED that:

- (a) For not satisfying COMAR 15.14.01.07 (Professional Judgment) in the care and treatment provided to Q, a 6-year-old male American bulldog mix owned by Edith Gonzalez Aguirre ("Ms. Gonzalez"), by allowing the tethering of an aggressive animal with a slip-lead potentially leading to its death by suffocation, Valorie Vaughn, VMD ("Dr. Vaughn"), License No. 3478, is assessed a civil penalty of \$3,000;
- (b) For not satisfying COMAR 15.14.01.07 (Professional Judgment) in the care and treatment provided to Q, a 6-year-old male American bulldog mix owned by Edith Gonzalez Aguirre ("Ms. Gonzales"), by failing to perform CPR properly or to take other action to aid an animal in distress, Dr. Vaughn is assessed a civil penalty of \$3,000;
- (c) Dr. Vaughn shall pay the civil penalty (\$6,000) 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 – 22-93A" sent to the MDA at 50 Harry S. Truman Parkway, Suite 102, Annapolis, MD 21401 to the attention of Nathaniel Boan;
- (d) Dr. Vaughn's license shall be suspended for five years or until she completes the continuing education requirements described below;
- (e) Dr. Vaughn shall serve a period of probation of five years. While on probation, the veterinarian shall obey all laws and regulations governing the practice of veterinary medicine in this State

and the conditions of this Consent Agreement. Violation of probation means that the veterinarian is charged, and the Board ultimately concludes that the veterinarian violated the Veterinary Practice Act, related regulations, or the terms of this Consent Agreement during the probation period. Violation of probation may result in additional penalties, including the lifting of any sanctions imposed but stayed under this Order, following notice and an opportunity to be heard;

- (f) As an additional requirement of this Consent Agreement, Dr. Vaughn shall complete CE consisting of the Reassessment Campaign on Veterinary Resuscitation (“RECOVER”) Basic Life Support and Advanced Life Support courses (or Board-approved equivalent) (8.5 CE hours) and 9 hours of CE of Fear Free online education course, or Board-approved equivalent coursework addressing how to prevent and alleviate fear, anxiety, and stress in pets;
- (g) The Board acknowledges that before the final executive of this agreement, Dr. Vaughn fulfilled this requirement by completing and providing documentation demonstrating completion of the RECOVER and Fear Free CE, so the suspension of her license is stayed;
- (h) 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 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
- (i) This Consent Agreement is a public document.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 21st day of June, 2023.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

A handwritten signature in black ink, appearing to be 'Elizabeth Callahan', written over a horizontal line.

Elizabeth Callahan

President

State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Valorie Vaughn, VMD, acknowledge that I have had an opportunity to consult with counsel before entering into this Consent Agreement. To resolve this matter, I agree to accept and submit to the foregoing Consent Agreement, consisting of seven (7) pages, including this Consent. By this Consent, I hereby acknowledge the legal authority and jurisdiction of the Board over this matter to issue and enforce this Consent Agreement. After consulting with counsel, I sign this Consent Agreement without reservation as my voluntary act and deed, and I acknowledge that I fully understand and comprehend the language, meaning, and terms of this Consent Agreement.

Date: June 20, 2023

Valorie Vaughn, VMD
Valorie Vaughn, VMD