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

IN THE MATTER OF:	*	
KENYA BARTON, DVM LICENSE NO. V-08999	*	DOCKET NO. 24-69
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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order ("Consent Agreement"), dated this 25th day of November 2024, is between the State Board of Veterinary Medical Examiners ("SBVME" or "Board") and Kenya Barton, DVM ("Dr. Barton"), License No. 6836. This Consent Agreement resolves a case arising from a complaint filed with the SBVME on January 1, 2024, assigned Docket No. 24-69, alleging that Dr. Barton 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 November 20, 2024, Dr. Barton, having been advised in writing regarding her 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. Barton agrees to waive her 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 while represented by legal counsel, Kenya Barton, DVM, License Number V-08999, 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. Barton did not satisfy COMAR 15.14.01.10 (Record Keeping) as described below:

1. Dr. Barton has been a veterinarian licensed to practice in Maryland since 2023.

2. At the time of the events described herein, Dr. Barton worked as a veterinarian at Waldorf Animal Hospital ("WAH" or "Hospital") (License No. 08-024), located at 2242 Old Washington Road, Waldorf, MD 20601.

3. Dr. Barton has no history of discipline with the Board.

4. This case involves care and treatment provided to Boston, a 6-year-old male British shorthair cat owned by Stacy Sheffield ("Ms. Sheffield") and her husband Achilles Papadatos ("Mr. Papadatos") (collectively "the owners").

5. On November 20, 2023, the owners took Boston to WAH for a dental cleaning to remove plaque and tartar from his teeth and gums. Dr. Barton was the attending veterinarian.

6. Ms. Sheffield called for a status update at approximately 2:14 p.m. and was told Boston's procedure had yet to start.

7. At approximately 3:43 p.m., Dr. Barton called Ms. Sheffield to inform her that WAH staff were trying to resuscitate Boston. Dr. Barton asked Ms. Sheffield to come to the hospital because Boston might not survive.

8. When Ms. Sheffield arrived at WAH shortly after 4:00 p.m., she learned that the team could not resuscitate Boston.

9. Dr. Barton offered necropsy and body care options to Boston's owners. The owners consented to a necropsy only if they could have Boston's remains returned to them.

10. On November 21, 2023, Dr. Barton contacted both Johns Hopkins and the Virginia Department of Agriculture and Consumer Services Warrenton Regional Animal Health Laboratory ("VDACS / WRAHL") for information about their necropsy protocols.

11. Dr. Barton elected to move forward with a necropsy by VDACS / WRAHL because the laboratory would return Boston's remains after the necropsy. She made the arrangements for Boston's body to be picked up from WAH by Agape Pet Services ("Agape") and transported to the VSACS/WRAHL lab.

12. Dr. Barton notified the owners via her personal cell phone to confirm the plan. Agape picked up Boston's body from WAH on November 23, 2023. She also told the owners they were welcome to call her on her cell phone to discuss the findings once they received Boston's necropsy report.

13. The preliminary necropsy report was dated November 29, 2023, and suggested that an anesthetic event/reaction should be considered as a cause of death. Dr. Jaime Weisman, DVM, MS ("Dr. Weisman") suspected possible atelectasis/collapse of the lung associated to some degree with the anesthesia and/or Boston's positioning.

14. The final necropsy report did not definitively determine the cause of Boston's death since no microscopic abnormalities were observed to suggest a pulmonary abnormality. The report noted that an anesthetic event/reaction should be considered as a diagnosis of exclusion.

15. On January 1, 2024, Ms. Sheffield filed a complaint with the SBVME alleging that substandard care provided in the treatment of Boston resulted in Boston's death.

16. The Board opened a case and investigated. Through her legal counsel, Dr. Barton submitted a response to the owners' complaint on June 5, 2024, describing the care and treatment of Boston.

17. According to Dr. Barton, she was scheduled to perform four procedures at WAH on November 20, 2023, including a neuter, a spay, and two dental procedures, one of which was Boston's. Before

administering anesthesia for each surgery, Dr. Barton reviewed the patient's lab work and performed a physical examination.

18. Boston was premedicated for surgery at approximately 2:18 p.m. The pre-anesthetic medication included Dexdomitor, ketamine, and Butorphanol. Due to Boston's breed, Dr. Barton used the lower dose range for each drug. About ten minutes after the premedication was administered, Dr. Barton and an assistant placed an intravenous ("IV") catheter. Boston was induced with propofol, intubated, and maintained on isoflurane. Per Boston's surgery report, 0.5 ml of Cerenia was administered subcutaneously ("SQ") at 2:37 p.m.

19. Once intubated, Boston was moved to the dentistry table and set up with the appropriate monitoring equipment.

20. After Dr. Barton confirmed that Boston's vitals were "in a steady state," WAH's veterinary assistant, Mark Chapman ("Mr. Chapman"), began setting up for dental x-rays. Boston was placed in the supine position. Dr. Barton stepped behind a nearby wall separating her from the X-ray machine for radiation safety. After x-rays were taken, Mr. Chapman began scaling Boston's teeth. Shortly after repositioning Boston, Mr. Chapman notified Dr. Barton that Boston's gums looked abnormal. Dr. Barton immediately assessed Boston as cyanotic.

21. All tubes, the oxygen, and the anesthesia machine were checked and found to be connected and turned on. Boston was then reintubated with a larger-sized endotracheal tube. Boston's gums returned to a pink color with a perfusion rate of two seconds. However, Boston's heart rate monitor did not reflect a rhythm.

22. According to Dr. Barton, a faint heartbeat was noted upon prompt auscultation of Boston's heart. CPR was started. Brittney Massenburg, DVM ("Dr. Massenberg") (License No. V-08475), the responsible veterinarian at WAH, was informed of the situation and came to assist with CPR. While Dr. Massenburg took over CPR efforts, Dr. Barton contacted Ms. Sheffield to inform her that Boston was in cardiac and respiratory arrest. Dr. Barton told Ms. Sheffield that it would be best if she and her husband came to WAH, as she was not sure CPR would be successful.

23. Ms. Sheffield was upset and told Dr. Barton that she and her husband were returning to WAH immediately.

24. After six rounds of CPR, neither a heart nor respiratory rate could be reestablished; therefore, CPR was discontinued.

25. When the owners arrived, Dr. Barton guided Ms. Sheffield to the operating room to see Boston. Ms. Sheffield spent time alone with Boston.

26. Dr. Barton apologized to the owners and told them she was unsure why Boston passed away. Dr. Barton discussed potential adverse reactions to anesthetic gas and assured the owners that before Boston became cyanotic, everything appeared to be proceeding normally with his dental.

27. While Ms. Sheffield grieved with Boston in her arms, Dr. Barton spoke mostly with Mr. Papadatos. She explained the entire process, from administering the pre-anesthetics to the moment CPR was started. In the end, Dr. Barton reported spending hours with the owners that evening (until the clinic closed), going over Boston's care multiple times, and discussing necropsy services.

28. In her statement, Dr. Barton told the SBVME that she does not take Boston's passing lightly and cannot stress enough her understanding of Ms. Sheffield's grief. However, she maintains that her care satisfied the standard of care.

29. After its review, the Board did not find that Dr. Barton's professional judgment in caring for Boston warranted public disciplinary action. However, the Board identified deficiencies in the medical records Dr. Barton prepared.

30. 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.

31. The hospital records for Boston's surgery do not contain an adequate anesthesia log. Although Dr. Barton maintains that Boston was monitored while anesthetized, the record does not reflect that. In addition, the record does not document the size of the tube used during intubation, the amount in milligrams of the injectable drugs used, or the concentration of isoflurane used to maintain the anesthesia.

Considering the facts and circumstances, including the nature of the violation(s), the veterinarian's lack of 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 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 her treatment of Boston, a 6-year-old male British shorthair cat owned by Stacy Sheffield ("Ms. Sheffield") and her husband Achilles Papadatos ("Mr. Papadatos") (collectively "the owners"), by not maintaining a record of anesthesia monitoring, not documenting the size of the tube used during intubation, and not stating the volume of oxygen and concentration of isoflurane used during surgery, Dr. Barton shall pay a civil penalty of $300 (first offense);

(b) Dr. Barton 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 – 24-69" 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. Barton shall complete fifteen (15) hours of continuing education ("CE") consisting of six (6) credit hours in record-keeping (Legal Requirements of Medical Records at drip.vet or a pre-approved equivalent), three (3) credit hours in anesthesia, and the RECOVER CPR course

(which is six (6) credits). To obtain pre-approval, Dr. Barton must submit the proposed CE to the Board before completion by emailing Nathaniel Boan, Executive Director, at Nathaniel.boan@maryland.gov with descriptive information about each course proposed. 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, except for the RECOVER course, which may be counted; 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 November 2024.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

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

CONSENT

I, Kenya Barton, 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: 11/22/2024

Keyna Barton, DVM