

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

IN THE MATTER OF:

*

DESI KELLEHER, DVM
LICENSE NO. 6444

*

DOCKET NO. 24-87

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (“Consent Agreement”), dated this 24th day of March 2025, is between the State Board of Veterinary Medical Examiners (“SBVME” or “Board”) and Desi Kelleher, DVM (“Dr. Kelleher”), License No. 6444. This Consent Agreement resolves a case arising from a complaint filed with the SBVME on March 22, 2024, assigned Docket No. 24-87, alleging that Dr. Kelleher 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 February 27, 2025, Dr. Kelleher, 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. Kelleher agrees to waive her right to formal proceedings in this case, including the issuance of charges and a hearing.

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

instead of or in addition to suspending or revoking a veterinarian's license. 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 retaining legal counsel, Desi Kelleher, DVM, License Number 6444, 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 she did not satisfy COMAR 15.14.01.07A (Professional Judgment and Practice) as described below:

1. Dr. Kelleher has been a veterinarian licensed to practice in Maryland since 2009.
2. At the time of the events described herein, Dr. Kelleher was the owner and responsible veterinarian at Desi Kelleher Freeman, DVM LLC (d/b/a Feather, Scales & Tales Veterinary Hospital) (“FST” or “Hospital”), (License No. 06-00267), which is located at 310 Woodward Road, Suite 3, Westminster, MD 21157.
3. This case involves the care and treatment of Casper, a 6-year-old male Hollander rabbit owned by Garrett Ibex (“Mr. Ibex”) and his wife, Khadijatou Ibex (“Ms. Ibex”) (collectively, “the owners”).
4. On January 18, 2024, Casper visited FST for a nail trim appointment with Lexi Juico (“Ms. Juico”), a veterinary assistant. Conflicting information exists about which owner brought Casper to FST on this date or whether both were present. Dr. Kelleher recalls that Ms. Ibex was at Casper’s appointment on this date.
5. While performing the rabbit’s nail trim, Ms. Juico noticed Casper had a distended abdomen and a mass on his right testicle. She told the owner that Dr. Kelleher needed to examine Casper. Dr. Kelleher then performed a physical exam and determined that Casper had a right testicular mass. She also performed ventral dorsal abdominal x-rays and noticed a loss of detail and mass effect in the rabbit’s right cranial abdomen, suggesting an abdominal mass.

6. Dr. Kelleher recommended neutering Casper and sending out histopathology to determine the cause of the masses. According to Dr. Kelleher, the owner(s) consented to neuter surgery and the recommended histopathology. Dr. Kelleher also performed presurgical bloodwork.
7. Dr. Kelleher's medical records for this visit contain little information about the suspected abdominal mass, including discussions with the client(s) regarding further testing or treatment. The records do not reflect the veterinarian's rule-outs, diagnostics, or possible treatments. Overall, the records contain little information about any discussions she had with the client about her treatment recommendations, including the need for histopathology to obtain information about either the testicular or abdominal mass.
8. On January 22, 2024, Dr. Kelleher notified the owners that Casper's bloodwork was normal, and the rabbit's surgery was scheduled for January 25, 2024.
9. FST's medical records reflect that on January 25, 2024, when the owners brought Casper in for surgery, they declined histopathology. However, the records do not document discussions with the owners about why this testing was recommended or the potential consequences of declining testing.
10. Dr. Kelleher performed Casper's neuter surgery, which was uneventful. He was discharged with a Buster Collar, buprenorphine, meloxicam, and Baytril. FST recommended that the owners schedule recheck appointments with a veterinary assistant in 7 and 14 days to evaluate Casper's initial post-operative healing.
11. On January 26, 2024, Dr. Kelleher called the owners to check on Casper. She noted in the medical record that Casper was doing well, and the owners had no concerns.
12. Casper returned to FST for a recheck on February 1, 2024, and again on February 8, 2024, for suture removal. According to Dr. Kelleher, the owners never expressed concerns about Casper's abdominal mass during these appointments.
13. On March 21, 2024, the owners presented to FST with Casper due to concerns about loose stool and "a knot in the stomach." Dr. Kelleher examined Casper and noted pain, a distended abdomen, and loose stool. Casper's medical records reflect that he had lost weight since a previous appointment and had epaxial and hind-end muscle atrophy. Dr. Kelleher performed right lateral abdominal x-rays, which revealed that the abdominal mass first observed in January had grown significantly larger.

14. Dr. Kelleher told the owners that the abdominal mass likely caused Casper's loose stool. According to Dr. Kelleher, the owners decided to treat Casper palliatively. As with earlier entries, the record reflects little information about client communications or Dr. Kelleher's assessment, diagnoses, and diagnostic and treatment recommendations.

15. On March 22, 2024, Ms. Ibex called FST to complain about Casper's diagnosis. FST's medical records reflect that Coryn Castellanos ("Ms. Castellanos"), FST's office manager and receptionist, put Ms. Ibex on hold so she could pull Casper's chart. However, Ms. Ibex either hung up or got disconnected. Ms. Castellanos tried to call Ms. Ibex back twice but reached voicemail both times. Ms. Castellanos left a message asking Ms. Ibex to call her back to discuss her concerns. However, Ms. Ibex did not return the call.

16. Instead, Ms. Ibex filed a complaint with the SBVME that day alleging that Dr. Kelleher provided substandard care to Casper by failing to address the rabbit's cancer, which Ms. Ibex apparently believed would be addressed by removing the testicular mass. Ms. Ibex also alleged that during the March 21, 2024, visit, Dr. Kelleher told the owners there was nothing more she could do for Casper.

17. The Board opened this case and investigated. As part of the investigation, Dr. Kelleher provided a statement addressing the allegations in the complaint. In addition, Dr. Kelleher, with the assistance of her legal counsel, provided a supplemental statement in November 2024 in which she stated that her care satisfied the standard of care. Dr. Kelleher noted that the owners initially consented to histopathology, so it was a surprise when they declined on the day of the neuter surgery. The records do not evidence that Dr. Kelleher communicated with the owners about the benefits of testing to inform Casper's treatment or the drawbacks of not performing further diagnostics.

18. After its review, the Board identified deficiencies in Dr. Kelleher's care. 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. Kelleher did not satisfy the applicable standards by not assessing the suspected abdominal mass when it was first observed and not making diagnostic and treatment recommendations to the owners. Nothing in the medical record reflects client discussions about the abdominal mass or recommendations for obtaining further information about it or treating it.

20. While Dr. Kelleher claimed in her statement to the Board that she discussed both the testicular and the abdominal masses with the owner(s), based on her complaint, Ms. Ibex seems to have been unaware that Casper had an abdominal mass that was identified before the surgery.

21. Aside from client communications, the abdominal mass (an internal mass) should have been prioritized over the testicular mass. It was not appropriate to put the patient under anesthesia to remove the testicular mass when there was the possibility that the abdominal mass could continue to grow and cause more significant issues, which ultimately was the case.

Considering the facts and circumstances, including the nature of the violation(s), the veterinarian's past disciplinary history (which includes a prior Consent Agreement involving a professional judgment violation not relevant to the factual findings in this case), 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 the care and treatment provided to Casper, a 6-year-old male Hollander rabbit, owned by Garrett Ibex ("Mr. Ibex") and his wife, Khadijatou Ibex ("Ms. Ibex") by not appropriately assessing, addressing, or communicating with the owners about Casper's abdominal mass, Dr. Kelleher shall pay a civil penalty of \$1000;
- (b) Dr. Kelleher shall pay the civil penalty (\$1000) 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 – 24-87” 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. Kelleher shall complete three hours of continuing education (“CE”) addressing internal medicine and oncology (preferably oncology), pre-approved by the Board. To obtain pre-approval, Dr. Kelleher 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; and
- (e) This Consent Agreement is a public order.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this
24th day of March 2025.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS

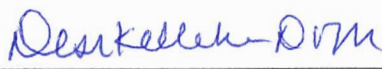
A handwritten signature in cursive script, appearing to read "Christine Calvert DVM".

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

CONSENT

I, Desi Kelleher, DVM, acknowledge that I have retained and consulted with legal 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: 3/17/2025



Desi Kelleher, DVM