

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

IN THE MATTER OF:

BRITTANI KIRKENDOLL, DVM
LICENSE NO. 6974

DOCKET NO. 24-97

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CONSENT AGREEMENT AND ORDER

This Consent Agreement and Order (“Consent Agreement”), dated this 14th day of April 2025, is between the State Board of Veterinary Medical Examiners (“SBVME” or “Board”) and Brittani Kirkendoll, DVM (“Dr. Kirkendoll”), License No. 6974. This Consent Agreement resolves a case arising from a complaint filed with the SBVME on April 18, 2024 (assigned Docket No. 24-97), alleging that Dr. Kirkendoll 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 March 11, 2025, Dr. Kirkendoll, 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. Kirkendoll 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 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, Brittani Kirkendoll, DVM, License Number 6974, 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. Kirkendoll did not satisfy COMAR 15.14.01.07A (Professional Judgment and Practice), and COMAR 15.14.01.10 (Record Keeping) as described below:

1. Dr. Kirkendoll is a veterinarian licensed to practice in Maryland, where she has been licensed since 2012.
2. At the time of the events described herein, Dr. Kirkendoll worked as a veterinarian at Hyattsville Animal Hospital ("HAH" or "Hospital") (License No. 16-021), located at 4567 Rhode Island Avenue, Brentwood, MD 20722.
3. Dr. Kirkendoll has no history of discipline by the Board.
4. This case involves care provided to Peluche, a one-year-old male long-haired Chihuahua owned by Diana Castillo ("Ms. Castillo") on April 3, 2024.
5. Ms. Castillo found Peluche as a puppy and decided to keep him. On January 3, 2023, Ms. Castillo took Peluche to HAH for his first veterinary examination. Dr. Kirkendoll was the attending veterinarian. Dr. Kirkendoll checked Peluche for a microchip but did not find one. She conducted a physical examination, administered an initial DHPP-C, and dewormed the puppy with Strongid.
6. Between January 2023 and March 2024, Peluche was seen at HAH for wellness visits. The medical records reflect that in January 2023, Peluche was noted to be "fear-aggressive," for which Dr. Kirkendoll dispensed acepromazine.

7. On April 3, 2024, Ms. Castillo brought Peluche to HAH for a nail trim under sedation and a “shave down” to address matting. According to Dr. Kirkendoll, Peluche tended to be skittish, but they had been working with him on this issue. HAH’s medical records reflect that Peluche was dropped off at the hospital at 9 a.m. and reportedly ate breakfast at 8 a.m. Thereafter, Dr. Kirkendoll performed a complete pre-procedure exam, which was noted to be within normal limits (“WNL”). Dr. Kirkendoll did not identify any issues of concern.

8. Dr. Kirkendoll prepared an estimate and contacted Ms. Castillo for her consent. Ms. Castillo agreed to the estimate for the nail trim under sedation and shave down.

9. Two veterinary assistants assisted Dr. Kirkendoll during Peluche’s procedures. According to the records, Dr. Kirkendoll mixed ketamine and midazolam in a syringe to use as an intravenous (“IV”) sedative. However, when she was ready to administer the medication, Peluche moved too much to administer it safely. Therefore, Dr. Kirkendoll masked Peluche with Isoflurane for approximately four minutes.

10. After Peluche was asleep, Dr. Kirkendoll removed the mask, and the dog breathed room air for approximately five minutes. Dr. Kirkendoll observed that he appeared stable and was breathing normally. When Peluche started moving/sitting up, Dr. Kirkendoll began slowly titrating the ketamine/midazolam mixture IV to affect. While the sedative was being administered, Dr. Kirkendoll watched Peluche’s breathing and listened to him with a stethoscope to monitor his condition. There was no indication of any problem or concern. The desired amount of sedation was achieved after injecting 0.4 cc of the mixture.

11. The assistants began shaving Peluche while she monitored him. After about 10 minutes of stability, Peluche unexpectedly stopped breathing. Dr. Kirkendoll immediately administered Dopram, which did not improve his condition. She then administered epinephrine, which also did not improve his condition. Dr. Kirkendoll intubated Peluche and started oxygen, but the dog’s heart stopped about 10 minutes later. Dr. Kirkendoll initiated chest compressions, but after about another 10 minutes with no response, resuscitation efforts were stopped.

12. After Peluche's death, Dr. Kirkendoll performed x-rays of his chest and abdomen to identify any potential cause of death. Peluche's x-rays were WNL. Dr. Kirkendoll then contacted Ms. Castillo to advise her of what had happened and gave her a detailed account of the medications administered. Dr. Kirkendoll discussed with Ms. Castillo that she suspected hypertrophic cardiomyopathy as the cause of death, but she could not be sure without a necropsy, and Ms. Castillo declined a necropsy. Ms. Castillo opted to take Peluche's body home for burial.

13. On April 18, 2024, Ms. Castillo filed a complaint with the SBVME against Dr. Kirkendoll. Ms. Castillo alleges that Dr. Kirkendoll and HAH's staff provided substandard care in their treatment of Peluche by failing to check his suitability for sedation for a grooming appointment and possibly overdosing him, causing him to die.

14. The Board opened a case and investigated. As part of its investigation, the Board obtained a statement from Dr. Kirkendoll in which she detailed her treatment of Peluche.

15. Dr. Kirkendoll told the Board that she believes she complied with the standard of care in treating Peluche. Although an unexpected and unfortunate complication occurred, she maintains that she recognized it and responded quickly and appropriately. Unfortunately, she and the staff were not able to resuscitate the patient.

16. Dr. Kirkendoll also expressed her genuine regret for the unfortunate loss of Ms. Castillo's pet.

17. After it reviewed the case, the Board found that Dr. Kirkendoll did not exercise appropriate professional judgment in her treatment of Peluche. 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."

18. Dr. Kirkendoll did not satisfy this regulation because she did not perform bloodwork before administering anesthesia.

19. Pre-operative bloodwork is a valuable tool for assessing the health of a patient and recognizing conditions that could lead to anesthetic complications.

20. The medical records from Peluche’s treatment contain a surgical consent form that reflects the owner’s consent to Peluche’s nail trim and shave down. One section of this form, entitled “Laboratory Tests Waiver,” states:

If your pet is to be anesthetized, rest assured that advances in anesthesia and surgery have made routing [sic] procedures relatively safe with a low rate of complications. Nevertheless, occasional problems can arise due to pre-existing conditions not evident during routine pre-anesthetic examinations. To avoid these problems, we recommend that all of these cases be screened prior to anesthesia by means of the following laboratory tests. These tests will be performed (and you will be billed for them) unless you refuse them by initialing and signing below.

21. The form also lists pre-anesthetic bloodwork as one of the services and has a space for the owner to initial if the service is refused. Ms. Castillo **did not** initial in the space provided. Per the client’s instruction and acting in accordance with the standards expected of a reasonable veterinarian in this State, Dr. Kirkendoll should have performed bloodwork before administering anesthesia to the patient.

22. The Board also found deficiencies in Dr. Kirkendoll’s record-keeping. 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(7) requires that the record include documentation of the animal’s condition, as evidenced through a physical examination not more than twelve hours before administering anesthesia, injectable sedative, or injectable tranquilizing agent. COMAR 15.14.01.10A(8) provides that if medication is given, the record must contain the amount in milligrams or the volume and concentration of the medication used, as well as the frequency and route of administration. COMAR 15.14.01.10A(10) specifies that the medical record shall include a surgery and anesthesia log, if applicable.

18. The Board’s review of Dr. Kirkendoll’s medical records revealed that she did not record the patient’s temperature, heart rate, or respiration during her physical examination on April 3, 2024. In addition, most of her physical examination findings were recorded simply as “WNL” without any description of the normal range. Without further description of what is normal, the records do not meaningfully document the performance of a complete physical examination.

19. Dr. Kirkendoll also did not prepare an anesthesia log for Peluche's procedure, nor did she record the volume and concentration of some of the medications administered, including ketamine and midazolam.

Considering the facts and circumstances, including the nature, number, and significance of the violation(s); the veterinarian's disciplinary history, which includes a prior standard of care violation; 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 connection with the care provided to Peluche, a male long-haired Chihuahua owned by Diana Castillo, by not performing bloodwork before anesthesia, Dr. Kirkendoll is assessed a civil penalty of \$600 (first offense);
- (b) For not satisfying COMAR 15.14.01.10A (Record Keeping) by not recording physical examination findings, including temperature, pulse, and respiration in the record, not preparing an anesthesia log or procedure report, and not documenting the units of measure for medications prescribed, Dr. Kirkendoll is assessed a civil penalty of \$600 (first offense), stayed as provided in paragraphs (d) and (e);
- (c) Dr. Kirkendoll shall pay the non-stayed portion of the civil penalty (\$600) 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 – 24-97" sent to the MDA at 50 Harry S. Truman Parkway, Room 102, Annapolis, MD 21401 – Attn: Nathaniel Boan;
- (d) The \$600 civil penalty for the record-keeping violation shall be stayed if Dr. Kirkendoll completes six (6) hours of continuing education ("CE") consisting of the Legal Requirements of Medical Records course offered by drip.vet or a substantial equivalent

pre-approved by the SBVME. To obtain pre-approval for an alternative course, Dr. Kirkendoll shall provide descriptive information about each course proposed to be taken (using a link, an attached syllabus) by email to Nathaniel Boan, Executive Director, at Nathaniel.boan@maryland.gov;

- (e) 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

- (f) This Consent Agreement is a public document.

WITNESS the hand of the State Board of Veterinary Medical Examiners, State of Maryland, this 14th day of April 2025.

STATE BOARD OF VETERINARY
MEDICAL EXAMINERS



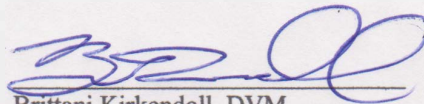
Christine Calvert, DVM
Vice-President
State Board of Veterinary Medical Examiners
Maryland Department of Agriculture

CONSENT

I, Brittani Kirkendoll, 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 and comprehend this Consent Agreement's language, meaning, and terms.

Date:

4/9/25



Brittani Kirkendoll, DVM