

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

IN THE MATTER OF:

TOLULOPE R. OGUNYEMI, D.V.M
Veterinary License No. 5611

Docket Nos. 06-007
06-019

CONSENT AGREEMENT & ORDER

This Consent Agreement and Order ("Agreement & Order") dated this 28 day of May, 2008, is between the Maryland State Board of Veterinary Medical Examiners ("Board") and Tolulope R. Ogunyemi, D.V.M. ("Dr. Ogunyemi"), License No. 5611. This Agreement concerns the resolution of two charging documents filed by the Board in March 2008 concerning Dr. Ogunyemi's treatment in December 2005 of "Boy," a cat owned by Stacy Yuhase (Docket No. 06-007) and her treatment in December 2005 and January 2006 of "Shadow," a cat owned by Michele Vogtman.

With respect to "Boy's" care, the charging document (No. 06-007) alleges that Dr. Tolulope, in treating "Boy," failed to comply with the record-keeping requirements for companion animals specified under COMAR 15.14.01.10. It also alleges that she failed to conform to the minimal standards of care and treatment which are customary in this State as required under COMAR 15.14.01.07, by not monitoring the cat's post-operative condition or, if she did monitor it, in failing

to include in the record her findings about the cat's post-operative care and treatment as specified under COMAR 15.14.01.10.

With respect to "Shadow's" care, the charging document alleges that she failed to comply with the record-keeping requirements for companion animals specified under COMAR 15.14.01.10. It also alleges that Dr. Ogunyemi failed to conform to the minimal standards of care and treatment which are customary in this State, as required under COMAR 15.14.01.07, by not following up appropriately regarding the cat's elevated temperature, as recorded on December 29, 2006, and failing to recommend a timely follow up to assess the function, patient tolerance, and complications, if any, of the splint that was placed on the cat's rear leg.

Under State law, the Board 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 provisions of the Veterinary Practice Act, Agriculture Article §§ 2-301 *et seq.*, Annotated Code of Maryland and regulations adopted thereunder. As part of its authority, the Board "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. Art., § 2-310(8). In addition, the Board may also impose a civil penalty of not more than \$5,000 in lieu of or in addition to suspending a veterinarian's license. Md. Code Ann., Agric. Art., § 2-310.1.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Dr. Ogunyemi, by entering into and signing this document, while generally and specifically denying liability in this case, agrees to this Agreement & Order, acknowledging that the Board has sufficient evidence to find, as fact,

(a) That Dr. Ogunyemi failed to record the concentration of ketoprofen and the amount of ampicillin in milligrams prescribed for "Boy" on December 26, 2005;

(b) That Dr. Ogunyemi failed to record her findings indicating the cat's general post-operative condition directly after intubation and at the time of discharge, and that the cat's medical records did not contain any references to the post-operative treatments that were performed;

(c) That Dr. Ogunyemi failed to record the concentration of ketoprofen prescribed on December 29, 2005 for "Shadow";

(d) That Dr. Ogunyemi failed to record the amount of telazol administered to "Shadow" on December 29, 2005; and

(e) That Dr. Ogunyemi failed to record a description in the medical record documenting an abnormal physical examination or radiographic findings describing "Shadow's" fractured bone or a description of the fracture.

As a result of these factual findings, Dr. Ogunyemi acknowledges, while denying general and specific liability in this case, that the Board could conclude, as a matter of law, that Dr. Ogunyemi did violate the Veterinary Practice Act and its regulations, specifically COMAR 15.14.01.10 which sets forth the recordkeeping requirements for the care and treatment of companion animals.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, finding that Dr. Ogunyemi violated the Veterinary Practice Act, it is this ^{7th} 25 day of ^{MAY} april ^{CHR} 2008, by the Maryland

State Board of Veterinary Medical Examiners, **ORDERED** that: (1) Dr. Ogunyemi pay a civil penalty in the amount of Two Thousand One Hundred Fifty Dollars (\$2150.00) for failing to comply with the record-keeping requirements specified in COMAR 15.14.01.10; (2) Dr. Ogunyemi's veterinary license is suspended for a period of two weeks, but that this period of suspension is stayed; and (3) Dr. Ogunyemi is placed on probation for a period of six months from the date of this Agreement & Order, requiring her to obey all laws and regulations governing the practice of veterinary medicine in this State; failure to do so can result in the imposition of the stayed two-week suspension.



A handwritten signature in blue ink that reads "Chris H. Runde, D.V.M." with a horizontal line drawn underneath the signature.

Chris H. Runde, D.V.M.

President

Maryland State Board of Veterinary Medical Examiners

CONSENT

I, Tolulope R. Ogunyemi, D.V.M., acknowledge that I have had an opportunity to consult with legal counsel before entering into and signing this document. By this Consent, I hereby acknowledge the legal authority and the jurisdiction of the Board over this matter and to issue and enforce this Consent Agreement and Order. In order to resolve this matter, I agree to accept and submit to the foregoing Consent Agreement and Order, consisting of four pages.

I sign this Consent without reservation as my voluntary act, and I acknowledge that I fully understand the language, meaning, and terms of this Consent Agreement and Order.

4/25/08
Date

Tolulope Ogunyemi, D.V.M.
Tolulope Ogunyemi, D.V.M.

NOTARY

STATE OF

CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 25th day of April, 2008, before me, a Notary Public of the State and City/County aforesaid, personally appeared Tolulope R. Ogunyemi D.V.M., and made oath in due form of law that the foregoing Consent Agreement and Order was her voluntary act and deed.

AS WITNESS my hand and notarial seal.

My Commission expires: 2/2/11

[Signature]
Notary Public